

74  
In 8/13  
In 2/36

1040

93/4  
In 8/13  
In 2/36

# INDIAN LAND TRANSFER

GOVERNMENT

MENTS

Storage

27 1975

## HEARING

BEFORE THE

KANSAS STATE

### SUBCOMMITTEE ON INDIAN AFFAIRS

OF THE

### COMMITTEE ON

### INTERIOR AND INSULAR AFFAIRS

### UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

ON

S. 2888

A BILL TO CONVEY CERTAIN LAND OF THE UNITED STATES TO THE INTER-TRIBAL COUNCIL, INCORPORATED, MIAMI, OKLAHOMA

S. 3358

A BILL TO AUTHORIZE THE CONVEYANCE OF CERTAIN LANDS TO THE UNITED STATES IN TRUST FOR THE ABSENTEE SHAWNEE TRIBE OF INDIANS OF OKLAHOMA

S. 3359

A BILL TO AUTHORIZE THE CONVEYANCE OF CERTAIN LANDS TO THE UNITED STATES IN TRUST FOR THE CITIZEN BAND OF POTAWATOMI INDIANS OF OKLAHOMA

S. 598

A BILL TO DONATE TO THE DEVILS LAKE SIOUX TRIBE, FORT TOTTEN RESERVATION, SOME SUBMARGINAL LANDS OF THE UNITED STATES, AND TO MAKE SUCH LANDS PART OF THE RESERVATION INVOLVED

S. 521

A BILL TO DECLARE THAT CERTAIN LAND OF THE UNITED STATES IS HELD BY THE UNITED STATES IN TRUST FOR THE CHEYENNE-ARAPAHO TRIBES OF OKLAHOMA

S. 2818

A BILL TO DECLARE THAT CERTAIN FEDERALLY OWNED LAND IS HELD BY THE UNITED STATES IN TRUST FOR THE KIOWA, COMANCHE, AND APACHE INDIAN TRIBES OF OKLAHOMA

MAY 14, 1974

Printed for the use of the  
Committee on Interior and Insular Affairs

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1974

28-638 O

11600 702160



COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

HENRY M. JACKSON, Washington, *Chairman*

ALAN BIBLE, Nevada

FRANK CHURCH, Idaho

LEE METCALF, Montana

J. BENNETT JOHNSTON, Jr., Louisiana

JAMES ABOUREZK, South Dakota

FLOYD K. HASKELL, Colorado

GAYLORD NELSON, Wisconsin

HOWARD M. METZENBAUM, Ohio

PAUL J. FANNIN, Arizona

CLIFFORD P. HANSEN, Wyoming

MARK O. HATFIELD, Oregon

JAMES L. BUCKLEY, New York

JAMES A. McCLURE, Idaho

DEWEY F. BARTLETT, Oklahoma

JERRY T. VERKLER, *Staff Director*

WILLIAM J. VAN NESS, *Chief Counsel*

HARRISON LOESCH, *Minority Counsel*

---

SUBCOMMITTEE ON INDIAN AFFAIRS

JAMES ABOUREZK, South Dakota, *Chairman*

HENRY M. JACKSON, Washington

LEE METCALF, Montana

FLOYD K. HASKELL, Colorado

DEWEY F. BARTLETT, Oklahoma

JAMES A. McCLURE, Idaho

PAUL J. FANNIN, Arizona

FORREST J. GERARD, *Professional Staff Member*



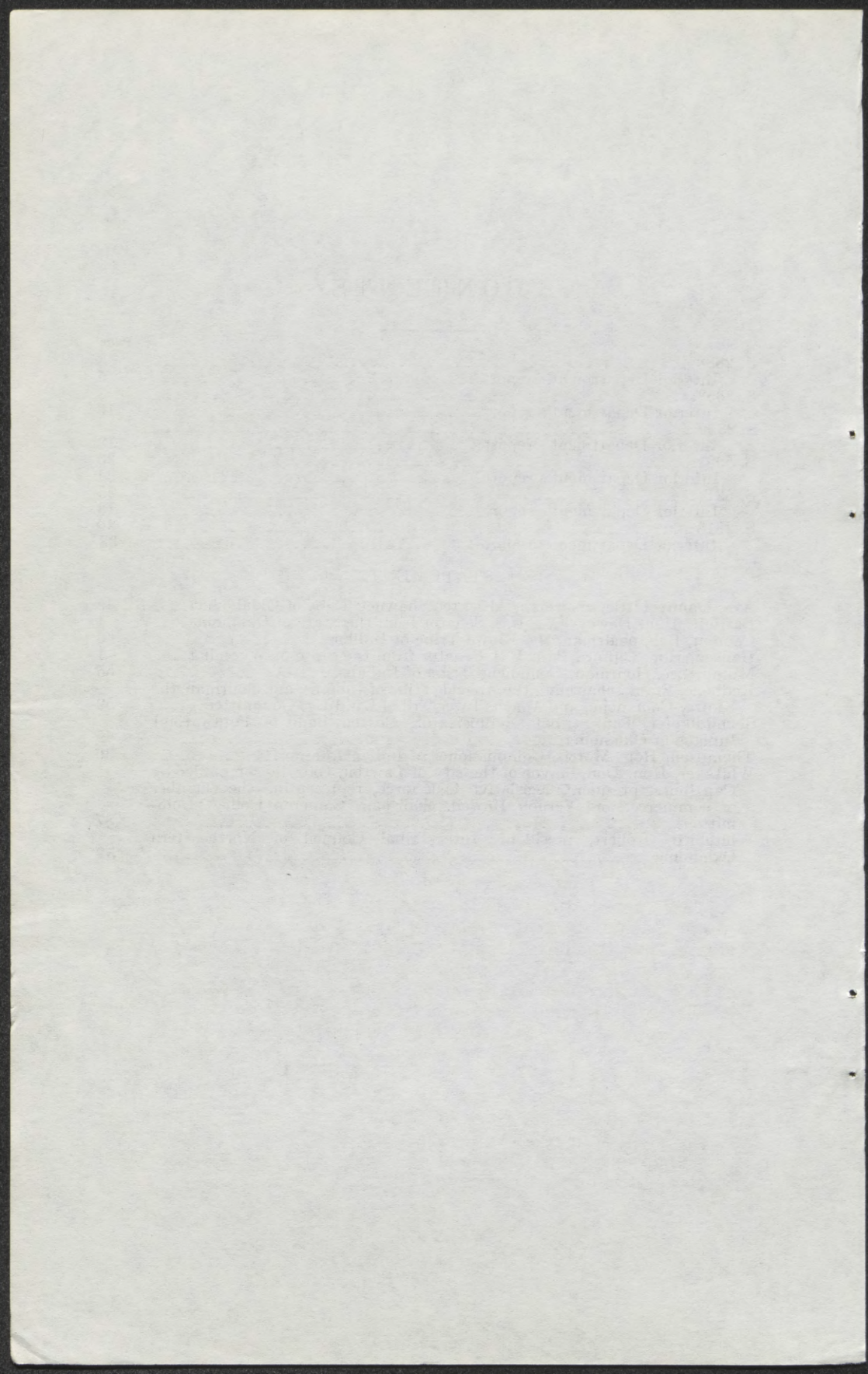
# CONTENTS

|                                   | Page |
|-----------------------------------|------|
| S. 2888.....                      | 3    |
| Interior Department's report..... | 5    |
| S. 3358.....                      | 7    |
| Interior Department's report..... | 10   |
| S. 3359.....                      | 13   |
| Interior Department's report..... | 18   |
| S. 598.....                       | 20   |
| Interior Department's report..... | 22   |
| S. 521.....                       | 26   |
| Interior Department's report..... | 28   |
| S. 2818.....                      | 30   |
| Interior Department's report..... | 33   |

## STATEMENTS

|                                                                                                                                                                                                                                   |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Axe, Danny Little, chairman, Absentee Shawnee Tribe of Oklahoma.....                                                                                                                                                              | 45 |
| Bartlett, Hon. Dewey F., a U.S. Senator from the State of Oklahoma.....                                                                                                                                                           | 1  |
| Cannon, Bob, chairman, the Kiowa Tribe of Indians.....                                                                                                                                                                            | 60 |
| Hansen, Hon. Clifford P., a U.S. Senator from the State of Wyoming.....                                                                                                                                                           | 1  |
| Motah, Lee, chairman, Comanche Tribe of Indians.....                                                                                                                                                                              | 55 |
| Redbone, Frank, chairman, the Apache Tribe of Indians, and chairman, the<br>Kiowa, Comanche, and Apache Inter-Tribal Land Use Committee.....                                                                                      | 59 |
| Schmidlkofer, Paul, tribal administrator, Citizen Band of Potawatomi<br>Indians of Oklahoma.....                                                                                                                                  | 49 |
| Thompson, Hon. Morris, Commissioner of Indian Affairs.....                                                                                                                                                                        | 36 |
| Whitaker, Hon. Don, mayor of the city of Lawton, Okla.; accompanied by<br>Cap Jones, president, legislative task force, representing the chamber<br>of commerce, and Vernon Howell, chairman, Cameron College Com-<br>mittee..... | 87 |
| Whitebird, Robert, president, Inter-Tribal Council of Northeastern<br>Oklahoma.....                                                                                                                                               | 52 |







## INDIAN LAND TRANSFER

TUESDAY, MAY 14, 1974

U.S. SENATE,  
SUBCOMMITTEE ON INDIAN AFFAIRS,  
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Washington, D.C.*

The subcommittee met at 10 a.m., pursuant to notice in room 3110, Dirksen Office Building, Hon. Dewey F. Bartlett, presiding.

Present: Senators Bartlett and Hansen.

Also present: Jerry T. Verkler, staff director; and Forrest Gerard, professional staff member.

### STATEMENT OF HON. CLIFFORD P. HANSEN, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator HANSEN. The Subcommittee of Indian Affairs of the Senate Interior and Insular Affairs Committee will be in order.

Senator Bartlett will be back here very shortly. He is testifying before the Senate Finance Committee.

I am privileged to read, on behalf of Senator Bartlett, a statement.

### OPENING STATEMENT OF HON. DEWEY F. BARTLETT, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

This is an open public hearing for the purpose of taking testimony on several land transfer bills.

S. 2888 would direct the Secretary of the Interior to convey without consideration all right, title, and interest of the United States in approximately 114 acres of land in Ottawa County, Oklahoma, to the Inter-Tribal Council, Inc., Miami, Okla.

S. 3358 would authorize the tribal officials of the Absentee Shawnee Tribe of Indians at Oklahoma to convey title to a tract of land and the improvements thereon to the United States in trust for the tribe and that the title will be accepted by the United States when the conveyance is approved by the Secretary of the Interior.

S. 3359 would authorize the duly elected officials of the Citizen Bank of Potawatomi Indians of Oklahoma to convey seven tracts of land, amounting to 280 acres, to the United States, which would accept the conveyance and hold the lands in trust for the band, subject to all valid existing rights.



S. 598 provides that approximately 1,424 acres of federally owned submarginal lands be held by the United States for the Devils Lake Sioux Tribe of the Fort Totten Reservation.

S. 521 would declare that all right, title, and interest of the United States in certain lands, amounting to 5 acres, and the improvements thereon shall be held in trust for the Cheyenne-Arapaho Tribes of Oklahoma.

S. 2818 would declare that all rights, title, and interest of approximately 791 acres of land be held in trust by the United States upon payment of \$71,733 for the Kiowa, Comanche, and Apache Tribes of Oklahoma.

The texts of these various measures together with the Executive communications from the Department of the Interior will be included in the record at this point.

[The bills and Executive communications follow:]



93<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2888

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 1974

Mr. BARTLETT introduced the following bill ; which was read twice and referred to the Committee on Interior and Insular Affairs

---

## A BILL

To convey certain land of the United States to the Inter-Tribal Council, Incorporated, Miami, Oklahoma.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That (a) the Secretary of the Interior shall convey, without  
4       monetary consideration, to the Inter-Tribal Council, Incor-  
5       porated, Miami, Oklahoma, all right, title, and interest of the  
6       United States in and to the land more particularly described  
7       in subsection (b) of this section consisting of one hundred  
8       and fourteen acres, more or less.

9       (b) The land referred to in subsection (a) is more par-  
10      ticularly described as follows:

11               South half of the northwest quarter and that part



1 of the north half of the southwest quarter of section 21,  
2 township 27 north, range 24 east, lying north of the  
3 centerline of Highway Numbered 60, I.B.M., contain-  
4 ing one hundred and fourteen acres, more or less, in  
5 Ottawa County, Oklahoma.

6 SEC. 2. Upon conveyance to the Inter-Tribal Council,  
7 Incorporated, Miami, Oklahoma, of the land referred to in  
8 the first section of this Act such land shall be subject to taxa-  
9 tion to the same extent as any other real property in private  
10 ownership in Ottawa County, Oklahoma, and notwithstand-  
11 ing any other provision of law shall be freed of all restrictions  
12 which might otherwise attach to such real property by rea-  
13 son of Indian ownership, including but not limited to restric-  
14 tions on use, management, and disposition.





## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

MAY 13 1974

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 2888, a bill "To convey certain land of the United States to the Inter-Tribal Council, Incorporated, Miami, Oklahoma."

We recommend enactment of this bill, if amended as suggested herein.

S. 2888 would direct the Secretary of the Interior to convey without consideration all right, title, and interest of the United States in approximately 114 acres of land in Ottawa County, Oklahoma, to the Inter-Tribal Council, Inc., Miami, Oklahoma. The land would be transferred in fee and thus subject to taxation and alienation to the same extent as any other privately owned real property in Oklahoma. Section 2 of the bill explicitly recognizes these conditions.

The Inter-Tribal Council, Inc., is a nonprofit corporation created under the laws of the State of Oklahoma (18 O.S. Supp. 1968, Secs. 851 to 862). Its purpose is to promote the general health and welfare of the members of the Seneca, Quapaw, Peoria, Modoc, Ottawa, Eastern Shawnee, Miami, and Wyandotte Tribes of the State of Oklahoma. The Articles of Incorporation for this organization show that its 24 Directors comprise three members each from the eight Indian tribes.

The 114 acres described in the bill are a part of the Seneca Indian School. Seventy-one acres were included in a 1934 purchase for school purposes using general funds of the United States Treasury. The average cost per acre was \$62.50. The other 43 acres were part of a larger amount acquired in 1941 using the fund "Indian Moneys, Proceeds of Labor, Quapaw School." The cost of this acreage averages \$50 per acre. Both acquisitions were for school purposes. At one time the land was used as part of a school program for instruction in dairying; since the discontinuance of this program about 8 years ago, the land has been used under revocable permit or as pasture land by the school for 4-H group projects. This entire acreage is presently excess to the needs of the Bureau of Indian Affairs.

The Geological Survey has set a nominal value of \$1 to \$5 per acre for oil and gas and a value of \$1 per acre for the hard minerals underlying the property. This nominal value for minerals was included in an appraisal of the surface value made by the Bureau of Indian Affairs in 1968. At that time, the fair market value of the property was determined to be \$225 per acre, or a total of \$25,650.



The site is located in Ottawa County, approximately 17 miles southeast of Miami, Oklahoma, the county seat, and approximately one-half mile north of the small community of Wyandotte, Oklahoma, which has a population of 250. Access to the area is provided by U.S. Highway No. 60 and State Highway No. 10. Rail transportation is provided by the St. Louis and Santa Fe Railroad, which runs approximately one-half mile south of the property. Rural utilities including electric power and telephone lines are available in the area. Other utilities including water supply, propane fuel, and sewerage are generally provided by private systems, including drilled wells, gas storage tanks, and septic or lagoon-type sewerage systems.

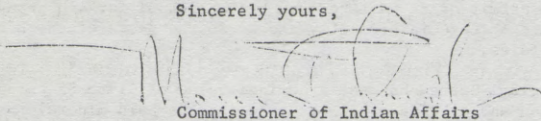
Ottawa County has an Indian population of 1,204 and is adjacent to Delaware County, where 2,093 Indians reside, and Craig County which has an Indian population of 600. Many of these Indians are unemployed or underemployed. The 1969 census lists the rate of unemployment for Indians of Oklahoma as 12.1 percent, which was considerably higher than that of the remaining population (4.3 percent). The Indian residents of the State have a median income of only \$1,212 while the total population has \$2,145.

The council proposes to develop the lands for light industrial and commercial purposes with a view to encouraging labor-oriented industries to locate on it and employ members of the corporation's constituent tribes. The site is favorably located for this purpose. The council owns no other land.

In view of the fact that four of the constituent tribes of the council - the Wyandotte, Ottawa, Peoria, and Modoc tribes - have been or are in the process of being terminated, we cannot support enactment of the bill as written. The United States has no special relationship with terminated Indians, who are no different from any other private citizen, and therefore is not in a position to donate Federal land to a group composed of such Indians. However, it would be proper for the United States to transfer land to be jointly owned in fee by the tribal governing bodies of the four non-terminated tribes involved in the council. If the bill is amended so to provide, we recommend that it be enacted.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's programs.

Sincerely yours,



Commissioner of Indian Affairs

Honorable Henry M. Jackson  
Chairman, Committee on Interior  
and Insular Affairs  
United States Senate  
Washington, D.C. 20510



93<sup>RD</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3358

---

## IN THE SENATE OF THE UNITED STATES

APRIL 11, 1974

MR. BARTLETT introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

---

## A BILL

To authorize the conveyance of certain lands to the United States in trust for the Absentee Shawnee Tribe of Indians of Oklahoma.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the duly authorized tribal officials of the Absentee  
4       Shawnee Tribe of Indians of Oklahoma are hereby author-  
5       ized to convey to the United States in trust for the Absentee  
6       Shawnee Tribe of Indians of Oklahoma the following de-  
7       scribed lands and the improvements thereon, subject to all  
8       valid existing rights, and the United States will accept  
9       such conveyance when approved by the Secretary of the  
10      Interior:



1 All that part of the northeast quarter southwest  
2 quarter section 31, township 10 north, range 4 east,  
3 Indian meridian, Pottawatomie County, Oklahoma, de-  
4 scribed as: Beginning at a point 1,320 feet south and  
5 726 feet west of the northeast corner of said northeast  
6 quarter southwest quarter; thence north 220.44 feet;  
7 thence west 594 feet to the point of intersection with  
8 the west line of said northeast quarter southwest  
9 quarter;  
10 thence north along the west line a distance of 439.56  
11 feet to the midpoint of the west line of said northeast  
12 quarter southwest quarter;  
13 thence east a distance of 17 feet to the intersection  
14 of the west right-of-way line of Oklahoma State High-  
15 way Numbered 18;  
16 thence northeasterly along said west right-of-way  
17 line a distance of 493 feet;  
18 thence east 1,485 feet to the west right-of-way line  
19 of Atchinson, Topeka, and Santa Fe Railroad right-  
20 of-way;  
21 thence southwesterly along said west right-of-way  
22 line a distance of 1,223 feet to a point in the south line  
23 of said northeast quarter southwest quarter; said point  
24 being 129 feet west of the southeast corner of said north-  
25 east quarter southwest quarter;



1           thence west along the south line of said northeast  
2       quarter southwest quarter a distance of 597 feet to the  
3       point of beginning; containing 33.23 acres, more or  
4       less.





# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

MAY 13 1974

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 3358, a bill "To authorize the conveyance of certain lands to the United States in trust for the Absentee Shawnee Tribe of Indians of Oklahoma."

We recommend that this bill be enacted.

S. 3358 would authorize the tribal officials of the Absentee Shawnee Tribe of Indians of Oklahoma to convey title to a 33.23-acre tract of land and the improvements thereon to the United States in trust for the tribe. The title would be accepted by the United States when the conveyance was approved by the Secretary of the Interior.

The property is located between the City of Shawnee, (the County Seat of Pottawatomie County) and the City of Tecumseh, and about one and one-half miles south of the North Canadian River. Its western boundary abuts on U.S. Highway No. 18. The tract and its improvements were acquired and operated by the Bureau of Indian Affairs as a part of the Shawnee Indian School and Agency Reserve, specifically as the Indian Hospital and Sanatorium. When the facilities were closed the property became excess to the needs of the Bureau of Indian Affairs and was conveyed in fee to the Absentee Shawnee Tribe of Indians by the Secretary of the Interior as authorized by the provisions of the Act of August 11, 1964 (78 Stat. 392).



76

Let's Clean Up America For Our 200th Birthday



The improvements on this land consist of a hospital building, five residences with garages, a pump house, nurses' quarters and an office building. The estimated value of the tract itself is \$50,000. The estimated value of all the buildings is \$181,250. The tribe paid taxes of \$1,057 on the property in 1969. The land and buildings have not been assessed taxes since 1969 because of their use by the tribe and its lessees. Although the land is agricultural in character, it is not of sufficient size to lease for agricultural purposes. Its highest and best use is for residential and commercial purposes and for light industry.

The tribal officials have leased the hospital building to the U.S. Public Health Service for an out-patient clinic. The nurses' quarters and one dwelling are leased to Hope House, Inc., and are used as a temporary shelter for abandoned, neglected, and dependent juveniles until more permanent arrangements can be made by the courts. The former office building is being used by the tribe for tribal purposes. Several of the dwellings and buildings are leased to individuals. The tribe is receiving an annual income of about \$22,000 in rent from the buildings. The tribe has spent in excess of \$80,000 on repair and improvement of the buildings in the last five years. No encumbrances have been placed against the lands or improvements since acquisition by the tribe.

The Tribal Business Committee of the Absentee Shawnee Tribe of Oklahoma adopted a resolution, AS-72-3, on July 6, 1971, reaffirming the tribe's desire for Congressional action to place the property in trust status. On February 18, 1974, the Mayor and Board of Commissioners of the City of Shawnee passed and approved Resolution No. 4525 endorsing H.R. 9219 and H.R. 11890, similar bills to declare that the United States holds this land and improvements in trust for the tribe.

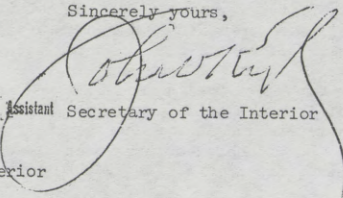
The fee status of this land is a contributing factor to the inability of the tribe to better utilize it. The Economic Development Act provides that tribally owned lands which are held in trust may receive EDA designation and qualify for loans or grants if the tribes are otherwise eligible. Transferring the land to trust status would permit the tribe to apply for such designation and to develop commercial and industrial sites which could assist in alleviating the unemployment problems of the tribal people and others in the Shawnee area. Such designation might also provide funds for upgrading the buildings located



on the land and for better utilization of the improvements. The present fee status of the land excludes, to a great extent, benefits which might be available from other Federal agencies and the benefit of services of the Bureau of Indian Affairs in management and development of the land. Should the property remain in its current status, the tribal officials anticipate little possibility of obtaining the necessary funding and technical services to develop the potential beneficial use of the property. Accordingly, we recommend enactment of this bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

  
Assistant Secretary of the Interior

Honorable Henry M. Jackson  
Chairman, Committee on Interior  
and Insular Affairs  
United States Senate  
Washington, D. C. 20510



93<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3359

---

## IN THE SENATE OF THE UNITED STATES

APRIL 11, 1974

MR. BARTLETT introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

---

## A BILL

To authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Potawatomi Indians of Oklahoma.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the duly elected officials of the Citizen Band of  
4       Potawatomi Indians of Oklahoma are hereby authorized  
5       to convey to the United States in trust for the Citizen Band  
6       of Potawatomi Indians of Oklahoma the following described  
7       lands and the improvements thereon, subject to all valid  
8       existing rights, and the United States will accept such con-  
9       veyance when approved by the Secretary of the Interior:



1 Tract Numbered 1

2       The northeast quarter northeast quarter, southeast quar-  
3       ter northeast quarter, southwest quarter northeast quarter  
4       section 31, township 10 north, range 4 east, Indian meridian,  
5       Pottawatomie County, Oklahoma, containing 120.00 acres,  
6       more or less.

## 7 Tract Numbered 2

8 That part of the northwest quarter southeast quarter  
9 section 31, township 10 north, range 4 east, Indian meridian,  
10 Pottawatomie County, Oklahoma, described as: Beginning  
11 at the southwest corner of said northwest quarter southeast  
12 quarter; thence east 1,320 feet; thence north 1,320 feet;  
13 thence west 1,320 feet to the center of said section; thence  
14 south 167 feet; thence east 183 feet to the intersection with  
15 the west line of the Atchison, Topeka, and Santa Fe Railroad  
16 right-of-way; thence southwesterly along the west right-of-  
17 way line a distance of 856 feet to the intersection with a  
18 point in the west line of the northwest quarter southeast  
19 quarter, said point being 983 feet south of the center of  
20 section 31; thence south along the west line of the northwest  
21 quarter southeast quarter, a distance of 337 feet, to the  
22 point of beginning; containing 38.29 acres, more or less.

23                      Tract Numbered 3

24 That part of the southeast quarter northwest quarter  
25 section 31, township 10 north, range 4 east, Indian meridian,



1 Pottawatomie County, Oklahoma, described as: Beginning at  
 2 the northeast corner of said southeast quarter northwest quar-  
 3 'ter; thence south 1,320 feet to the center of said section 31;  
 4 thence west along the south line of said southeast quarter  
 5 northwest quarter, a distance of 1,255.4 feet to the intersec-  
 6 tion with the centerline of Oklahoma State Highway Num-  
 7 bered 18; thence northwesterly along the centerline of the  
 8 highway a distance of 660.58 feet to a point on the south line  
 9 of the northwest quarter southeast quarter northwest quarter;  
 10 thence east 38 feet to the intersection with the east right-of-  
 11 way line of Oklahoma State Highway Numbered 18; thence  
 12 northwesterly along the east right-of-way line to a point in  
 13 the north line of said southeast quarter northwest quarter,  
 14 said point being 58 feet east of the northwest corner of said  
 15 southeast quarter northwest quarter; thence east a distance  
 16 of 1,262 feet to the point of beginning; containing 38.63  
 17 acres, more or less.

#### 18 Tract Numbered 4

19 That part of the northeast quarter southwest quarter  
 20 section 31, township 10 north, range 4 east, Indian meridian,  
 21 Pottawatomie County, Oklahoma, described as: Beginning at  
 22 the northeast corner of said northeast quarter southwest  
 23 quarter, said point being the center of section 31; thence  
 24 south 167 feet; thence west 1,302 feet to the intersection  
 25 with the west line of the right-of-way of Oklahoma State



1 Highway Numbered 18; thence northeasterly along the  
 2 west right-of-way line a distance of 167 feet to the north line  
 3 of said northeast quarter southwest quarter; thence east  
 4 along said north line a distance of 1,297.4 feet to the point  
 5 of beginning; containing 4.678 acres, more or less.

6 Tract Numbered 5

7 That part of the northeast quarter southwest quarter  
 8 section 31, township 10 north, range 4 east, Indian meridian,  
 9 Pottawatomie County, Oklahoma, described as: Beginning  
 10 at the southeast corner of said northeast quarter southwest  
 11 quarter; thence north along the east line of said northeast  
 12 quarter southwest quarter a distance of 337 feet to the  
 13 intersection with the west right-of-way line of the Atchison,  
 14 Topeka, and Santa Fe Railroad right-of-way; thence south-  
 15 westerly along said west right-of-way line a distance of 367  
 16 feet to the intersection with the south line of said northeast  
 17 quarter southwest quarter; thence east along the south line  
 18 a distance of 129 feet to the point of beginning; containing  
 19 .498 acre, more or less.

20 Tract Numbered 6

21 The reserved mineral deposits, including the right to  
 22 prospect for and remove the same, in and under lands  
 23 described as the south half of lot 2 (southwest quarter north-  
 24 west quarter), and that part of the southwest quarter south-  
 25 east quarter northwest quarter lying west of the centerline of



1 Oklahoma State Highway Numbered 18 and adjacent to the  
 2 south half of said lot 2, all in section 31, township 10 north,  
 3 range 4 east, Indian meridian, Pottawatomie County, Okla-  
 4 homa, containing 19.87 acres, more or less, which lands were  
 5 previously conveyed to Pottawatomie County, Oklahoma, by  
 6 quitclaim deed dated December 17, 1959, pursuant to the  
 7 Act of June 4, 1953 (67 Stat. 71; 25 U.S.C. 293a), said  
 8 deed appearing of record in Pottawatomie County,  
 9 Oklahoma, in deed book 174 at page 367 of the land records  
 10 of said county.

11 Tract Numbered 7

12 That part of lot 1 (northwest quarter of northwest  
 13 quarter) and north half of lot 2 (north half of southwest  
 14 quarter of northwest quarter) and the part of the north  
 15 half of the southeast quarter of the northwest quarter lying  
 16 west of the east right-of-way line of Oklahoma State High-  
 17 way Numbered 18, all in section 31, township 10 north,  
 18 range 4 east, Indian meridian, Pottawatomie County, Okla-  
 19 homa, containing 57.99 acres, more or less, subject to the  
 20 right of the Absentee Shawnee Tribe of Indians of Okla-  
 21 homa, the Sac and Fox Tribe of Indians of Okla-  
 22 homa, the Kickapoo Tribe of Indians of Oklahoma, and the  
 23 Iowa Tribe of Indians of Oklahoma to use the Potawatomi  
 24 community house that may be constructed and maintained  
 25 thereon.





## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

MAY 13 1974

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 3359, a bill "To authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Potawatomi Indians of Oklahoma."

We recommend enactment of this bill.

S. 3359 would authorize the duly elected officials of the Citizen Band of Potawatomi Indians of Oklahoma to convey seven tracts of land, amounting to 280 acres, to the United States, which would accept the conveyance and hold the lands in trust for the band, subject to all valid existing rights. The bill would specifically preserve the right of the Absentee Shawnee Tribe of Indians of Oklahoma, the Sac-and-Fox Tribe of Indians of Oklahoma, the Kickapoo Tribe of Indians of Oklahoma, and the Iowa Tribe of Indians of Oklahoma to use the Potawatomi community house if one is constructed and maintained on the land identified as Tract numbered 7.

The land in this bill, formerly known as the Shawnee Agency and school grounds, is located approximately one mile south of the City of Shawnee, Oklahoma. The seven tracts comprise a compact block of land except that U. S. Highway 18 separates tracts 6 and 7 from the other tracts. The Citizen Band has only 1.25 acres of tribal trust land, and this is several miles away from the tracts involved in this bill. However, there is allotted trust land held for individuals in the vicinity of these tracts.

About 11 acres of the land to be conveyed pursuant to this bill have frontage on Highway 18; this acreage is considered to have commercial value for office buildings, medical clinics, a cafe, and possibly a small hotel or motel. Thirty-seven acres are suited for residential use. This acreage is well landscaped and already has some water, sewage, and gas lines, as well as good, hard-surfaced access roads. Eighty acres fronting on State Highway 18 are under cultivation. This acreage is considered to have very fertile soil



76

Let's Clean Up America For Our 200th Birthday



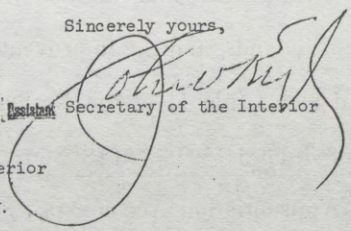
and to be well adapted for growing such crops as alfalfa, grain sorghums, wheat, and other small grains. Except for 41.8 acres devoted to various rights-of-way, the remaining acreage is suitable for farming and pasture land.

The Citizen Band obtained fee title to the land identified as Tracts numbered 1 through 6, by the Act of August 11, 1964 (78 Stat. 393), and to Tract numbered 7 by the Act of September 13, 1960 (74 Stat. 903). The band has leased these tracts for agricultural purposes since their acquisition. Two houses are located on the the property. One is leased through a real estate management firm in Shawnee, and the other is used by the band for office space and by the tribal community health representative. Total rental income received from leases through 1972 is \$16,194.00. It is anticipated that the lands will continue to be leased for agricultural purposes until such time as commercial or industrial development can be initiated. The land and buildings have a present fair market value of \$150,000.00. There are no encumbrances on the land.

By Resolution Pott-72-2 enacted on September 16, 1971, the Citizen Band requested that title to this land be held in trust on its behalf. On February 18, 1974, the Mayor and Board of Commissioners of the City of Shawnee passed and approved a resolution endorsing trust status for the land. Its present fee ownership of the land presents a major problem to the band. The Economic Development Act provides that tribally owned lands which are held in trust may receive EDA designation, thereby enabling the tribes to qualify if otherwise eligible for loans and grants from that agency. If the United States were to accept the band's conveyance and hold these tracts in trust, the band could apply for EDA designation, which, if conferred, would enable it to develop commercial and industrial sites. The end result of such development would be the alleviation of the band's and the area's unemployment problems. We recommend that this bill be enacted.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,



Assistant

Secretary of the Interior

Honorable Henry M. Jackson  
Chairman, Committee on Interior  
and Insular Affairs  
United States Senate  
Washington, D. C. 20510



93D CONGRESS  
1ST SESSION

# S. 598

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 29, 1973

Mr. BURDICK (for himself and Mr. YOUNG) introduced the following bill;  
which was read twice and referred to the Committee on Interior and Insular  
Affairs

---

## A BILL

To donate to the Devils Lake Sioux Tribe, Fort Totten Reservation, some submarginal lands of the United States, and to make such lands part of the reservation involved.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That all of the right, title, and interest of the United States  
4       of America in the lands, and the improvements thereon, that  
5       were acquired under title II of the National Industrial Re-  
6       covery Act of June 16, 1933 (48 Stat. 200), the Emer-  
7       gency Relief Appropriation Act of April 8, 1935 (49 Stat.  
8       115), and section 55 of the Act of August 24, 1935 (49  
9       Stat. 750, 781), and that are now under the jurisdiction  
10      of the Department of the Interior for administration for the



1 benefit of the Devils Lake Sioux Tribe of the Fort Totten  
2 Reservation, North Dakota, are hereby declared to be held  
3 by the United States in trust for this Indian tribe, and the  
4 lands shall be parts of the reservation heretofore established  
5 for the tribe.

6 SEC. 2. Nothing in this Act shall deprive any person  
7 of any right of possession, contract right, interest, or title  
8 he may have in the land involved.





## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

MAY 13 1974

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 598, a bill "To donate to the Devils Lake Sioux Tribe, Fort Totten Reservation, some submarginal lands of the United States, and to make such lands part of the reservation involved."

We recommend that consideration of this bill be deferred pending the outcome of a study of instances in which tribes seek to acquire additional lands in trust.

S. 598 provides that approximately 1,424.45 acres of federally owned submarginal land shall be held by the United States in trust for the Devils Lake Sioux Tribe of the Fort Totten Reservation and the lands shall be a part of the reservation. Section 2 of the bill protects any right, interest, or title that any individual might have in the property.

The history of these submarginal lands is as follows. Those Indians of the Sioux Tribe who fled to the northwest were provided a reservation of 220,834 acres under the Treaty of February 18, 1867 (15 Stat. 505). In accordance with the treaty and under authority of the General Allotment Act of February 8, 1887 (24 Stat. 388), as amended, 129,504 acres were allotted to 1,205 Indians, and a small amount was reserved for administrative purposes. Some 88,000 acres, of which these lands are a part, were opened to settlement pursuant to an agreement ratified April 27, 1904 (33 Stat. 319), and the Presidential Proclamation of June 2, 1904. These lands were reacquired by the United States during the middle 1930's under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and subsequent relief acts at a cost of \$11,869.11.

The program under which this land was reacquired was designed to improve land utilization and to benefit various disadvantaged groups during the aftermath of the Depression. Developed jointly by the President, the Secretary of the Interior, the Secretary of Agriculture, and the Federal Emergency Relief Administrator, this program



Let's Clean Up America For Our 200th Birthday



was implemented by the Federal Emergency Relief Administration. Among the purposes of the program, two are of special relevance to the Indian situation: (1) the encouragement of land-use planning by setting up experimental projects which would serve as repeatable demonstrations of types of land-use applicable to various regions of the United States; and (2) improvement of the economic and social status of "industrially stranded population groups" occupying essentially rural areas, including the readjustment and rehabilitation of Indians by the acquisition of land to enable them to make planned use of combined units suited to their needs. Demonstration Indian Lands projects were the outgrowth of these objectives. The land purchased pursuant to these projects was to be used for the benefit of Indians, under the eventual jurisdiction of the Bureau of Indian Affairs. Jurisdiction over the land was transferred by Executive Order No. 7868, dated April 15, 1938, from the Department of Agriculture to the Department of the Interior for the use and benefit of the Indians consistent with the conservation purposes for which the land was acquired.

At present members of the Devils Lake Sioux Tribe own 47,758.38 acres of allotted land, and the tribe has a 395.74-acre reservation. The submarginal land forms a contiguous block and lies within the reservation boundaries. It is located near the Bureau of Indian Affairs agency in a diversified farming area. About 355 acres of tribal land are adjacent to the submarginal land and are largely used for homesites by members of the tribe.

There are no buildings on the property at this time. Some farm buildings were on the land at the time of acquisition, but they deteriorated to the extent that they became hazardous and had to be razed. There are two miles of multi-row shelterbelt,  $3/4$  mile of graded road leading to a landfill dump, and three miles of barbed wire fence. Although a formal appraisal has not yet been made, the current average value of the land is estimated to be \$55 per acre, or approximately \$78,300.

Mineral activity in the area has been limited to sand and gravel, but there are no significant deposits of these commodities on the submarginal land. The land lies over 3,500 feet of sedimentary rocks and has a quite low prospective value for oil and gas. It is considered to be without value for other minerals.

All of the submarginal lands are under permit to individual Indians, except 120 acres of pasture land that adjoin a non-Indian's pasture unit and are permitted to him. (The cost of



fencing the 120-acre tract and the fact that there are no Indian operators in that area are the reasons for its use under permit by a non-Indian to produce income for the tribe.) Most of this permitted land is or has been used as hay land with the remaining portion as pasture. The extent to which the hay land is utilized depends on the demand for hay, which varies from year to year. Generally the area of hay land that is not used is rough, and operators are reluctant to use their machinery under such conditions. The pasture land is not fully utilized because neither the tribe nor individual Indians are willing to invest in expensive fencing without having beneficial title to the land. Regardless of present utilization, this land is located in a region of North Dakota which is devoted to producing grain. Again, however, the Indians are unwilling to make the investments required for such production when they hold the land merely under revocable permit.

There are 397 families living on the Fort Totten Reservation. Because of the cost involved in farming operations today, Indians engaged in agricultural enterprises on the reservation find it necessary to engage in non-farming work to earn a livelihood. The average family income is \$4,805. The members of the tribe have derived a yearly income of about \$25,000 from personal use of allotted lands, with about \$825,000 coming from employment. Approximately \$1,081,500 is derived from rentals, old age assistance, Social Security, and other unearned sources.

The tribe has not yet enacted a resolution requesting the beneficial title to this land. It is nevertheless vitally interested in obtaining the property. The tribe has not worked out a detailed land-use plan, but there is no doubt that the land could be used to much better advantage if the beneficial title were in the tribe. Moreover, the present status of the land involved in this bill--title being held by the United States not in trust but under the loose concept of benefiting the Indians--is useful neither to the Indians, who cannot treat the land as their own, nor to the Federal Government, which is unable to derive any utility from the land.

The primary intent of Government action some 40 years ago concerning the land involved in this bill was to benefit the Devils Lake Sioux Indians. We think it is apparent that their benefit from the lands as presently held is limited and that change to a more permanent type of ownership would enhance the Indians' opportunities. In a memorandum to the Secretary of the Interior, dated

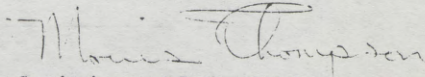


July 16, 1934, John S. Lansill, Director, Land Program, Federal Emergency Relief Administration, listed as one of the phases of the land acquisition program "(t)he permanent rehabilitation of the population at present living on land purchased." (emphasis supplied).

As the Committee is aware, this Department has had a study underway of all situations in which Indian tribes are seeking additional trust land. The study is nearing completion, and we recommend that the Committee defer action on S. 598 until such time as we have completed the study.

The Office of Management and Budget had advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

  
Commissioner of Indian Affairs

Honorable Henry M. Jackson  
Chairman, Committee on  
Interior and Insular Affairs  
United States Senate  
Washington, D.C. 20510



93D CONGRESS  
1ST SESSION

# S. 521

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 23, 1973

Mr. BELLMON (for himself and Mr. BARTLETT) introduced the following bill;  
which was read twice and referred to the Committee on Interior and Insular  
Affairs

---

## A BILL

To declare that certain land of the United States is held by the  
United States in trust for the Cheyenne-Arapaho Tribes of  
Oklahoma.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That all right, title, and interest of the United States in and  
4       to the following described land, and improvements thereon,  
5       are hereby declared to be held by the United States in trust  
6       for the Cheyenne-Arapaho Tribes of Oklahoma;

7       Beginning at the southwest corner of lot 2 in the north-  
8       west quarter of section 7, township 19 north, range 15 west  
9       of the Indian meridian, Dewey County, State of Oklahoma,  
10      thence east 20 rods, thence north 40 rods, thence west 20



1 rods to the west line of said lot 2, thence south 40 rods to  
2 the place of beginning, containing 5 acres, more or less.

3 SEC. 2. This conveyance is subject to existing rights-of-  
4 way for waterlines, electric transmission lines, roads, and  
5 railroads.

6 SEC. 3. The Indian Claims Commission is directed to  
7 determine, in accordance with the provisions of section 2 of  
8 the Act of August 13, 1946 (60 Stat. 1050), the extent to  
9 which the value of the title conveyed by this Act should or  
10 should not be set off against any claim against the United  
11 States determined by the Commission.





## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

MAY 13 1974

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 521, a bill "To declare that certain land of the United States is held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma."

We recommend enactment of this bill.

S. 521 would declare that all right, title, and interest of the United States in certain lands, amounting to 5 acres, and the improvements thereon shall be held in trust for the Cheyenne-Arapaho Tribes of Oklahoma. This conveyance would be subject to existing rights-of-way for waterlines, electric transmission lines, roads, and railroads. The bill provides that the Indian Claims Commission will determine the extent to which the value of the title conveyed should or should not be set off against any claim against the United States determined by the Commission.

The land to be transferred is located approximately 8 1/2 miles west and 5 1/2 miles north of Canton, Oklahoma. It is surrounded by fee land but lies within the Canton-Seiling area which contains numerous tracts of individually owned trust allotments. A block of tribal land is located about nine miles southeast of the tract.

The property was originally a part of the allotment of Mower, allottee No. 1831. It was acquired by the United States for a consideration of \$150 by Indian Deed Noncompetent Lands on September 20, 1909. The Government acquired this site for the purpose of providing a day-school for Indian children in the vicinity. However, the need apparently passed: the school was never built, and the land was never used for school purposes.

At a later date tribal members constructed a small wooden building on the tract to be used for tribal meetings. The Cheyenne-Arapaho Tribe has been using the tract under revocable permit since January 21, 1972, for community building purposes. The Tribe is presently involved in a program to establish local community buildings and recreation grounds at various places throughout the reservation area. By tribal resolution, No. 281-RL7, December 4, 1971, the Cheyenne-Arapaho Tribal Council has requested the conveyance of this land in trust.



Let's Clean Up America For Our 200th Birthday



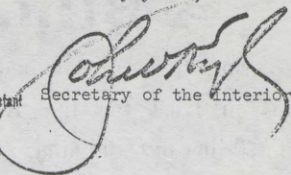
The land lies on a blacktop road and is about one-third fenced-in and cultivated with adjacent private land to the east and north; the remainder is potential cropland and being used as parking for the community building. The Tribe does not have a formal land consolidation program at this time.

Within the past five years there has been some mineral activity in the area, but production is spotty. Producing oil wells exist both several miles to the southwest and southeast, but some dry holes have been punched in the immediate neighborhood. The Geological Survey estimates the mineral value at \$75 per acre as of February 9, 1972. The estimated fair market value of the land is \$1,500.

The land is surplus to our needs, and we concur in the tribal request to transfer its title in trust. Since this tribe's Indian Claims Commission claim has already been settled, section 3 of the bill, containing a standard offset provision, is superfluous.

The Office of Management and Budget has advised that there is no objection to the presentation of the report from the standpoint of the Administration's program.

Sincerely yours,

  
Assistant Secretary of the Interior

Honorable Henry M. Jackson  
Chairman, Committee on Interior  
and Insular Affairs  
United States Senate  
Washington, D. C. 20510



93<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 2818

---

## IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 1973

Mr. BARTLETT (for himself and Mr. BELLMON) introduced the following bill:  
which was read twice and referred to the Committee on Interior and Insular  
Affairs

---

## A BILL

To declare that certain federally owned land is held by the United States in trust for the Kiowa, Comanche, and Apache Indian Tribes of Oklahoma.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*  
3     That all the right, title, and interest of the United States in  
4     the following described land, comprising 791.80 acres, more  
5     or less, which has been deemed to be surplus to the needs of  
6     the Fort Sill Indian School by the Anadarko area office of  
7     the Bureau of Indian Affairs are hereby declared to be held  
8     by the United States in trust for the Kiowa, Comanche, and  
9     Apache Indian Tribes of Oklahoma upon payment therefor  
10    in the amount of \$71,733, the original cost of the land:



## INDIAN MERIDIAN

Township 2 North, Range 11 West

Section 21, northeast quarter west half west half south-west quarter southeast quarter and southwest quarter north-west quarter southeast quarter, except a tract described as beginning at the northwest corner of section 21, township 2 north, range 11 west, thence 250 feet east on the north line of said section, right bank of Cache Creek,

thence 520 feet in a southwesterly direction intersecting the west line of said section,

thence 450 feet due north on said section line to northwest corner of northwest quarter of said section which is place of beginning, containing 1.29 acres, more or less. Also except a tract described as a strip of land 33 feet wide between the left bank of Cache Creek and a line running as follows: beginning at a point 117 feet west of the northeast corner of the northwest quarter of section 21, township 2 north, range 11 west, running,

thence south 37 feet 31 degrees 45 minutes west,

thence 201 feet south 31 degrees 45 minutes west,

thence 129 feet south 13 degrees 25 minutes west,

thence 44 feet south 70 degrees 30 minutes west,

thence 93 feet south 70 degrees 31 minutes west,

thence 180 feet south 70 degrees 30 minutes west,

thence 134 feet north 64 degrees 25 minutes west,



1           thence 175 feet north 15 degrees 10 minutes west,  
2           thence 175 feet north 6 degrees 30 minutes west to  
3       the point 33 feet south of the north line of said section  
4       21, containing 0.88 acres.

5       Section 28, north half northeast quarter and northwest  
6       quarter;

7       Section 29, a parcel of land rectangular in form com-  
8       prising 36.35 acres off the south end of lot 12, and a parcel  
9       of land rectangular in form comprising 7.62 acres off the  
10      north end of lot 14, except an undivided one-sixteenth inter-  
11      est in all oil, gas, and minerals lying on or under the above  
12      described land.





## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

MAY 13 1974

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 2818, a bill "To declare that certain federally owned land is held by the United States in trust for the Kiowa, Comanche, and Apache Indian Tribes of Oklahoma."

We recommend that consideration of this bill be deferred, pending the outcome of a study of instances in which tribes seek to acquire additional trust land.

S. 2818 would declare that title to a 791.80-acre tract of federally owned land located in Comanche County, Oklahoma, is held in trust by the United States for the Kiowa, Comanche, and Apache Indian Tribes of Oklahoma upon payment by the Indians of a consideration of \$71,733, the original cost of the land.

This tract is a portion of the 2,033,583 acres of unallotted and unreserved land of the Kiowa, Comanche, and Apache Reservation that was acquired by the United States under the Act of June 6, 1900 (31 Stat. 672). Like most of the land so ceded by the tribes, this tract was sold by the United States to private parties. The tract was reacquired in 1939 by purchase from its private owners for use in connection with the vocational training program then in effect at the Fort Sill Indian School. With changes in the curriculum and the abandonment of an agricultural program at the school, the land is no longer needed in connection with the school operations and is not otherwise needed by the Bureau of Indian Affairs.

These tribes presently own 4,536 acres of tribal trust land, and their individual members own 225,387 acres of allotted trust land, which is divided into approximately 2,300 tracts ranging from small homesites to 160-acre parcels in size. Approximately 190,000 acres of the allotted trust land is in heirship status, some tracts being divided among as many as thirty or forty persons.

The population of the three tribes is estimated as Kiowas, 6,000; Comanches, 5,700; and Apaches, 800. Employment by local industries is the chief means of livelihood for members of the tribes. Industries locating within the Fort Sill area are growing. The encouragement of additional industries to locate in this area and increased



Let's Clean Up America For Our 200th Birthday



attention to agricultural programs afford the greatest economic potentials. An increased amount of industry within the area would materially benefit these people and encourage those who have departed the area in search of job opportunities to return.

The school property is located in the northeast part of the City of Lawton, Oklahoma, within one-fourth mile of present residential development, with the usual city services and utilities available. Lawton, county seat of Comanche County, has a population of 71,388 according to the 1970 census. This city has grown from 61,697 in 1960 and is the third largest city in the State. The economy centers on the Fort Sill Military Base, agriculture, and light industry. Lawton is the principal marketing and shopping center for southwestern Oklahoma.

Lawton's rapid growth within recent years has resulted in a demand for land in the surrounding community. There is development about three miles southeast of the school property. There is residential subdivision development going on one-fourth mile southeast of the property, and construction of a shopping center is underway on Gore Boulevard, approximately one-half mile south of the property. Although the western part of the property is now located within the flood plain of East Cache Creek and is zoned only for park and agricultural usage, we understand that there are plans for channel improvement on East Cache Creek which, when completed, will narrow the flood plain and may result in a part of the present flood-prone area being rezoned for residential subdivision. Accordingly, the highest and best uses of this property are residential and agricultural.

At present the school property is used solely for farming and grazing. Improvements consist of three ponds and typical four- and five-strand barbed wire fences. A parcel of 397.83 acres is under a revocable permit to a private individual for farming and grazing. The balance of the 791.80 acres is under permit to Cameron College of Lawton, Oklahoma. Based on its highest and best use, the estimated fair market value of the property is \$972,000.

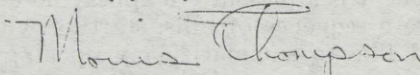
The location of the land to be held in trust pursuant to this bill within the city limits of Lawton, Oklahoma, poses the difficult problem of reconciling Indian land-use plans with the zoning and land-use decisions made by an urban government. In addition, it is our understanding that there is local opposition to this bill. We believe that the situation deserves further study, which we



propose to accomplish in our overall study of instances in which tribes seek to acquire additional lands in trust. Until that study is completed, we recommend that consideration of this bill be deferred.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,



Commissioner of Indian Affairs

Honorable Henry M. Jackson  
Chairman, Committee on  
Interior and Insular Affairs  
United States Senate  
Washington, D.C. 20510



Senator HANSEN. The first witness will be the Commissioner of Indian Affairs, Hon. Morris Thompson.

Mr. Thompson, we will be pleased to hear from you, sir.

# **STATEMENT OF HON. MORRIS THOMPSON, COMMISSIONER OF INDIAN AFFAIRS**

Mr. THOMPSON. Mr. Chairman, on behalf of the Bureau and the Department, it is a pleasure to appear here before you this morning.

We have a sequence of bills, starting with, I believe S. 521.

I would like to summarize my opening statement. It is a very short one, if there is no objection from the Senator.

Senator HANSEN. You may proceed.

Mr. THOMPSON. S. 521 would declare that all right, title, and interest of the United States in certain lands, amounting to 5 acres, and the improvements thereon shall be held in trust for the Cheyenne-Arapaho Tribe of Oklahoma. The conveyance would be subject to existing rights-of-way for waterlines, electric transmission lines, roads, and railroads.

This property was originally allotted land and was acquired by the United States in 1909 as a site for a day school for Indian children. However, the need for the school apparently passed; the tract has never been used for school purposes.

At a later date tribal members constructed a small wooden building on the tract to be used for tribal meetings. The tribe has been using the tract under revocable permit since January 21, 1972, for community building purposes. The tribe is presently involved in a program to establish local community buildings and recreation grounds at various places throughout the reservation area.

The land is surplus to our needs, and we concur in the tribal request to refer its title in trust.

Since this tribe's Indian Claims Commission claim has already been settled, section three of the bill, containing a standard offset provision, is superfluous.

This concludes my statement on S. 521.

I believe, sir, the next in sequence was S. 598, to donate to the Devils Lake Sioux Tribe, Fort Totten Reservation, some submarginal lands of the United States and to make such lands part of the reservation involved.

This bill would transfer some 1,424 acres of federally owned submarginal lands lying within the Fort Totten Reservation into trust status on behalf of the Devils Lake Sioux Tribe.

The United States acquired this land, along with a good deal more, during the 1930's, pursuant to the National Industrial Recovery Act. The idea of the submarginal acquisitions was to improve land utilization while at the same time aiding various disadvantaged groups in the aftermath of the Depression. One of the programs designed to carry out this philosophy was the establishment of demonstration Indian land projects. Lands purchased in connection with such project were to be used for the benefit of the Indians, under the eventual jurisdiction of the Bureau of Indian Affairs.

The land involved in this bill was transferred to the jurisdiction of the BIA in 1938.



We consider the present status of the land title being held by the United States but under the loose concept of benefiting the Indians, to be useful to neither party: The Indians cannot treat the land as their own, and the Federal Government is unable to derive any utility from it.

As you know, we have had underway for some time a comprehensive study of all situations in which Indian tribes are seeking additional trust land. This study is now nearing completion and is a high priority in the Department of the Interior. We expect to have the study completed within the next few weeks and to be able to provide the committee with our definitive position on S. 598 and other submarginal land bills within approximately 30 days.

Therefore, we recommend that no further action on S. 598 or other submarginal land bills be taken until that time.

This concludes my statement on S. 598.

I believe in sequence next was S. 3358.

S. 3358 would authorize the tribal officials of the Absentee Shawnee Tribe of Indians of Oklahoma to convey title to a 33.23 acre tract of land and the improvements thereon to the United States in trust for the tribe. The title would be accepted by the United States when the conveyance was approved by the Secretary of the Interior.

The property is located between the city of Shawnee, the county seat of Pottawatomie County, and the city of Tecumseh, and about 1½ miles south of the North Canadian River.

The tract and its improvements were acquired and operated by the Bureau of Indian Affairs as a part of the Shawnee Indian school and agency reserve, specifically as the Indian hospital and sanatorium. When the facilities were closed the property became access to the needs of the Bureau of Indian Affairs and was conveyed in fee to the Absentee Shawnee Tribe of Indians by the Secretary of the Interior as authorized by the provisions of the act of August 11, 1964, 78 Stat. 392.

Although the land is agricultural in character, it is not of sufficient size to lease for agricultural purposes. Its highest and best use is for residential and commercial purposes and for light industry.

The tribal officials have leased the hospital building to the U.S. Public Health Service for an outpatient clinic. The nurses' quarters and one dwelling are leased to Hope House, Inc., and are used as a temporary shelter for abandoned, neglected, and dependent juveniles until more permanent arrangements can be made by the courts. The former office building is being used by the tribe for tribal purposes. Several of the dwellings and buildings are leased to individuals.

The fee status of this land is a contributing factor to the inability of the tribe to better utilize it. The Economic Development Act provides that tribally-owned lands in Oklahoma which are held in trust could receive EDA designation and qualify for loans or grants. Transferring the land to trust status would permit the tribe to apply for such designation and to develop commercial and industrial sites which could assist in alleviating the unemployment problems of the tribal people and others in the Shawnee area.



We recommend enactment of this bill.

This concludes my statement on S. 3358.

The next bill is S. 3359.

S. 3359 would authorize the duly elected officials of the Citizen Band of Potawatomi Indians of Oklahoma to convey seven tracts of land, amounting to 280 acres, to the United States, which would accept the conveyance and hold the lands in trust for the band, subject to all valid existing rights.

The bill would specifically reserve the right of the Absentee Shawnee Tribe of Indians of Oklahoma, the Sac and Fox Tribe of Indians of Oklahoma, the Kickapoo Tribe of Indians of Oklahoma, and the Iowa Tribe of Indians of Oklahoma to use the Potawatomi community house if one is constructed and maintained on the land identified as tract No. 7.

The land in this bill, formerly known as the Shawnee agency and school grounds, was donated to the band in fee during the early 1960's. The band has leased the land for agricultural purposes since acquiring it.

The fee ownership of the land, however, presents a major problem to the band. The Economic Development Act enables tribal trust lands in Oklahoma to receive EDA designation, thereby enabling the tribes to qualify for loans and grants from that agency.

This land has substantial potential for commercial and industrial development. If the United States were to accept the band's conveyance and hold these tracts in trust, the band could apply for EDA designation, which, if conferred, would enable it to develop commercial and industrial sites. The end result of such development would be the alleviation of the band's and the area's unemployment problems.

We recommend that this bill be enacted.

This concludes my statement on S. 3359.

Next is S. 2888, a bill to convey certain lands of the United States to the Inter-Tribal Council, Inc., Miami, Okla.

S. 2888 would direct the Secretary of the Interior to convey without consideration all right, title, and interest of the United States in approximately 114 acres of land in Ottawa County, Okla., to the Inter-Tribal Council, Inc., Miami, Okla. The land would be transferred in fee and thus subject to taxation and alienation to the same extent as any other privately owned real property in Oklahoma.

The Inter-Tribal Council is a nonprofit corporation created under the laws of the State of Oklahoma. Its purpose is to promote the general health and welfare of the members of the Seneca, Quapaw, Peoria, Modic, Ottawa, Eastern Shawnee, Miami, and Wyandotte Tribes of the State of Oklahoma. The articles of incorporation for this organization show that its 24 directors comprise three members each from the eight Indian tribes.

The 114 acres described in the bill are a part of the Seneca Indian School. At one time, the land was used as a part of a school program for instruction in dairying; since the discontinuance of this program, about 8 years ago, the land has been used under revocable permit as pasture land by the school for 4-H group projects. This entire



acreage is presently excess to the needs of the Bureau of Indian Affairs.

Many of the Indians residing in the counties near this acreage are unemployed or underemployed. The council proposes to develop the lands for light industrial and commercial purposes with a view to encouraging labor-oriented industries to locate on it and employ members of the corporation's constituent tribes. The site is favorably located for this purpose.

The council owns no other land.

In view of the fact that four of the constituent tribes of the council, the Wyandotte, Ottawa, Peoria, and Modoc Tribes, have been or are in the process of being terminated, we cannot support enactment of this bill as written. The United States has no special relationship with terminated Indians, who are no different from any other private citizen, and therefore is not in a position to donate Federal land to a group composed of such Indians.

However, it would be proper for the United States to transfer land to be jointly owned in fee by the tribal governing bodies of the four nonterminated tribes involved in the council. If the bill is amended so to provide, we recommend that it be enacted.

This concludes my statement on S. 2888.

The next is S. 2818, to declare that certain federally owned land in held by the United States in trust for the Kiowa, Comanche, and Apache Indian Tribes of Oklahoma.

S. 2818 would declare that title to a 791.80 acre tract of federally owned land located in Comanche County, Okla., is held in trust by the United States for the Kiowa, Comanche, and Apache Indian Tribes of Oklahoma upon payment by the Indians of a consideration of \$71,733, the original cost of the land.

This tract is a portion of the 2,033,583 acres of unallotted and unreserved land of the Kiowa, Comanche, and Apache Reservation that was acquired by the United States under the Act of June 6, 1900, 31 Stat. 672. Like most of the land so ceded by the tribes, this tract was sold by the United States to private parties.

The tract was reacquired in 1939 by purchase from its private owners for use in connection with the vocational training program then in effect at the Fort Sill Indian School. With changes in the curriculum and the abandonment of an agricultural program at the school, the land is no longer needed in connection with the school operations and is not otherwise needed by the Bureau of Indian Affairs today.

At present, the property is used solely for farming and grazing. Improvements consist of three ponds and typical four- and five-strand barbed wire fences. A parcel of 397.83 acres is under a revocable permit to a private individual for farming and grazing. The balance of the 791.80 acres is under permit to Cameron College of Lawton, Okla.

Based on its highest and best use, the estimated fair market value of the property is \$972,000. The property is located in the northeast part of the city of Lawton, Okla., within one-fourth mile of present residential development, with the usual city services and utilities



available. Lawton, county seat of Comanche County, has a population of 71,388 according to the 1970 census.

The location of this property within the city limits of Lawton poses the difficult problem of reconciling Indian land-use plans with the zoning and land-use decisions by an urban government. In addition, it is our understanding that there is local opposition to enactment of this bill. We believe that the situation deserves further study, which we propose to carry out in our overall study of instances in which tribes seek to acquire additional lands in trust. Until this study is completed, we recommend that consideration of this bill be deferred.

Senator, that concludes my statement on all the bills pending before the committee.

We will be pleased to answer any questions that the Senator may have.

Senator BARTLETT. Mr. Thompson, on Senate bill, S. 521, I have no questions.

On S. 598 you said there would be about 30 days time needed before a study would be completed.

I would assume that you will send us the results of that study at that time?

Mr. THOMPSON. We would be pleased to, Senator.

Senator BARTLETT. With further regard to Senate bill 598, in the 92d Congress the administration submitted two proposals on sub-marginal lands for introduction.

The first was Senate bill 1217, the White Earth Reservation, and the second one was Senate bill 1230, the Stockbridge-Munsee Indian Community.

The committee acted on both measures and Senate bill S. 22 was approved, in lieu of Senate bill 1230.

The House approved the measure and it became Public Law 92-480.

Additionally, the House approved House bill 6318 for the Burns Indian Community.

The Senate likewise approved this measure which became Public Law 92-488.

My question is, considering this background, why must the sub-marginal land question be subjected to further study?

Mr. THOMPSON. I think, Senator, we are relatively close, to defining, for the administration exactly under what conditions we should recommend to the Congress that lands be transferred and to whom. We are exceedingly close to that study being completed now.

I recognize that perhaps the administration may not be consistent throughout in light of these examples that did become public law, that did come up here for consideration by the Congress. The only answer I have to that, Senator, is that there has been, since those bills were introduced, a determination in certain quarters of the administration that a study is needed. In any event, we see ourselves very close to getting the study completed.

Senator BARTLETT. Commissioner Thompson, when was the idea of the planning study initiated?



Mr. THOMPSON. It is my understanding that the concept of trying to determine exactly under what conditions, to whom, and how should these lands be transferred started in the Bureau in—maybe not started in the Bureau—but it was discussed in the administration late in 1972 or 1973. It has kind of taken on steam since then.

We have worked, since I have come on board, to put real estate people on this effort. We have worked with other Federal agencies to attempt to show under what conditions lands should be transferred.

I think the movement for a study got some steam after the Bureau, on behalf of the Indian community, was quite successful in getting transferred large acreages of Federal agencies public land in the cases of Taos and Yakima.

To answer your question, I understand it was late in 1972 or 1973, Senator.

Senator BARTLETT. Mr. Thompson, I know you recognize how important a number of these land transfer bills are, particularly to the tribes involved.

It is my understanding that until the study is completed further action on this bill will be postponed until the first of next year.

We are now getting pretty well along in this year's session.

Actually, I am much later than I had hoped to be in getting consideration of these bills so that we might get them passed by the Congress this year.

Could you try to speed up that report? I do not want to ask you to make a commitment on something on which you cannot perform but what would be the best time you could commit to giving it some priority.

Mr. THOMPSON. Senator, recognizing that and recognizing the importance to the Indian community and to the administration and Congress, to have this study completed, I will go back and see if we can move it any faster. We will be pleased to report back to you today or tomorrow as to how long we think it will be before we can get the study out.

In reference to your earlier question, I am not aware—I am not saying that the commitments are not there, but I personally am unaware of the January commitment. When I first testified on these bills in January or February, I indicated to the committee at that time that I would hope to have the thing up in 3 months. My personal time is also running short here.

Senator BARTLETT. Yes, I know you mentioned 30 days.

If you can speed it up, we would appreciate. I am sure you understand the needs very well too.

I am informed that the actual commitment was January 1, 1973.

Do you have any other comments you would like to make on Senate bill S. 598?

Mr. THOMPSON. Not at this time, Senator.

Senator BARTLETT. The third bill which you covered, was Senate bill S. 3358, to authorize conveyance of certain lands to the United States in trust for the Absentee Shawnee Tribe of Indians of Oklahoma. I have no questions with regard to S. 3358.



Next, Senate bill S. 3359, to authorize the conveyance of certain lands to the United States in trust for the citizens band of Potawatomí Indians of Oklahoma.

If I understand your testimony, the Bureau of Indian Affairs recommends passage of that legislation?

Mr. THOMPSON. That is correct.

Senator BARTLETT. The fifth bill you commented on, S. 2888, to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.

The Inter-Tribal Council has expressed a desire to have the land transferred to them in trust.

Does the Department have any objection to the transferring of the land in trust to the four recognized tribes of the corporation with language in the bill that as each of the remaining nonfederally recognized tribes of the corporation would at some later date become recognized tribes, the land would be held in trust for all of the presently recognized tribes, plus each of the others, making a total of eight.

Mr. THOMPSON. The two comments, Senator, number one, on the first part of the question, if the committee, in its wisdom, felt it was best to transfer the land in trust, the Department would not object, I am sure.

Senator BARTLETT. The Department definitely would not object to transfers to the four recognized tribes, as the other language would not object to the transfer in trust?

Mr. THOMPSON. We would primarily not object to it in trust.

Let me make a comment or two on the latter portion, where you say when the tribes are recognized. I do not feel that I am prepared today to comment on whether the tribes should be federally recognized. I think that is the subject of another bill or another discussion.

Second, we would have no objection, certainly, if they were to be federally recognized, when they were to be recognized, of having them participate.

I think, for now, we would prefer to say that we would not have any objection to having the lands transferred to the four federally recognized tribes in trust.

Senator BARTLETT. Commissioner, it is the desire of the tribes to be recognized.

It is also the desire of the Junior Senator from Oklahoma to advance that cause, if it can be advanced, as long as it is the wish of the respective tribes.

The question that I ask, you use the word "if" and "when." I realize that the language would have to be worked out.

The language would have to be agreed upon, but it seems to me that the goal now of operating together, eight tribes as a tribal council, is a very good goal for the eight tribes—four recognized and four nonrecognized or according to the BIA, and the tribes themselves, five recognized tribes and three nonrecognized tribes.

I think the goal is an excellent one and by having the decision reached in the bill, it would preclude any dissatisfaction or any real



problems that occur at a later date as long as this could be done in a proper legal way and as long as they represent the wishes of the eight tribes.

Mr. THOMPSON. Senator, I think we would be pleased to work with the committee and staff to see if we could work out appropriate language to get to the point that you point out.

Senator BARTLETT. Is there any other comment on that bill?

Mr. THOMPSON. No, Senator.

Senator BARTLETT. The final legislation on which you commented, was Senate bill S. 2818, to declare that certain federally owned land in held by the United States in trust for Kowa, Comanche, and Apache Indian Tribes of Oklahoma.

Mr. Thompson, could you tell me how many acres the BIA shows in the flood plain of East Cache Creek?

Mr. THOMPSON. With the committee's indulgence, we are attempting to find it, Senator.

Senator BARTLETT. You might also state the total amount of acres, for the record.

Mr. THOMPSON. Senator, we do not have with us this morning maps showing the exact flood plain area. Some discussions I have had with people within the Bureau and with the tribe indicate that there is some dispute over the amount of acreage that is within the flood plain.

I note that there are representatives of the tribes and the city present and they may have more information.

We will, however, be pleased to get that information and supply it for the record.

Senator BARTLETT. Yes, we would like to have that.

[The material requested was not received at the time of printing.]

Is there, as far as you know, any difference of opinion as to the standard flood plain or is that pretty generally agreed?

Mr. THOMPSON. Not that I know of. I have just had some conversation that indicates that there may be some discussions. We have not had an opportunity to look at the flood plain maps, but we will do so.

Senator BARTLETT. You mentioned in your prepared remarks that because of the location of the land, it poses a difficult problem of reconciling Indian land-use plans with the zoning and land-use decisions made by the urban government of Lawton, Okla.

What are the plans of the tribes for the use of this land?

Mr. HUTCHINSON. As I understand the plans, they would use some of the lands for residential purposes, some for recreational purposes and the remainder for light industry or commercial use.

Senator BARTLETT. Are you referring to all the land or are you referring to the flood plain?

Mr. HUTCHINSON. That is all the land. It would be reserved for recreational purposes without any permanent buildings.

Senator BARTLETT. Did the tribes provide you with any further information in detail about the recreational facilities?

Mr. HUTCHINSON. As I understand it, they had neither the funds nor the expertise to develop detailed plans on the utilization of the



problem. They would be in a position where they may obtain additional funds to provide—

Senator BARTLETT. Could you put the mike closer?

Mr. HUTCHINSON. As I understand, the tribe has neither the funds nor the expertise to develop detailed plans, but with the transfer of the property to the tribe, we anticipate they will be able to obtain funds and I presume they will employ some development company or engineering company to develop the detailed plans needed for proper development of the property.

Senator BARTLETT. I might just mention for the record that the Indian Financing Act, which is now a Public Law, might be a source of funds for such activities and such planning.

Commissioner, you said, at the end of your statement, that you believed the situation deserves further study.

Could you elaborate on that?

Mr. THOMPSON. We view this study as a marginal one, Senator in terms of time. As we indicated earlier, we hope to have it up here within the shortest possible time.

Senator BARTLETT. Has the Bureau been involved in any way with negotiations that have gone on between the tribes and the city of Lawton?

Mr. THOMPSON. Senator, I can only answer for the Washington office of the Bureau.

I do not believe we have been involved, however, at the local level or not, I am not sure.

Senator BARTLETT. Do you think it could be of help in the negotiations for better understanding both ways if the Bureau were involved?

Mr. THOMPSON. If the tribe requested and desired assistance from the Bureau in this area, we would make ourselves available to side with the Indian views in attempting to work out any differences with the State and local governments.

Senator BARTLETT. Does the Bureau have any record of similar situations to this where a tribe was competing with the local level of government?

Mr. THOMPSON. Let me try first before turning it over to Mr. Hutchinson. There has been, obviously, in land transfer matters, situations where we have dealt with local governments.

For example, I believe that in the Yokima land restoration bill there were inholdings of non-Indian tracts of land within the lands which were transferred.

Certainly, with the passage of the Alaskan Natives Plan, there was much discussion, Senator, as you know, in State, local and political entities of the State in attempting to transfer lands over to native ownerships.

Frank, do you have other examples where we have dealt with local or state entities attempting to transfer lands back to the Indians?

Mr. HUTCHINSON. Nothing of a similar nature. This is more or less unique, as far as I can recall.

Senator BARTLETT. I have no further questions. If any of your colleagues have any comments to make, we will be glad to hear them.



We would appreciate receiving this information, which will be made a part of the record, as you indicated, you would send it as soon as it is done.

Mr. THOMPSON. Thank you, Senator.

Senator BARTLETT. On the first two bills, S. 521 and S. 598, there are no tribal witnesses.

On S. 3358 we have with us the chairman of the Absentee Shawnee Tribe, Danny Little Axe.

Mr. Little Axe, as you know, the Bureau recommends passage of this bill, but nonetheless, we want to have a good record, so please proceed with your testimony.

Mr. LITTLE AXE. Thank you, Mr. Chairman. I have a prepared statement here that I would like to read.

Senator BARTLETT. Mr. Little Axe, proceed. Your statement will be put in the record in its entirety, plus any comments that you have.

Mr. LITTLE AXE. Thank you.

#### STATEMENT OF DANNY LITTLE AXE, CHAIRMAN, ABSENTEE SHAWNEE TRIBE OF OKLAHOMA

My name is Dan Little Axe. I am presently chairman of the Absentee Shawnee Tribe of Oklahoma whose membership is approximately 2,000.

The Absentee Shawnee Tribe is organized under the Thomas-Rogers Oklahoma Indian Welfare Act of 1936 by the adoption of our constitution and by laws at that time.

The governing body of the Absentee Shawnee Tribe consists of a five member elected business committee who serves a 2 year term.

The history of the absentee Shawnee Tribe is interwoven into the patterns of American history as a whole.

It is a history of a people trying to retain their identity in the face of pressures beyond their control.

By the terms of a treaty with the United States in 1867, which was never ratified, the Absentee Shawnee Tribe were granted the right of selecting lands in the Indian Territory, Okla., west of the Seminole Nation.

The rights of the Absentee Shawnee Tribes to lands within the Pottawatomie County were recognized by the act of Congress of May 23, 1872.

An agreement with the Pottawatomie and Absentee Shawnee Tribe secured by the Cherokee Commission, on June 26, 1890, provided for the cession of their lands to the United States, settlement of their property rights, and the opening of the surplus lands to white settlements.

Gentlemen, the members of the Absentee Shawnee Tribe have not generally shared in the economic prosperity of the general population as a whole.

Statistics supplied by the Bureau of Indian Affairs show an unemployment rate of 18 percent for the Absentee Shawnee Tribe.

But the total impact is not fully realized until one considers that the combined rate of unemployment and under-employment is 47 percent for the tribe.



A study conducted by the tribe shows that out of 70 families, 55 had income of less than \$5,000 and only four had incomes above \$10,000 per year.

As a result of these high rates of unemployment, the living conditions of our tribal members are very poor.

This leads to poor housing and overcrowding and eventually to social and health problems, which is where some of our members are at the present time.

For many years, the Absentee Shawnee Tribe has been attempting to build an economic base to alleviate these problems and help our people.

In 1965, we spent \$80,000 of our own tribal money which we received from a claim settlement to remodel a clinic building located on the property covered by this bill, so that we could lease this building to the Public Health Service.

We did this at a time when many tribes were making a 100 percent capita payments of their claim awards funds.

In our recent claim award, the tribe elected to use 80 percent of these funds for commercial and economic development.

We have attempted to help ourselves in the past and will continue to do so.

In order to develop a long-range sound economic base for our tribe, we need the land, which is the subject of this bill placed in trust status.

The Absentee Shawnee Tribe would then be eligible for many of the Federal programs which are designed by Congress to help Indian tribes, but which we find we are not eligible because this land is not in trust status.

For example, in most cases, to receive a designation by the economic development administration, the land must be in trust status and to receive services from the Bureau of Indian Affairs, such as road construction, real property management appraisal assistance and engineering services, the land must be in trust status for the tribe.

There are many other programs where the key question is whether or not the land is in trust. Another reason for the Absentee Shawnee Tribe request that this land be placed in trust for the tribe is to protect it from being disposed of unwisely as could now happen.

A quorum for the tribe to hold a general council meeting is 25 people, therefore a small dissident group could call for selling this property and nullifying our economic efforts if we do not have the protection that trust status provided.

This land is presently in fee simple status and is located within the city limits of Shawnee, Okla., on State Highway 18.

Attached is a resolution in support of our request by the Board of Commissioners of the city of Shawnee, Okla.

In conclusion, I want to thank you on behalf of the Absentee Shawnee Tribe for giving me this opportunity to testify on this very urgent matter.

I respectfully request that you give favorable consideration to S. 3358.



If you have any questions, I will be happy to attempt to answer them.

However, if I cannot, I will make these available to you in writing. Thank you.

Senator BARTLETT. Mr. Little Axe, I congratulate you on a very fine statement and I congratulate you and members of the Absentee Shawnee Tribe for your efforts in industrial development in providing jobs for members of your tribe.

I am aware of one company in Shawnee which was awarded an honor because of the high productivity of Indians working in their company.

As you know, Indians that are given an opportunity for employment perform very well.

In many cases, they perform preferentially, perhaps, to others.

I think that the effort you are making with this land is very vital to the future of this tribe.

I am pleased that the Bureau of Indian Affairs gives its approval.

I am certainly hopeful that this committee, the Senate, and the House will do likewise and that it will become law very soon.

At least, that is the objective of this Senator.

Mr. Little Axe, I have no further questions. If you have anything else you would like to say, we will be very glad to have it a part of the record.

Mr. LITTLE AXE. I do not have anything, Mr. Chairman. Thank you for this opportunity.

Senator BARTLETT. I appreciate you and the others coming from Oklahoma.

This does make a good record on the bill. We will push it as hard as we can.

Mr. LITTLE AXE. Thank you very much.

[Deed and resolution referred to follow:]

#### QUIT CLAIM DEED

I, Leslie P. Towle, Area Director, Anadarko Area Office, Bureau of Indian Affairs, pursuant to the Act of August 11, 1964 (78 Stat. 392) and authority delegated in Amendment 63 to Order 2508 of the Secretary of the Interior dated December 22, 1964 (30 Fed. Reg. 17) and Amendment 98 to Order 551 of the Commissioner of Indian Affairs dated January 15, 1965 (30 Fed. Reg. 652), have quitclaimed, granted and conveyed, and by these presents do quitclaim, grant, and convey unto the Absentee Shawnee Tribe of Indians of Oklahoma, its successors and assigns, forever, all of the right, title and interest of the United States of America in and to the following described real estate in the County of Pottawatomie and State of Oklahoma, to wit:

That part of the NE/4 SW/4 Section 31, Township 10 North, Range 4 East, Indian Meridian, Pottawatomie County, Oklahoma, described as: Beginning at a point 1320 feet south and 726 feet west of the NE corner of said NE/4 SW/4; thence north 220.44 feet; thence west 594 feet to the point of intersection with the west line of said NE/4 SW/4; thence north along the west line a distance of 439.56 feet to the midpoint of the west line of said NE/4 SW/4; thence east distance of 17 feet to the intersection with the west right-of-way line of Oklahoma State Highway Numbered 18; thence northeasterly along said west right-of-way line a distance of 493 feet; thence east 1485 feet to the west right-of-way line of the Atchison, Topeka and Santa Fe Railroad right-of-way; thence southwesterly along said west railroad right-of-way line a distance of 1223 feet to a point in the south line of said NE/4 SW/4, said point being 129 feet west of the southeast corner of



said NE/4 SW/4; thence west along the south line of said NE/4 SW/4 a distance of 597 feet to the point of beginning; containing 33.23 acres, more or less.

together with all of the improvements and any reversionary rights under existing grants thereunto belonging or in anywise appertaining; subject, however, to any presently existing valid rights therein which are outstanding in third parties.

The rights, title and interest of the United States of America which are conveyed herein shall be subject to no exemption in the said Absentee Shawnee Tribe of Indians of Oklahoma from taxation or restriction on use, management or disposition because of Indian ownership.

IN WITNESS WHEREOF, the said Leslie P. Towle, Area Director of the Anadarko Area Office, Bureau of Indian Affairs, has hereunto set his hand and seal this 3 day of April, 1965.

LESLIE P. TOWLE.

#### ACKNOWLEDGMENT

STATE OF OKLAHOMA  
County of Caddo

Before me, the undersigned, a Notary Public within and for the above-named state, on this 3 day of April, 1965, personally appeared Leslie P. Towle, to me known to be the Area Director of the Anadarko Area Office, Bureau of Indian Affairs, Anadarko, Oklahoma, and the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same in his capacity as Area Director of the Anadarko Area Office, Bureau of Indian Affairs, as his free and voluntary act and deed, as such officer, for the uses and purposes therein set forth.

Witness my hand and seal the day and year above written.  
(SEAL)

\_\_\_\_\_  
Notary Public.

My commission expires: January 25, 1967

#### RESOLUTION No. 4525

A resolution endorsing House of Representatives Bills No. H.R. 9219 and H.R. 11890 introduced by The Hon. Tom Steed relating to certain lands held in trust for the absentee Shawnee Tribe of Indians of Oklahoma and Citizen Band of Potawatomi Indians of Oklahoma; and declaring an emergency.

Whereas, the Honorable Tom Steed, member of Congress from the State of Oklahoma, has introduced House of Representatives Bill number H.R. 9219 to declare that the United States hold certain lands in trust for the Absentee Shawnee Tribe of

Whereas, the said Hon. Tom Steed has introduced House of Representatives Bill number H.R. 11890 to declare that the United States hold certain lands in trust for the Citizen Band Potawatomi Indians of Oklahoma; and

Whereas, on the 1st day of February, 1974, the business committee of the Citizen Band Potawatomi Indians of Oklahoma adopted a resolution endorsing said bills and requesting the Board of Commissioners of the City of Shawnee to support said Bills; and

Whereas, on the 4th day of February, 1974, the Absentee Shawnee Tribe of Indians of Oklahoma adopted a resolution endorsing said bill H.R. 9219 and requesting the support of the Board of Commissioners of the City of Shawnee; and

Whereas it appears that the City of Shawnee should support said bills:

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the City of Shawnee, Oklahoma, That said Mayor and Board of Commissioners hereby endorse said House of Representatives Bills Number H.R. 9219 and H.R. 11890, and urge the Congress of the United States to enact said bills into law.

Be it further resolved, That for the preservation of the public peace, health and safety an emergency is hereby declared to exist by reason whereof this resolution shall be in full force and effect immediately upon its passage and approval.

Passed and approved this 18th day of February, 1974.

\_\_\_\_\_  
Mayor.

Attest:  
HARRY B. HILL, JR.,  
City Clerk.



Senator BARTLETT. The next item is Senate bill 3359.

Mr. Paul Schmidlkofer, tribal administrator, Citizen Band of Potawatomi Indians is here.

We are very happy to have you here today.

Mr. SCHMIDLKOFER. I have a prepared statement here that I would like to read.

Senator BARTLETT. Please proceed.

**STATEMENT OF PAUL SCHMIDLKOFER, TRIBAL ADMINISTRATOR,  
CITIZEN BAND OF POTAWATOMI INDIANS OF OKLAHOMA**

Mr. SCHMIDLKOFER. On behalf of the Citizen Band of Potawatomi of Oklahoma, I would like to take this opportunity to give you a brief and concise history of the Potawatomi people.

Their origin is from the Great Lakes area and the first contact with the whites was in the year 1564.

Their tribal name is from the Chippewa term, Potawatomink, signifying, "people of the place of the fire."

The Potawatomi are of the Algonquin Linguistic family and are ethnically closely related to the Chippewa and the Ottawa.

The three were originally one tribe, according to their traditions.

They are described in early French records as, "kindly disposed toward Christianity" and "more human and civilized than other tribes."

History records the Potawatomi, Chippewa, and Ottawa, as one tribe living on the upper shores of Lake Huron.

By 1700, the Potawatomi had moved southward and were located near the site of Chicago, in Illinois, and on the St. Joseph River in Michigan.

When the Illinois tribes, quv, had been practically annihilated three quarters of a century later, the Potawatomi took possession of the greater part of the Illinois country, their land claims extending into what is now Indiana.

During the French and Indian War and the Pontiac uprising, they were aligned against British interests.

However, during the American Revolution, they were allied with the English against the American Colonies.

Their hostility against the latter continuing until the treaty of Greenville, 1795, which bears the names of 24 Potawatomi leaders.

The largest number of any of the signatory tribes to that document.

The Potawatomi were again allies with Great Britain in the war of 1812, the hostility of the tribe terminating in a treaty with the United States in 1815.

The Potawatomi as a tribe always lacked unity of action, and when the settlers on the American frontier crowded in upon them, they scattered in bands in different directions.

The names of one or more of these tribal bands appear on 53 treaties between the Potawatomi and the United States, not counting the agreement for allotment in 1890.

The first of these documents dated at Fort Hamar, Ohio, in January 9, 1789, and the last at Washington, D.C., on February 27, 1867.

Probably the best known of these treaties was that signed at Chicago in 1833, under which the united Potawatomi, Chippewa, and Ottawa ceded 5 million acres of land to the United States.



As a result, most of the Potawatomi were living west of the Mississippi by 1840.

The portion of the tribe that settled in Iowa became known as the Potawatomi of the prairie or Prairie Band, their principal settlement being near Council Bluffs, in Pottawatomie County, Iowa.

Those who settled in Kansas were known as the Potawatomi of the woods, their reservation in Kansas having resulted from the treaty of 1837, in which the tribe had ceded their lands in Indiana.

The Government, in an effort to unite all the Potawatomi with the Chippewa and the Ottawa, in 1846 provided a new reservation in Kansas, 30 miles square, 576,000 acres, lying just west of present Topeka in Kansas.

The Potawatomi were subject to grossly unfair treatment and were more often than not the victims of graft in the settlement of the State.

The pressure of white settlement finally resulted in a treaty in 1861 providing for allotment of lands in severalty and the sale of the surplus reservation lands for the benefit of the tribe.

Most of the tribe took their allotments, became citizens of the United States by terms of the treaty, and were henceforth known as the Citizen Band of Potawatomi or Citizen Band.

The majority of the Citizen Potawatomi soon sold their allotments and joined in a plan to purchase a new reservation in the Indian territory where it was proposed to reestablish tribal relations.

Those who did not dispose of their allotments were absorbed into the communities in Kansas where their lands were located.

In 1867, a treaty provided for the registration of the Citizen Potawatomi who wished to go to the Indian territory, under the direction of their own business committee, within 2 years after the ratification of the treaty.

The new reservation purchase by the Citizen Potawatomi extended from the South Canadian River to the North Canadian River, between the western boundary of the Seminole Nation, and the Indian Meridian, a tract 20 miles square, about 575,000 acres.

A portion of this same tract had been assigned by the Government as a location for the Absentee Shawnee, when the tract was sold to the Citizen Potawatomi.

They asked the Government to remove the Absentee Shawnee.

Action was postponed, and matters drifted along for nearly 25 years until the allotment of lands in severalty came under consideration.

Since the Shawnee had settled in the northern part of the tract, the Potawatomi in the central and southern portions, there was never any clash between the two tribes though some feeling arose among the Absentee Shawnee when the Citizen Potawatomi asked the United States to confirm their full possession of the reservation.

An amicable and fair settlement was finally made in agreements with the two tribes and the Government.

The Potawatomi Agreement entered into at Shawnee Town, near present Tecumseh, on June 25, 1890, between U.S. Commissioners and the Citizen Potawatomi Business Committee provided for allotment



of land to each Citizen Potawatomi and payment in full to the Citizen Band for all surplus lands on the reservation, including those allotted to the Absentee Shawnee.

The following day, an agreement made the Absentee Shawnee and the U.S. Commissioners as Shawnee Town provided for allotment of land in severalty to these Shawnee and a per capita payment of money equaling approximately that paid to the Potawatomi.

Allotments were completed in 1891, and the surplus lands, about 275,000 acres, became a part of Oklahoma Territory and were opened to white settlement by a run on, September 22, 1891.

That gentlemen, is a brief history of a great Indian Nation that once controlled millions of acres in the Great Lakes region, but who were forced to move numerous times and relinquish the lands of their ancestors, and in the process of movements and treaties, their land holdings have diminished to a mere 260 acres more or less, in the Shawnee area, within the boundaries of the original Potawatomi reservations.

The tribe now has less than an acre of land held in trust in the Southern part of the country.

The Citizen Band Potawatomi are again petitioning the Government of the United States to authorize the conveyance of certain land in trust for the Citizen Band Potawatomi Indians of Oklahoma.

Said lands are described in bill S. 3359 and H. R. 11890.

The previously filed requests for trust status with H.R. 12112, dated December 1971, and S. 3235, dated February 24, 1972, both failed.

The present business committee is again very desirous of attaining trust status for our tribal lands.

With the acquisition of trust status, this land would be very hard to dispose of by the tribal council.

Though trust status would remove the land from taxation this is no objection, as we have acquired a resolution from the city commission supporting our request for trust status, and the land is now within the confines of the city limits of Shawnee.

It is very important that the tribe retain this property, because without a land base, we would lose our identity and eventually government recognition.

The plans for future use of this property is to maintain a farming program, and development of a bicentennial exhibit for 1976.

We have approximately 40 acres of timber land which we plan to turn into a park and recreation area for tribal use.

The business committee is also seeking some diversified business and light industry to locate on the high ground which is not suitable for farming operations.

Mr. Chairman, that concludes my testimony.

Senator BARTLETT. Mr. Schmidtkofer, I certainly thank you for a very interesting report on the history of the Citizen Band of Potawatomi.

I am very familiar with one location here you mentioned early in the history on January 9, 1789, Fort Hamar.

That is located in what is now Marietta, Ohio, where I was born, so I am familiar with Hamar.



I certainly think your plan sounds very important to the future of the tribe, and will be very helpful to other citizens of the State, particular in the Shawnee area.

I am pleased that the Bureau of Indian Affairs has recommended passage of the legislation.

Hopefully we can get this bill out of this committee very quickly and passed in the Senate.

We know that the delegation in the House has made arrangements for quick action there, if at all possible.

Do you have any other comments that you would like to make?

Mr. SCHMIDLKOFE. No, I have no other comments I would like to make.

Senator BARTLETT. Mr. Schmidlkofer, we thank you very much and appreciate your coming.

This is very important legislation and it is certainly very important to members of your tribe.

We will make every effort to pass it.

Mr. SCHMIDLKOFE. Thank you, Mr. Chairman.

Senator BARTLETT. The next item is Senate bill 2888 having to do with conveyance of certain lands of the United States to the Inter-Tribal Council, Inc., in Miami, Okla.

Mr. Robert Whitebird is the president of the Inter-Tribal Council, Inc. and we would like to have your testimony, sir.

Mr. WHITEBIRD. First of all, I would like to express my appreciation.

Senator BARTLETT. Mr. Whitebird, if you will, please put the microphone right in front of you, otherwise it will not pick up the sound too well.

Yes, that is fine.

Mr. WHITEBIRD. First of all, I would like to express my appreciation for having the opportunity to appear here today and on behalf of the Inter-Tribal Council.

We have the 25 copies here as requested by the Chairman, Henry M. Jackson in his letter.

Senator BARTLETT. Please proceed with your testimony.

#### STATEMENT OF ROBERT WHITEBIRD, PRESIDENT, INTER-TRIBAL COUNCIL OF NORTHEASTERN OKLAHOMA

Mr. WHITEBIRD. I am Robert A. Whitebird, president of the Inter-Tribal Council, Inc., a nonprofit Oklahoma corporation, chartered through the State laws of Oklahoma, in June 1968.

I wish to extend to you greetings from northeast Oklahoma.

I should like to state that we appreciate the opportunity of appearing before this subcommittee and being afforded the opportunity to express our desires personally in behalf of this legislative action regarding Senate bill 2888.

Here with me today are other members of the Inter-Tribal Council, Leonard Cotter, Chief of the Wyandotte Tribe of Oklahoma; James Allen, chief of the Seneca-Cayuga Tribe; John Redeagle, chairman of the Quapaw Tribe; Floyd Leonard, second chief of the



Miami Tribe; and Jake Whitecrow, program director of the Inter-Tribal Council.

The history of the action involved in this acreage in question is quite extensive.

Our Inter-Tribal Council initiated this action in October, 1968, and have since that date, attempted to get this land transferred to our Inter-Tribal Council in order for us to promote industry in the area and to create jobs for the development of career opportunities for the American Indian.

Upon the initiation of our action, the Bureau of Indian Affairs supported this transfer in title.

The original request was for this land to be transferred to the Inter-Tribal Council with the land being placed on the tax rolls of the local county.

However, since the initiation of our action and having passed through two different sessions of Congress, the situation has changed.

The Council now desires that this land be transferred to them and held in trust by the Federal government through the Bureau of Indian Affairs.

We understand that this is a new landmark of legislation providing for the Federal Government to transfer parcels of land to a nonprofit Inter-Tribal Corporation to be held in trust for that corporation.

However, innovative things are happening daily and this great government is making new program opportunities available to the American Indian.

We do plead with you to maintain this new direction and transfer this land eligible for participation through funds presently available through the Economic Development Administration.

Our Council is organized to help the American Indian develop in all aspects of health, education, and career development.

In a regular meeting of the Inter-Tribal Council on Friday night, May 3, 1974, our Inter-Tribal Council elected to submit these proposals in the following order.

One, we desire this land to be transferred to the Council and held in trust.

Two, if this is not possible, then we submit the following two proposals in their order of acceptability.

This land be transferred back in title to and held in trust for the Wyandotte Tribe of Oklahoma.

Inasmuch as this land was originally Wyandotte land, our Council is in favor of this alternative.

The last alternative would be to transfer title to the Inter-Tribal Council in fee patent.

We have only the objective of creating jobs, working within the community, and helping the building of northeast Oklahoma.

As an Inter-Tribal Council composed of representatives from the 8 tribes located in our region, we plead with you to grant us the action which we are requesting in our original proposal which is, give us this land in trust status so that we may work hand-in-hand with other agencies of the Federal Government to bring about the



joys of living in job opportunity for the citizens of northeast Oklahoma.

This completes my statement.

Senator BARTLETT. Mr. Whitebird, thank you for your very fine statement and for you and your friends coming from Oklahoma to testify before this committee.

I am very much aware of the area involved and the good that will come from this transfer.

This area of Oklahoma has progressed very greatly in the last few years in both industry and recreation and has much promise in the future for more jobs and a better life for the citizens of northeastern Oklahoma.

I know that you are aware that Commissioner Thompson did testify that he had no objection to your request that the transfer be made in trust to the Inter-Tribal Council, to the four federally recognized tribes of the eight tribes Inter-Tribal Council.

I asked the Commission and would like to now ask you this question.

It is my understanding that each of the eight members of the Inter-Tribal Council would like to have this land held in trust by the entire tribal council.

All eight members, is that correct?

Mr. WHITEBIRD. That is correct.

Senator BARTLETT. Would it be the desire of the eight members of the Tribal Council in transferring this in trust, to the four recognized tribes, federally recognized tribes to have a proviso that as any of the four nonrecognized tribes would become recognized in the future, that they would share with the four recognized tribes, in the ownership and trust of this land?

Mr. WHITEBIRD. The legislation has been submitted and received just consideration and is approved.

They are returning back to what, you might say the fold, and we are working very closely together at this time.

We will work closely together in the future.

Senator BARTLETT. Would it be your desire then that we attempt to work out an amendment to the bill to bring this about, an amendment which would be supported by the Inter-Tribal Council and the BIA, so that if any one of the four nonrecognized tribes at some future date became recognized by the Federal Government, that they and the presently recognized tribes, would share in the conveyance of the land in trust?

Mr. WHITEBIRD. Yes, we would greatly appreciate this.

Senator BARTLETT. I know in the case of all four tribes there is a desire to have recognition.

I support this effort and am hoping that the progress that was made by the Menominee's in reaching a federally recognized status will pave the way for quicker action in recognizing the other tribes of the northeastern division of Oklahoma.

I will work very hard in that direction and I know many others who are interested also.



I want to commend you for having the eight tribes work together. I think this is vital to achieve the kind of goals you have set for yourselves.

I think it gives the eight tribes more influence in getting things done.

I commend you and the other tribal members who are here for achieving that level of collaboration that is important in getting things done.

Mr. WHITEBIRD. Thank you.

Senator BARTLETT. All right, we will proceed with this and will submit to you, the amendment that is worked out for your approval and also to the BIA for its approval. We would like to proceed with this bill expeditiously.

Mr. Whitebird, I thank you and Mr. White Crow and others who are with you for your testimony here. Thank you very much.

Mr. WHITEBIRD. I would like to express the thanks of the Inter-Tribal Council in the consideration given at this time.

Senator BARTLETT. Very fine testimony. We appreciate it very much.

Item six is S. 2818 to declare that certain federally owned lands be held by the United States in trust for the Kiowa, Comanche and Apache Indian Tribes of Oklahoma.

We have four members of the tribes who will appear as a panel.

You may testify as you desire.

Mr. Frank Redbone, is chairman of the Inter-Tribal Land Use Committee of the Kiowa, Comanche, Apache Tribes.

He is accompanied by Mr. Lee Motah, Land Use Committee, Mr. Browning Pipestem, Legal Counsel, and Bob Cannon, chairman of the Kiowa Tribe.

Mr. Redbone—Mr. Lee Motah, would you proceed?

#### STATEMENT OF LEE MOTAH, CHAIRMAN, COMANCHE TRIBE OF INDIANS

Mr. MOTAH. Mr. Chairman, and other gentlemen of the Indian Affairs Subcommittee, I am Lee Motah, chairman of the Comanche Tribe of Indiana, and I would like to express my appreciation and the appreciation of our Tribes for this opportunity to address the subcommittee on this vital legislation.

My statement will be brief and to the point.

I am here to testify on behalf of the Kiowa, Comanche and Apache Tribes of Oklahoma to seek passage by the Senate of S. 2818 now before this subcommittee.

We consider this legislation to be of extreme importance to our tribes.

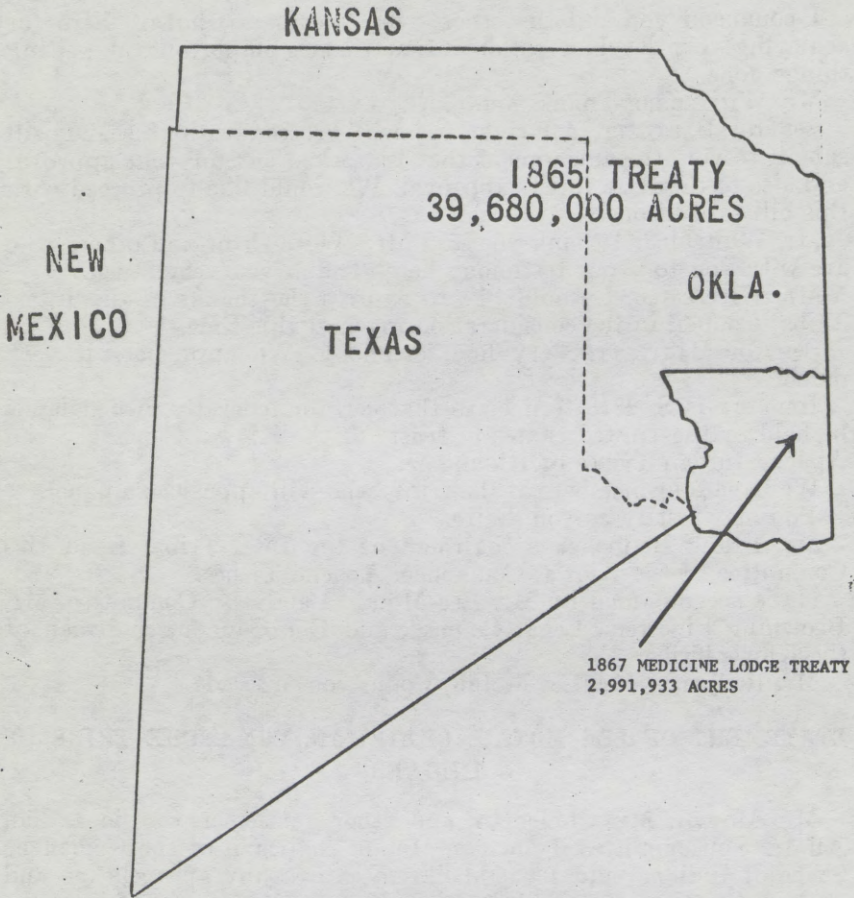
Between 1887 and 1966, the Indian land base nationwide decreased from approximately 138 million acres to 55 million acres.

The land base of the Kiowa, Comanche and Apache Tribes has also been spectacularly eroded.

Prior to 1865, we had aboriginal title to roughly 90 million acres.



In 1865, we entered into a treaty with the United States which limited our title to approximately 39,600,000 acres which was bordered by Kansas, New Mexico and Texas covering most of western Oklahoma and the Panhandle of Texas. (Fig. 1.)



The Medicine Lodge Treaty of 1867 by cession of millions of acres to the United States further reduced our land holdings to slightly less than 3 million acres with all these lands situated within the boundaries of what is now the State of Oklahoma, thereby eliminating our property in west Texas.

During the allotment period, our lands were further reduced when the Kiowa, Comanche, and Apache Indians, by the Jerome Agreement, ratified by Congress on June 6, 1900, act of June 6, 1900, c. 813 sec. 6, 31 stat. 676, reluctantly ceded to the United States, our reservation, with the exception of certain pasture lands, and subject to an allotment of 160 acres to be made to each member of the tribe.

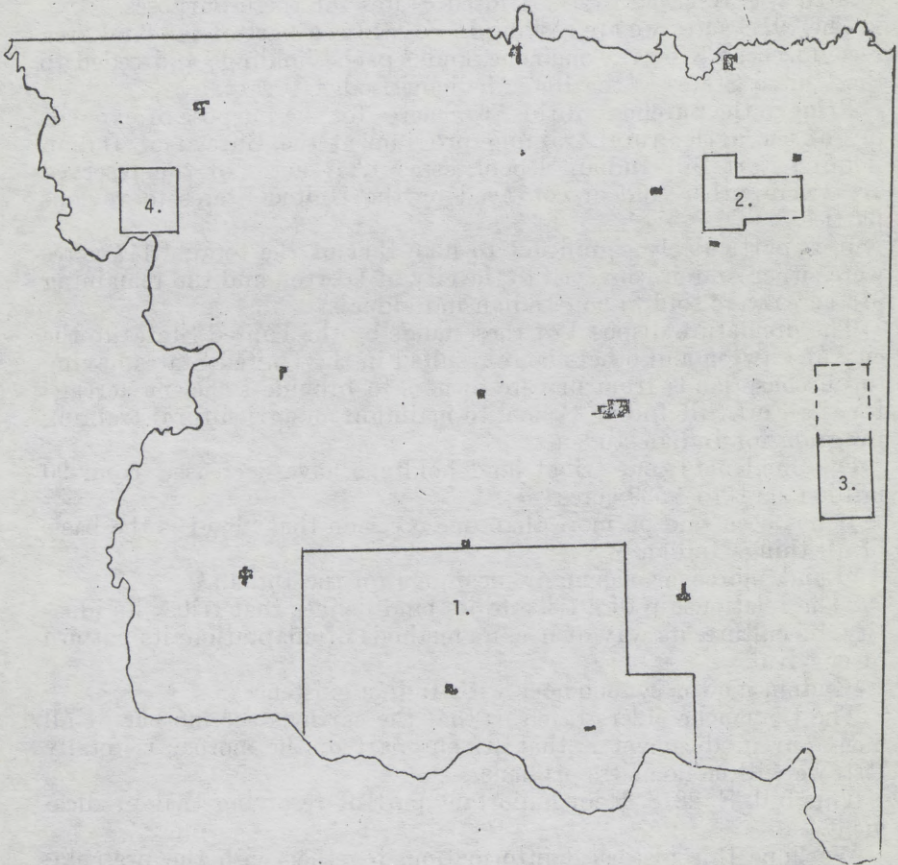
Under this agreement, 445,000 acres were allotted to 3,444 Indians; 11,972 acres were reserved for agency, school, religious, and other



purposes; 480,000 acres were set apart for grazing land for the tribes; and 2,033,583 acres were opened to settlement under the Presidential proclamations at various times.

The remainder was reserved for townsites under the act of March 20, 1906, 34 stat. 80 c. 1125, and additional allotments. (Fig. 2.)

## 1867 MEDICINE LODGE TREATY



### BIG PASTURE

1. 404,041.11 acres
2. 30,046.63 acres
3. 22,500.66 acres
4. 20,540.74 acres

### WOODLAND RESERVE

23,040 acres

### ALLOTTED LANDS

Original - 445,000 acres  
Current - 229,083 acres



The total allotted acreage to members of our three tribes have since been reduced through individual sale to a total of approximately 229,000 acres or a reduction of roughly 48.5 percent.

Tribal lands now held in trust for the Kiowa, Comanche, and Apache Tribes total, 4,539 acres, which represents slightly more than 1/100 of 1 percent of land holdings in 1865—a dramatic decrease.

In addition, the 1900 act reserved certain lands for use of the United States for schools, hospitals, and agencies.

A portion of the land on which the Fort Sill Indian School is located was reserved by the United States for these purposes.

The 791.8 acres we are seeking in S. 2818 is a part of the land area recognized as Kiowa, Comanche, and Apache holdings and ceded to the United States in the 1867 Medicine Lodge Treaty.

Prior to the purchase of this 791.8 acres for the purpose of expanding of the agricultural training program at the Bureau of Indian Affairs, Fort Sill Indian School, some 1,357 acres of the reserved area were either sold or conveyed by the United States to various parties.

It is particularly significant to note that of the total, 1,147 acres were either sold or conveyed to the city of Lawton and the remaining 213 acres were sold to non-Indian individuals.

The premature disposal of these lands by the United States to the city of Lawton and others later resulted in the United States having to purchase lands from private owners to provide sufficient acreage for the Fort Sill Indian School to maintain an agricultural training program for Indian students.

One final note; our tribal land holdings have decreased from 90 million acres to 4,539 acres.

It has been said on more than one occasion that "land is the basis of all things Indian.

"Land, moreover, has many meanings for the Indian.

"The relationship of a tribe to its land defines that tribe: its identity, its culture, its way of life, its methods of adaptation, its pattern of survival.

"Indian land is synonymous with Indian existence".

The Comanche elders teach us that the earth is the mother of all men; our predicament is that: if our part of the mother is totally lost, we will be homeless orphans.

This bill, S. 2818, is an important part of resolving that predicament.

We hope this historical information, together with the presentations of our obvious need to increase our land base to aid in our ongoing efforts to raise the economic level and, thus, the living standards of our people, will provide your committee further insight for your deliberations.

Thank you for the opportunity to appear before this subcommittee in support of S. 2818.

Now Senator, we have our testimony in three categories.



We would like for questions to be asked after the three witnesses are completed so that we could answer them.

We are in sequence here as to our historical problem of S. 2818.

We would like the witnesses to go in order.

Senator BARTLETT. That will be fine. Thank you, Mr. Motah.

**STATEMENT OF FRANK REDBONE, CHAIRMAN, THE APACHE TRIBE  
OF INDIANS AND CHAIRMAN, THE KIOWA, COMANCHE AND  
APACHE INTER-TRIBAL LAND USE COMMITTEE**

Mr. REDBONE. Mr. Chairman, Senator Bartlett and other gentlemen of the Indian Affairs Subcommittee, I am Frank Redbone, chairman of the Apache Tribe of Indians and also chairman of the Kiowa, Comanche, and Apache Inter-Tribal Land Use Committee, which is the formally recognized joint planning and land-use body of the three tribes.

My colleague, Mr. Motah, has given you a brief account of our land history.

The purpose of my testimony is to acquaint you with our current efforts and plans to develop our present land holdings as well as place into the record of this proceeding a copy of and discuss a report commissioned by the KCA Inter-Tribal Land Use Committee and prepared by the Oklahoma Indian Affairs Commission and the University of Oklahoma, Office of Community Personnel and Planning Programs relating to the planned use of 791.8 acres being considered in this bill.

We began our planning activity on one of the land areas we own within the city limits of Lawton, Okla., involving 310 acres.

Our Kiowa, Comanche, and Apache Inter-Tribal Land Use Committee, in coordination with the Bureau of Indian Affairs, developed a preliminary site development concept for this area.

It was our purpose to use this plan as a basis to invite proposals from prospective developers.

This concept was accomplished in 1970 and brochures were mailed out early in 1971.

Following this initial attempt, when the Economic Development Administration in 1971 determined that Indian Tribes in Oklahoma could become eligible for their assistance, we were among the first to submit our Overall Economic Development Plan to establish recognition.

Upon recognition by EDA, we submitted a request for technical assistance to prepare a feasibility study to determine the best approach to development of the previously mentioned 310 acre site.

This study recommended that a 56-acre tract which we own in this same vicinity should be the first development with proceeds from this venture to become the seed money and catalyst for a phased development of the larger area.



We proposed assistance from EDA to establish a light industrial park on the smaller 56-acre tract at an estimated cost of \$200,000.

This project has been approved, and we are now in the process of finalizing designs to proceed with inviting bids for construction.

Based on contacts we have had thus far, we anticipate some promising enterprises to locate on this site.

We are looking forward to this initial development as one of, hopefully, several that will become the means for our people to improve their living standards and to reduce the chronically high unemployment level.

We have accomplished these developments in spite of the fact that Oklahoma Indian Tribes have been generally ineligible for development and other programs that have benefited Indian tribes in other parts of our Nation.

In the report prepared by the University of Oklahoma for our Land Use Committee, an important finding is that other land is available for the city of Lawton to develop a regional park.

On pages 11 and 12, the report states the following:

There is currently some discussion in the Lawton area about development of a regional park, and such a development may come about if use of the Wildlife Refuge is sharply curtailed.

Where to put such a park becomes another question.

Considerations of size, terrain, location, access and economic use all combine to indicate that this 791.8 acre tract is not the place for it.

Consideration for such a park site might better be given to the Lake Lawtonka-Mt. Scott area, on land owned by the city of Lawton and/or the federal government.

With respect to the planned use of this 791.8 acres, a cardinal purpose of planning is to catalogue potentialities and identify future opportunities.

We have begun this process of discovering future opportunities with this land use analysis commissioned by the Land Use Committee.

Our plans and use of the land, we believe, will benefit all parties in the area and will be consistent with the highest planning standards and best use available for developing this acreage.

Restoration of this land to the tribes will have the positive effect of assuring us a firmer grip on the future and will be a major step in reversing and destructive historical trend of continued loss of land by Indian tribes.

We are pleased that we have been given this opportunity to appear before your committee to seek passage of Senate bill 2818.

Senator BARTLETT. Mr. Redbone, thank you very much.

Mr. Cannon.

#### **STATEMENT OF BOB CANNON, CHAIRMAN, THE KIOWA TRIBE OF INDIANS**

Mr. CANNON. Thank you, Senator Bartlett. I also have with me this morning, two planners, Mr. Bob Wolf and Mr. Bill Cross.

It is indeed a privilege to appear before this subcommittee to urge enactment of S. 2818.



The previous testimony has in general been directed toward our tribal land history and an overview of our current development activities on tribal lands, which have been impeded by the fact that Oklahoma Indian Tribes have not been eligible for the broad array of development programs that have benefited Indian tribes in other States.

My testimony will be directed toward amalgamating and summarizing these two ideas into two main points about the future plans of the Kiowa, Comanche, and Apache Inter-Tribal Land Use Committee for the use of this 791.8-acre tract and other tribal lands.

First, it is our goal to develop a comprehensive land use plan for our tribal land holdings that will benefit our tribes and the tribal memberships.

We believe that our goals for land use are necessarily compatible with and flexible enough to mesh with local development plans by the city of Lawton or any other unit of local government.

One word of qualification, wholesale abandoning of our own interests is not included in the flexibility.

Particularly when it is not unusual to deem Indian tribes "unreasonable" when they will not totally subordinate their interests to local pressures.

We also have aspirations and we too have ambitions.

Second, we would like to lay to rest any notion that the Kiowa, Comanche, and Apache Tribes do not have or cannot muster the requisite development mechanism to keep pace with the growth in the area.

Negotiations are presently underway to local light industry on lands near the 791.8-acre site.

Through the efforts of positive Congressional leadership of years past and the new leadership in Congress today, legislation directed toward Indians in programs no longer exclude Oklahoma Indians from participating in these programs such as EDA.

I am eager to state at this point that we have developed the capability of coordinating with Federal, state, and local units of government and the tribes, a mechanism which can provide the technological expertise and funding and other resources needed to make operable any plan the Kiowa, Comanche, and Apache Tribes may undertake.

The present ability of the tribes to set up a business structure with fiscal control, planning capabilities and structured to meet the needs of the people can insure us a high success factor with these plans.

In addition, during the past year, the Kiowa, Comanche, and Apache Tribes have bought back 47 lots located in the old Ahpeah-tone Townsite.

This action was initiated and consummated by the Kiowa, Comanche, and Apache Inter-Tribal Land Use Committee and is a positive indication that the tribes are capable of exercising the type leadership which will build back into the tribal governments a stable land base upon which we can build a sound economic structure for the three tribes.



In conclusion, the first step in implementation of this great policy and general plan of the Kiowa, Comanche and Apache Inter-Tribal Land Use Committee will be the preparation of a detailed land-use plan for the property, concentrating specifically on the design and programing for recreational facilities for use by the Kiowa, Comanche and Apache Tribes and the city of Lawton.

The plan must most directly benefit the members of the Kiowa, Comanche, and Apache Tribes whether it be housing, an income generating program or any combination of programs.

At this time, I state emphatically that we have no desire to come to an impasse with Lawton over the use of this land.

The tribes can and have had discussions with Lawton on avenues to pursue in a functional plan that is compatible with the tribes and the city of Lawton and with representatives of the Bureau of Indian Affairs.

As recently as last week, the KCA Inter-Tribal Land Use Committee met with the mayor of Lawton and his chief planner to discuss this matter.

It may be possible to work out a leasing arrangement with Lawton for a portion of the land use ownership is confirmed in the tribes.

At this meeting, on May 6, 1974, the mayor indicated several times that the city of Lawton is interested only in the use of a portion of this land and not in ownership.

Under questioning by members of our land use committee, he, the mayor, explicitly restated the position that use is their primary interest, and they had no objections to title being confirmed in trust for the Kiowa, Comanche, and Apache Tribes, if a use agreement could be worked out with the city of Lawton.

The Land Use Committee passed a motion requesting Mayor Whitaker to submit a written proposal conforming to our discussions on May 6, 1974.

The proposal Lawton brought to us on May 10, 1974, and viewed May 12, says they want 628 acres of the total with an alternate proposal that would restrict the use of the major portion of the land to a specific use—only for the city of Lawton.

We did receive a proposal but it is substantially different from what was discussed, at our meeting on May 6. I refer to the attachments.

This lack of credibility is one of the reasons that this bill is so important to us.

Once ownership is confirmed in the tribes a more substantial and significant negotiation based on reality and accepted planning standards can take place.

I want to respectfully thank the subcommittee for this opportunity to appear and urge enactment of S. 2818, without amendment.

Thank you.

Senator BARTLETT. Are there any other comments you would like to make at this time?



Would you like to make any comments, Mr. Pipestem?

Mr. PIPESTEM. No.

Senator BARTLETT. Can any one of you gentlemen provide the committee with a complete history of negotiations with Lawton City officials to resolve the dispute over the land in question?

Mr. Cannon mentioned one meeting, or maybe there were two meetings.

Mr. CANNON. Could I have the question again?

Senator BARTLETT. You did describe the recent meeting with Mayor Whitaker, a subsequent meeting on May 6, and a subsequent proposal delivered to you on the 10th.

Could you provide a more complete history of the negotiations you have had with the city of Lawton?

Mr. CANNON. I do not have the minutes of the first meeting that transpired in December of 1972, but I do have a brief summary of what transpired at the meeting that I referred that transpired between the mayor and his planner.

I will cite this at this time.

During the May 6, 1974 meeting of the KCA Inter-Tribal Land Use Committee, they stated the city was only interested in the use of the land, not ownership and would be willing to make a proposal to the KCA Inter-Tribal Land Use Committee on the 791.8 acres which were acquired by the Kiowa, Comanche and Apache Tribes.

This is where a motion was entertained or made by Bob Cannon, seconded by Mr. Motan, to receive for debate, without comment or commitment, a proposal for the city of Lawton that dealt only with potential use, not ownership of the city of Lawton of a portion of the 791.8 acres.

The motion carried eight for and zero against. The other would be to cite the proposal or the response from the city of Lawton to the mayor.

Do you want this? OK.

This was at a meeting on May 6, 1974. The KCA Inter-Tribal Chiefs requested that the city of Lawton submit this proposal to them for their consideration in presenting a compromise agreement at the hearing of the KCA bill.

It cites the House of Representatives 949 and Senate bill 2818, background information, House of Representatives 1149, December 13, 1973, shows 791.8 acres.

The local records indicate that in 1939, the Department of Interior acquired approximately 890 acres for a program at the Fort Sill Indian School which never materialized.

This land is now surplus to the requirements of the government.

For informational purposes, the programs did materialize but there was a deemphasis on the agriculture aspect of the curriculum so it was dropped and at that point, became no longer needed.

All of the area in question is within the city limits of Lawton and is subject to the zoning regulations.



All but approximately 100 acres is zoned as a flood plain which is an outdoor recreation complex and would be a use.

The remainder could be zoned for other uses.

Our information is from the latest Corps of Engineers surveys and shows actually 270 acres that are actually a flood plain.

There is some question here.

Lawton needed approximately 628 acres for an outdoor recreation complex which would serve the region.

The complex would include a golf course, tennis and hand ball courts, a ball diamond, football field and passive recreation areas.

The land desired by the city is entirely within the flood plain.

The McMann Foundation has set aside \$773,000 in purchase escrow for the land.

Here is Lawton's position. That the bill be amended to include all the land surplus to government needs and this is stated here, approximately 890 acres, that Lawton purchase the land at the original cost and retain ownership of the land and the flood plain, approximately 628 acres with the remainder being deeded in trust to the KCA Tribe with no cost to the tribes, that Lawton provide Cameron College with a tract of city owned land suitable for college agricultural education programs, that Lawton assist the KCA in planning, zoning and development plans for the land transfer to the KCA.

The alternate proposal that should title to the land be given to the KCA Tribes with restrictive covenants with title provided, that Lawton have the use of 628 acres on a long-term lease, 99 years, at a prorated lease cost not to exceed a total of \$71,733.

Senator BARTLETT. Mr. Cannon, would you submit that report for the record in its entirety?

Mr. CANNON. That is a part of the attachments that I referred to.

Senator BARTLETT. Oh, I see. It is a part of this report?

Mr. CANNON. Yes. It should be a part of the testimony. If it is not, it is included in the position.

Senator BARTLETT. I see. We will include this report and, of course, the information you read as a part of the record.

Could you provide further background on previous meetings. If you do not have the records or the minutes of the meetings with you, you can provide them for the record later.

[Report referred to above follows:]



A  
REPORT

TO THE

KIOWA-COMANCHE-APACHE INTER-TRIBAL LAND USE COMMITTEE

ON

PLANNED USE OF THE LAND BEING

CONSIDERED IN SENATE BILL NO. 2818

Prepared for the  
OKLAHOMA INDIAN AFFAIRS COMMISSION

By  
THE UNIVERSITY OF OKLAHOMA  
OFFICE OF COMMUNITY PERSONNEL AND PLANNING PROGRAMS  
Norman, Oklahoma



### INTRODUCTION

The basic approach taken in preparing the general land use plan, as shown on the maps included in and accompanying this report, for the 791.8 acres of land is that of attempting to arrive at a combination of uses which appear to be most beneficial to the members of the Kiowa, Comanche and Apache Tribes, and the people of the City of Lawton.

### GENERAL DESCRIPTION

In working toward a determination of these uses, both the physiography and the location of the tract itself, and what has taken place or can be expected to take place within the larger geographic setting in which the land is located, i.e., the City of Lawton, must be taken into consideration.

The primary consideration, and in this case a major limiting factor on potential uses, is the fact that approximately 270 acres, or 34 per cent of the tract, is in the East Cache Creek 100-year flood plain, as delineated by the U.S. Army Corps of Engineers in their Special Flood Hazard Information Study of December 1973. The low point in the creek bed at the southwest corner of the tract is 1,052 feet above sea level. In general, the alluvial plain slopes gently from the 1,080-foot point at



the top of the creek channel itself to the 1,100-foot line, which runs approximately one mile east of the creek. The eastern 40-50 acres of the portion of the tract in Section 28 and some 100-120 acres of the northeast quarter of Section 21 are rolling, with the general slope running more rapidly to a high point of 1,157 feet in Section 21.

While there has been some residential and commercial use encroachment into this flood plain around the perimeter of this particular tract, the City of Lawton's participation in the federal flood insurance program can be expected to stop further development of this type in the flood plain.

Under the terms of the flood insurance program, and according to commonly accepted land use planning principles relating to flood plain development, the uses of the low lying portion of this particular tract are limited to recreation, agriculture and certain narrowly restricted (mostly extractive) industrial uses. No mineral resources of value have been identified on the property, and the greater Lawton area has plenty of land better suited for industrial use. Thus the obvious best uses of the flood plain portion of this tract are recreational and/or agricultural. (Here it should be noted that the 100-year flood plain defined by the Corps of Engineers in their most recent report is considerably smaller than that area identified as flood plain on maps in the land use plans prepared by the



Lawton Metropolitan Area Planning Commission (LMAPC) in 1966 and 1974, approximately 270 acres as opposed to approximately 610 acres.)

#### RECREATIONAL USE ANALYSIS

In dealing with the possible recreational use of all or part of the tract, consideration must first be given to the recreational land use situation in the total Lawton metropolitan area. The City of Lawton currently has 57 subneighborhood parks (85.8 acres) and neighborhood parks (167 acres), and one community park (176 acres), totaling some 428.8 acres. Nineteen of these can be classified as neighborhood parks, according to classification standards developed by the National Recreation and Park Association (NRPA) (5-20 acres in size). These, and the 38 subneighborhood parks are, in general, well dispersed throughout the City. Data produced by the City of Lawton indicates that one neighborhood park and 12 subneighborhood parks receive "light" use, though the standards for such determination are not defined in the material.

The Open Space Plan of the Association of South Central Oklahoma Governments (ASCOG), the regional planning organization which covers Lawton, indicates a current deficiency of 122 acres in neighborhood parks in Lawton. Yet figures developed from the standard which ASCOG uses, 2 acres per 1,000 population, do not



bear out this deficiency figure. According to this standard, Lawton, with a current estimated population of 76,000, should have 152 acres in neighborhood parks. The 19 neighborhood parks now cover a total of 167 acres, and the subneighborhood parks provide another 85.8 acres. Even applying the more generous standards of the NRPA, 2.5 acres per 1,000 population, it appears that the existing system of neighborhood and subneighborhood parks is fully adequate to take care of Lawton's needs for this type of park.

According to the NRPA standards of one baseball field per 6,000 population or one softball field per 3,000, Lawton's 60 existing ball diamonds would be enough to take care of the needs of a city about three times its size. However, the City's very active organized sports program appears to make good use of the fields.

Actually, the only standards relating to park, recreational, or open space land use which the City of Lawton applies is a requirement in the subdivision regulations for the set-aside of 5 per cent of the gross subdivision land area for such use. Discussions with the Lawton City Planning Department indicate that this general standard has some weaknesses in that there is no minimum site size requirement, and the sites in small subdivisions may be too small for good park use. Also, the land which is least suitable for residential building is



often that which is set aside, and it may not be too suitable for park use either. But if it is judiciously applied, and particularly if it is strengthened and refined, this requirement should take care of Lawton's future neighborhood and subneighborhood park needs.

The ASCOG Open Space Plan shows a deficiency of 328 acres in Lawton in community parks. The standard of 5 acres per 1,000 population which ASCOG uses is the same as that of the NRPA (which also defines the size range of this type of park as 20-100 acres). Again applying the 76,000 current population figure, this deficiency does not work out. According to this standard, Lawton should have 380 acres in community parks. The one community park, Elmer Thomas, covers 176 acres, leaving a total community deficiency of 204 acres.

In summary, this analysis leads to the conclusion that Lawton is adequately supplied with neighborhood and subneighborhood parks, but that it does need more community parks.

Considering the direction of Lawton's growth in the past two decades (west and northwest), the pattern and congested condition of the major arterial streets in the City, and the projected growth pattern according to the City's 1973-1995 Land Use Plan, it appears that the interests of the majority of the residents of Lawton would not be well served by developing a single new community park on the east side of the City of a size to



make up either the current or projected deficiency in community parks. This is especially true concerning this particular tract, since the best recreational use part of it lies only about a mile from the existing community park.

The applicability of commonly accepted standards regarding park and recreational lands and facilities must be considered in the light of one particular situation prevalent in Lawton. Many of the citizens of the community are retired military personnel. As such, they have access to the excellent recreational facilities available on the Fort Sill Military Reservation, and they appear to utilize these extensively.

#### AGRICULTURAL USE ANALYSIS

Lawton is currently experiencing some leapfrog, checker-board type residential development to the east, most of it east and south of this tract with small amounts of commercial and industrial uses mixed in. The City's land use plan projects this area to continue to develop, primarily residentially. Thus the development of a new medium sized community park to serve this area would appear to be logical and practical.

"The zoning of land for primarily agricultural use could be employed to accomplish the objectives of the open space plan. Fertile land now in agricultural use should be preserved in order to maintain a source of food supply for the future population."



This statement from the ASCOG Open Space Plan (page 80) seems pointed directly at what would appear to be the best use of the greater portion of this tract. A total of some 550 acres, or 69 per cent of the tract, much of it (280 acres) above the flood plain as delineated by the Corps of Engineers but still lying in the East Cache Creek "bottom," is mostly excellent cropland and is currently being used for that purpose. The productivity of the land, and the constraints imposed on the other types of use stemming from the possibility of flooding, point to agricultural use as the best economic use of most of the low-lying portions of the tract. Also, agricultural use would serve to provide an open space buffer between the residential growth to the east and the commercial and industrial land uses which can be expected to develop along the Pioneer Expressway and the railroad to the west.

Considering the possible ownership of the tract by the Kiowa, Comanche and Apache Indian Tribes, continued agricultural use of the most productive parts of it takes on another dimension. The Tribes currently own 4,538.89 acres of land, much of it scattered in small tracts of 2-200 acres, but including one tract of 1,920 acres, in Comanche, Caddo and Kiowa Counties. Most of it is upland pastureland. In programming the use of the landholdings as a single economic resource, the addition of this 500 acres or so of productive cropland could provide a valuable



complement to such an endeavor as a livestock raising project by virtue of its value as a feed producing resource.

#### RESIDENTIAL USE ANALYSIS

The 1966 Lawton projected land use plan shows practically all of the tract as being put into low density residential use. The 1973-1995, most recent, projected land use plan covering the 791.8 acres shows the three quarter-sections on the west side, plus the area west of Northeast Fifteenth Street, designated for public use, a small amount of residential use in the extreme eastern sectors, and practically all of the tract in the flood plain.

Here the differences in the Corps of Engineers and the LMAPC delineations of the flood plain should be reiterated. The Corps study shows the 100-year flood level at Rogers Lane, the north end of the property, at 1,095 feet, and the level at the south end at 1,078 feet. The LMAPC flood plain designation apparently takes in the entire alluvial plain of both East Cache Creek and its tributaries. Since this alluvial plain itself rises some 20 feet in an average of one mile to the east of East Cache Creek, the Corps delineation would appear to be more meaningful.

Considering the terrain, the access, the type of development currently taking place around the tract and Lawton's overall



pattern of development, it appears that residential use would be most logical and proper for those portions of the tract lying above the 1,100-foot line, which marks the edge of the alluvial plain. This amounts to approximately 40 acres in Section 28 and 120 acres in Section 21. Some limitation on residential development might be encountered on parts of the Section 21 area because of rugged topography. (However, this type of setting is sometimes in demand for development of innovative, nonroutine, generally more expensive residences, as opposed to standard tract housing development, and it could have possibilities for income generating projects.)

#### USE PROJECTIONS

Most of the preceding analysis has been concerned with immediate or short-range considerations regarding the best uses of this tract.

Lawton is a difficult community for which to make long-range projections. The City grew rapidly from 1950 to 1960, with the population rising from 34,757 to 61,697, a gain of 77 per cent. The growth was less rapid but still substantial from 1960 to 1970; up to 74,470 population for a gain of 21 per cent. There are indications that the growth rate is continuing to decelerate. The State Industrial Development Department's Community Data Sheet for Lawton shows a drop in the 1973 estimated



county population to 101,700 from the 108,144 1970 Census figure. The 1966 Lawton Land Use Plan projected a 1970 county population of 117,000, which overshot the 1970 Census figure by 8.2 per cent. County population projections made by different agencies and organizations for 1985 vary widely. These include a low of 115,000 made by Indian Marketing/Management Consultants, Inc., of Tulsa, Oklahoma (IM/MC), in a study regarding use of the 320-acre tract of Kiowa-Comanche-Apache land lying immediately north of Elmer Thomas Park. The LMAPC 1985 projection, from the 1966 plan, is 156,400, with ASCOG's projection falling in the middle at 123,800.

The basis for each of the projections is not spelled out in the material in which they are quoted. However, the IM/MC study seems to be the best analysis produced yet of the overall Lawton economic picture. In it they correctly point out the depressing influence of the military domination of the economy. Based on the current picture, their population projection would appear to be the most reasonable of the three.

Of course the amount and impact of the military influence in Lawton is subject to a wide range of fluctuation in response to world affairs. The picture could change rapidly in a short time. Also, the industrial development which can be expected sooner or later to take advantage of Lawton's labor supply, and especially the recent announcement of the location of a large



tire manufacturing plant in Lawton can be expected to exert some stabilizing influence. The ultimate number of employees and the timetable for construction of the tire plant are still nebulous at this time.

Whatever the rate of Lawton's future growth may be, it should not have any real major bearing on the best general land uses for this tract as outlined herein. The flood plain will still be the flood plain. The concentration on this tract of much more recreational land than is programmed herein would still be out of place in relation to where most of the people of Lawton live and in terms of their access to the site.

Changes in the type of use of the 60,000-acre Wichita Mountains Wildlife Refuge northwest of Lawton may also have some influence on the recreational land use needs of the community. Elimination of overnight camping on the Refuge can be expected to stimulate development of this type of facility somewhere else in the area. This type of recreational use, particularly facilities for recreational vehicle camping, are often a function of the private sector. (The Kiowa, Comanche and Apache Indian Tribes could possibly fill this need as a revenue producing project.)

There is currently some discussion in the Lawton area about development of a regional park, and such a development may come about if use of the Wildlife Refuge is sharply curtailed. Where to put such a park becomes another question. Considerations



of size, terrain, location, access and economic use all combine to indicate that this 791.8-acre tract is not the place for it. Consideration for such a park site might better be given to the Lake Lawtonka-Mt.Scott area, on land owned by the City of Lawton and/or the federal government.

#### RECOMMENDATIONS

In conclusion, based on the analysis of the property and the situation surrounding it as described herein, the following recommendations are made:

1. That the Kiowa, Comanche and Apache Indian Tribes be authorized to acquire title to the said 791.8-acre tract by purchasing it from the United States Government.
2. That the Kiowa, Comanche and Apache Indian Tribes, upon acquiring ownership, adopt the formal policy of dedicating the use of the tract for the benefit of the members of the three Tribes and the City of Lawton, as described and illustrated in this plan.
3. That as a first step in implementing this general policy and general plan, the Kiowa-Comanche-Apache Inter-Tribal Land Use Committee commission the preparation of a detailed land use plan for the property concentrating primarily on design and programming of recreational facilities for use by the Kiowa, Comanche and Apache Indian Tribes and the City of Lawton, and



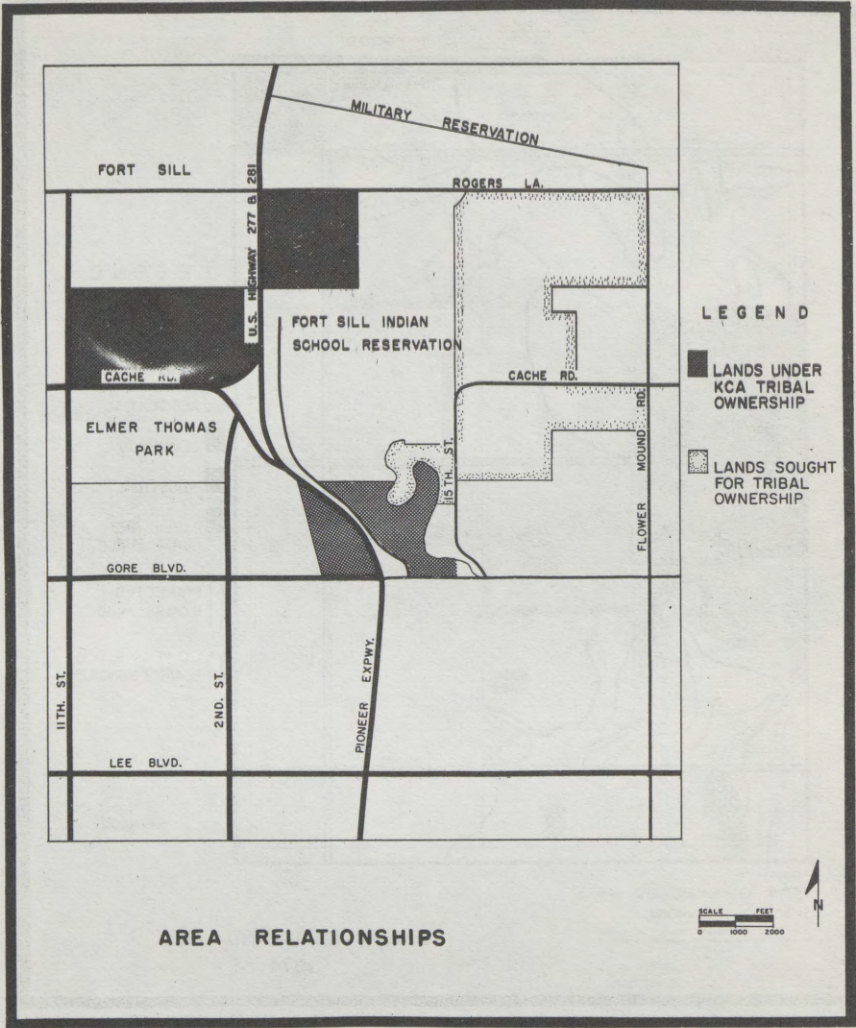
secondarily on residential development as it most directly benefits the members of the three Tribes -- whether it be housing for members of the Tribes, income generating properties or a combination of both. The plan should include both the detailed land use design and the formulation of policies relating to future use of the land.

Submitted April 18, 1974, by  
The University of Oklahoma  
Office of Community Personnel  
and Planning Programs  
Norman, Oklahoma 73069  
(405) 325-1723

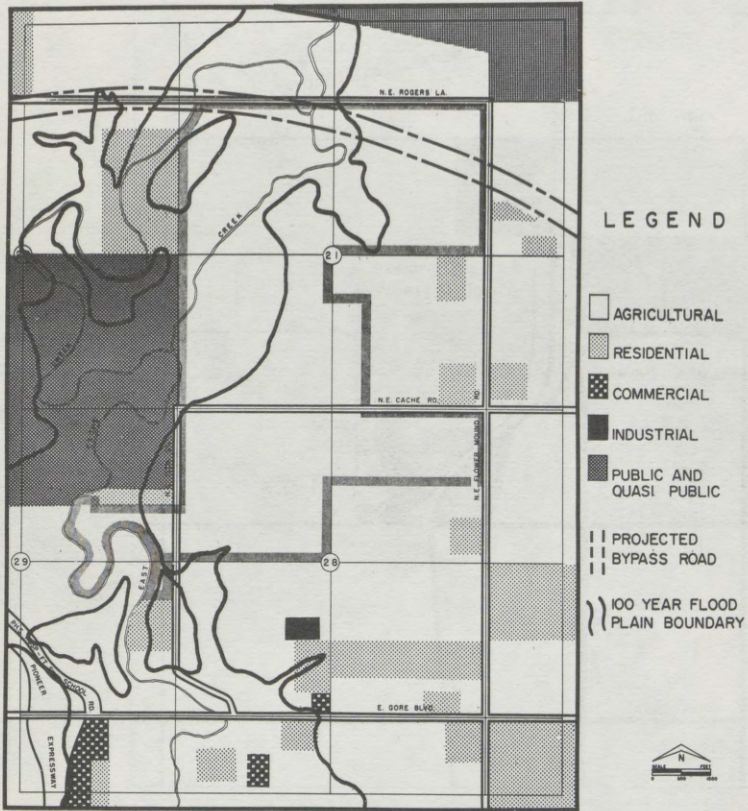
ROBERT R. WOLF, DIRECTOR

JAMES B. GRAVES, PLANNER-IN-CHARGE







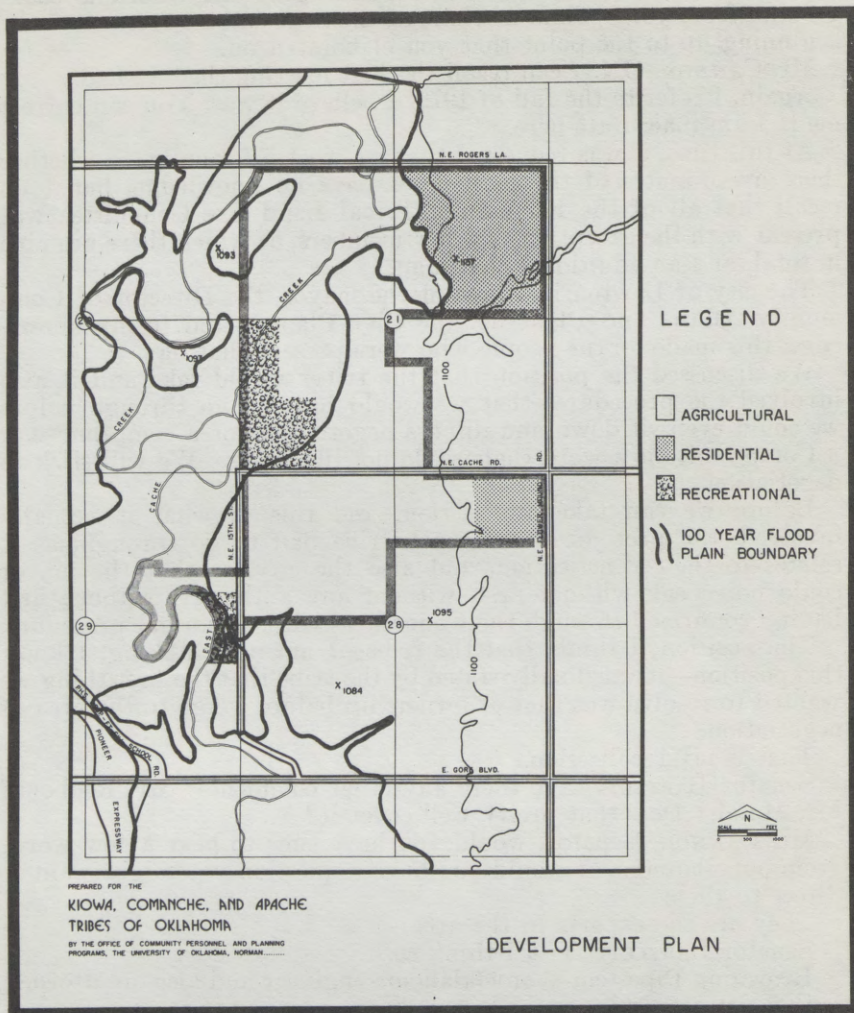


PREPARED FOR THE  
 KIOWA, COMANCHE, AND APACHE  
 TRIBES OF OKLAHOMA

BY THE OFFICE OF COMMUNITY PERSONNEL AND PLANNING  
 PROGRAMS, THE UNIVERSITY OF OKLAHOMA, NORMAN.....

GENERALIZED LAND USE  
 1974







Senator BARTLETT. If you will, please give the record a background, from your points of view, of the negotiations from the very beginning up to the point that you elaborated on.

Mr. CANNON. OK. I can recall the first meeting that we had.

Again, I refer to the fall of 1972, I believe it was. You can correct me if I am inaccurate here.

At this time, it was requested that we meet informally, so whether there are minutes of the meeting, I have no knowledge, but I do recall that all of the KCA Inter-Tribal Land Use Committee was present with the exception of a few members, of which there are nine in total, and an additional chairman.

The city of Lawton had present the mayor, the Director of Community Affairs and Planning, the City Planner and to my knowledge, this made up the people who were present that day.

We discussed the position that the tribes would take and it also involved the procedures that we would have to go through before we could even sit down and discuss negotiations or a compromise.

Compromise is a word that we do not like to use. We will stick to negotiation.

Before we can take any action, and this is what it actually involved, the procedures that each tribe had to go through, as it relates to their constitution, and also the city, so that the mayor could not speak without first, without any authority, without first having confirmed through the Council, which is a normal procedure.

The position, I think, that the tribe—I am not thinking, I know this position—it was finally stated by the tribe that the first thing we wanted to resolve was that of ownership before we go to the area of negotiation.

That is my recollection.

Senator BARTLETT. Are there any other comments? Mr. Redbone? Mr. Motah? Does that pretty well cover it?

Mr. CANNON. Senator, would you have time to hear a few words from our planners, or would you have a question you might want to direct to them?

They are the experts in the area.

Senator BARTLETT. Yes, I think so.

Browning Pipestem is an Oklahoma engineer and also an attorney, is that not correct?

Mr. CANNON. Yes, sir.

Senator BARTLETT. Are there any comments from him that might be appreciated?

Mr. PIPESTEM. I guess the only comment I have, Senator Bartlett, is to point out that these tribes are taking a very active and very aggressive development program.

These people are representatives of an old and very honored people who have taken it under themselves the ability to begin to make some movement with their land.

Most of the land, they have received from the government and it is either purchased or conveyance and was not received until 1966.

There has only been very few years in which they have had activities relative to any land near any city.

It has not been, for instance, land allowed to lay undeveloped over a long number of years.



Senator BARTLETT. I want to comment on your willingness to work in a legal capacity for the tribes.

I recognize that the tribes in Oklahoma have been left out of much Federal legislation until recent years, and I am pleased that the Economic Development Act was finally made available to the Oklahoma federally recognized tribes.

Is there any difference of opinion between the city of Lawton and the three tribes on the extent of the flood plain or is that in agreement?

Mr. PIPESTEM. There was a very comprehensive planning report prepared in connection with this land that is being considered in this bill.

It was prepared by the Oklahoma Indian Affairs Commission and the University of Oklahoma, Office of Community Personnel, Planning Programs.

I think they undertook a very extensive plan to try to mesh the activities of the tribe in the local development plans and to use the highest kinds of planning standards in coming to some kind of an understanding about what should be developed.

I think Mr. Wolf and Mr. Cross would be the appropriate persons to direct those questions to.

Senator BARTLETT. All right, Mr. Wolf and Mr. Cross? We would like to have your comments.

Mr. WOLF. Senator, could I work from the maps?

Senator BARTLETT. Just proceed as you wish.

Would you give me your name for the record please, sir?

Mr. WOLF. I am Bob Wolf. Pardon me, sir. I am Director of Personnel Planning Program for the University of Oklahoma.

We are an extension type planning and development agency for the University.

We were retained to do this study by the Oklahoma Indian Affairs Commission.

Mr. Bill Cross is Director of Planning for the Commission.

He worked with us on this study.

The study was primarily done by our Chief Planner, the Planner in Charge, Jim Grange, who is—who has a Masters Degree in Regional and City Planning, as does Bill Cross and as do some of the Park and Recreational Planners which we consulted with during the study.

I hope that will sufficiently set the background.

Senator BARTLETT. Yes.

Mr. WOLF. This map of the general development plan indicates really the differences between what Lawton refers to as the flood plain in their latest land-use plan, the 1973-1995 plan.

The Corps of Engineers released a study in December of 1973. It is their latest study on the Cache Creek watershed below Lake Elsworth.

This heavy dark line outlines the 100-year flood plain as defined by the Corps of Engineers in this most recent study.

This line encompasses approximately 270 acres of the 791.8 acre tract.

Lawton's general development plan map in their latest land use plan indicates flood plains only going to approximately the 1,100 above sea level line.



The lighter line here, which encompasses most of the property, this 1,100-foot line, marks the boundary of the alluvial plain itself, which is not necessarily saying that the—this is not the same as a flood plain, but not the same—there is a 20-foot rise in elevation between the Creek bed at the south end of the property to the 1,100-foot line.

That will accommodate an awful lot of water.

Senator BARTLETT. Mr. Wolf, could you just outline very quickly, with your finger, the outline of the 791.8 acres?

Mr. WOLF. I am sorry, Senator, it does not show up there. There is an odd shaped piece down here to the west of Northeast 15th Street.

Senator BARTLETT. Where is the south boundary?

Mr. WOLF. It drops down here in this odd shaped piece and up here to the half mile line and a half mile above there, half a mile east, 4 miles north and another half a mile east.

It angles back here, most of this is out of this tract.

It then comes to the rest of this part.

Senator BARTLETT. I think you have covered this, but just so I will understand it.

You outlined the flood plain as defined by the Corps of Engineers. How many acres are in that?

Mr. WOLF. Approximately 270 acres of this tract is in it.

Senator BARTLETT. Then you took that—the 1,100-foot line—in what context?

Mr. WOLF. The 1,100 foot line, which encompasses some 615 or 620 acres—I believe 620 acres—of Lawton, but it is above the flood plain as the Corps defined it and as the flood plain insurance program is defined, which goes on the basis of the Corps' 100-year boundaries.

Senator BARTLETT. Does the 100-year boundary mean that is the level reached by the worst flood in 100 years?

Mr. WOLF. That is right.

Senator BARTLETT. Mr. Wolf, do you have any other comments to make about the planning?

Mr. WOLF. Very briefly, I might touch on our basic concept on this, which was to arrive at a culmination of use which we thought would benefit best, both the people of the Kiowa, Comanche, and Apache tribes and the people of the city of Lawton, in terms of total recreational development of this tract.

There is a real access problem. The people of Lawton, I imagine 95 percent of them, live west of this tract.

There is only one arterial street from which they can get to it and it is already overcrowded.

We felt that setting aside approximately 75 acres of the two best parts of it for the recreational use. This is near the Creek, the shaded area. It is very pleasant with some wind ventilation.

We felt that setting aside this for recreational use would serve as a community park for the development east and southeast side of Lawton.

Really, that much, I do not think is needed at the moment.

It will be if Lawton continues to develop in that direction, but this tract will be extremely inconvenient for any kind of recreational service to the people who live on the west side of Lawton.

That is the basis of the park we set aside for recreational use.



We programed the majority of the alluvial plain, plus part of the flood plain also for agricultural use in an agricultural open space buffer between the development residential part on the east side and the commercial industrial development which will take place along the line in the railroad and back to the west.

We also considered this as very productive bottom land, crop land to be used in culmination with the up land, pasture land, which the three tribes already own.

Considering their land resources as one economic resource rather than taking a piecemeal approach, this compliments the lands they already own, if they use it for agricultural purposes.

Senator BARTLETT. As you understand the City of Lawton Land Use Plan, and as you understand the plan of the three tribes for this tract, do you find that the plan used by the tribes consistent with the land use plan of the city of Lawton?

Mr. WOLF. I do not see anything inconsistent, Senator.

I have never heard of the flood plain zoning ordinance that prohibited agricultural use of a flood plain, even if the city wants to consider the flood plain as extending all the way across the alluvial plain, which is certainly their right to do.

I have read their ordinance, but I have never heard of a flood plain ordinance that prohibited agricultural use.

That is what we programed for the bulk of the land.

They also do not prohibit recreational use. We programed a portion of it, which we feel is adequate to serve Lawton's needs.

Chairman BARTLETT. You mentioned earlier, the Corps 100-year line outlining the flood plain.

Do you accept that as the proper contour level for the flood plain?

Mr. WOLF. Mr. Senator, I am not an engineer. Let me first get that on the record.

I would accept it, yes, from what I know about land-use planning.

The Corps is, I think, the most recognized, best recognized authority on flooding, on flood problems.

I know enough about civil engineering and land use to know that this looks realistic.

There is less than a 10-foot rise in the alluvial plain at the north end of this, which spreads to the flood plain.

There is greater than a 20-foot rise here which would narrow the flood plain.

The slope of the Creek bed, itself, is somewhat greater than the slope of the alluvial plain to the south.

I do not know whether this makes sense or not, frankly, but this is the basis for my acceptance of this, yes.

Senator BARTLETT. If the land were conveyed to the KCA Tribes in trust, would the Inter-Tribal Council object to city jurisdiction on zoning, building codes, and so forth?

Mr. PIPESTEM. Senator Bartlett, as you are aware, there is some controversy over the authorities of various people, particularly Indian tribes when they come into situations where there is planned growth between jurisdictions such as an Indian tribe and the city, over what is the proper zoning ordinances and who has the proper jurisdiction over that.

That question, I think, is largely unresolved.



There are a number of Federal statutes so there are a series of cases that say that Indian tribes have that authority to zone for their own benefit.

There are some other cases that cause out some exceptions to that rule, but I would say that the weight of the question on zoning is about equal and there are provisions in the Code of Federal regulations for any Indian tribe to undertake, with the assistance of the Secretary, and with his acquiescence, a series of zoning ordinances.

Senator BARTLETT. Mr. Motah, do you or any of the others have any statements you would like to make at this time?

Mr. CANNON. If we could, we might make a final comment on the need for the recreational park space, regional and otherwise.

Senator BARTLETT. Mr. Cross.

Mr. CROSS. Mr. Chairman, the State of Oklahoma has a comprehensive outdoor recreation plan which sets out needs for various sub-state planning districts, which are the area planning bodies for the State of Oklahoma, in that the summary or inventory for each area, there is a list of activities for which acres of land is needed for development and for which there are deficiencies now and which how much need there will be in 1980 and in the year 2000.

Looking at the list of activities that are possible for the use of this 791 acres, there are only two that appear to have some reasonable possibility of being used on this land.

That is camping and picnic areas.

According to standards set out, we would plan and the need of the entire region.

The summary states that in the year 2000, these two particular uses would only be a total of approximately 210 acres total.

This tends to point out that if Lawton is considering a regional park for this area, which we do not think is quite suitable, that they would only need a maximum of around 200 acres in the year 2000.

I will limit my comments to that concern.

Thank you.

Senator BARTLETT. Are there any other statements that any of you would like to make at this time?

I would like to thank you very much for being here.

I am very much aware of the fine leadership that you give the respective tribes.

I have worked with you on a number of things and I compliment you for the manner in which you do provide that leadership.

We have here Hon. Don Whitaker, Mayor of the city of Lawton, who also provides fine leadership.

May I suggest that the tribal witnesses remain at the table. What I would like to do is ask the Mayor to come up and make all the statements that he would like to make.

Also, Mayor Whitaker probably wants to be accompanied by Mr. Cap Jones, of the Chamber of Commerce.

I thought perhaps it might be helpful, after Mayor Whitaker has testified, if we could have a joint discussion for the record.

Certainly, it is my hope that you can work together and work this out to the advantage of both the tribes and the city of Lawton.



Mayor Don Whitaker, proceed, if you like. If you would introduce Cap Jones and the third gentleman on your right.

**STATEMENT OF HON. DON WHITAKER, MAYOR OF THE CITY OF LAWTON, OKLA.; ACCOMPANIED BY CAP JONES, PRESIDENT, LEGISLATIVE TASK FORCE, REPRESENTING THE CHAMBER OF COMMERCE AND VERNON HOWELL, CHAIRMAN, CAMERON COLLEGE COMMITTEE**

Mayor WHITAKER. Thank you very much for allowing us to appear at this hearing.

I would like to state the reason for our being here, of course, is Senate bill 2818.

We have been working a little over 2 or 3 years in regard to this land and in the bill, we notice there is no mention of usage or there is no mention, of course, of the city of Lawton in the bill.

We would like to present our testimony and let you know what we have been planning and what we have been doing, as far as that land is concerned.

We would like, at this time, to make it a matter of record, that Mr. Cap Jones, president, Legislative Task Force, representing the Chamber of Commerce is here and also Mr. Vernon Howell, who is Chairman of the Cameron College Committee.

I think they have some land involved on leasing out there too.

He is also chairman of the City Park Land too.

We have a couple of maps that I will wait until I get to the point that I can refer to the maps.

I do have some copies here of some of the things that I will be talking about.

It is not a prepared text or anything, but I would like to make a record that in this, there is Lawton's position in regard to the KCA bill, Senate bill 2818 and House Resolution 9149, dated May 9th, a background of information of Lawton's position, a map of the area.

We have a summarized minutes of the meeting with the KCA tribe chairman at 2 o'clock on May 6th.

We have a background of the status of proposed recreation complexes in Lawton, Okla. and some of our positions in the earlier part of this discussion.

We have the Lawton Chamber of Commerce statement which is about 21½ pages.

We have a letter from Mrs. Bennie Stephens. This involves approximately 490 acres that was given—she sold it to the Department of Interior and it represents a major portion of that particular piece of land, and a statement from her.

We also have plans for development, use and maintenance for the Lawton auto recreation complex with amounts of money involved.

I would like to submit this for the committee members because I will refer to some of these during my testimony.

Chairman BARTLETT. We appreciate these copies and you may refer to them as you proceed.

We will also make them a part of the record in their entirety.

[The information follows:]



## ACTIVE RECREATION COMPLEX

LAWTON, OKLAHOMA



May 9, 1974

Lawton Position Re KCA Bill (SB 2818, HR 11949)

At a meeting in Anadarko on May 6, 1974, the KCA tribal chiefs requested that the City of Lawton submit its proposal to them for their consideration in presenting a compromise agreement at the hearings on the KCA Bills (HR 11949 and SB 2818).

Background Information

HR 11949, December 13, 1973, shows 791.80 acres. Local records indicate that in 1939 the Department of the Interior acquired approximately 890 acres for a program at the Fort Sill Indian School which never materialized. This land is now surplus to the requirements of the government.

All of the area in question is within the city limits of Lawton and subject to zoning regulations. All but approximately 200 acres is zoned flood plain in which an outdoor recreation complex would be a permitted use. The remainder could be zoned for other uses.

Lawton needs approximately 628 acres for an outdoor recreation complex which would serve the region. The complex would include a golf course, tennis and handball courts, ball diamond, football fields and passive recreation areas. The land desired by the City is entirely within the Flood Plain.

McMahon Foundation has set aside \$71,733 in escrow for purchase of the land.

Lawton's Position

That the Bill be amended to include all of the land surplus to government needs (approximately 890 acres).

That Lawton purchase the land at the original cost and retain ownership of the land in the Flood Plain, approximately 628 acres, with the remainder being transferred to the KCA tribe at no cost to the tribes.

That Lawton provide Cameron College with a tract of City owned land suitable for the college's agricultural education program.

That Lawton assist the KCA tribes with planning, zoning and development plans for the lands transferred to the KCA.







Summarized minutes of meeting with KCA tribal Chairman  
at 2:00 PM in Anadarko, May 6, 1974

Present:

Bob Cannon, Chairman of the Kiowa Indian tribe, Lee Motah, Chairman of the Comanche Indian tribe, Frank RedBone, Chairman of the Kiowa-Apache Indian tribe, Members of the Land Use Committee, the attorney representing the Indian tribes, Mayor Don Whitaker, Lawton, Mr. Frank Sneed representing Lawton Chamber of Commerce and McMahon Foundation, and W. T. Belland, City Planner, Lawton.

Mayor Whitaker opened the meeting with a brief summary of the meeting of December 14, 1972, and stated that the purpose of this meeting was to get reaction and agreement on what the KCA would like to do and perhaps have another meeting to determine feedback. It was noted that since the last meeting, Congressman Steed had introduced a bill to declare that certain lands comprising 791.80 acres be held in trust for the KCA (HR 1149, December 13, 1973.)

Mayor Whitaker reiterated Lawton's position as follows:

We are competing for the use of surplus land. Basically, we need an area for an outdoor recreation complex to include a golf course, tennis courts, ball diamonds, powwow grounds, passive recreation areas and the KCA is competing for ownership of the land.

It is intended to be a regional park, attracting people within 150 miles radius. The land desired by the City is entirely within the Floodplain. The remaining 200-300 acres of high ground could be developed by the tribes. The City would provide planning and zoning assistance to the tribes. In addition, McMahon Foundation has set aside in escrow \$71,733 for purchase of the land.

Mr. Sneed pointed out that the City's position originated with the Chamber of Commerce many years ago and that this site for use as a recreation complex was the best site in terms of the public interest. It would enhance the preservation of the natural attribute of Comanche County; it is a location which the citizens can enjoy; and it would stimulate the tourism industry by being capable of bringing in international tournaments. It was also pointed out that Cameron College was leasing some of this land and that if the land were to be used for an athletic complex the City would agree to furnish suitable land to Cameron College.

Bob Cannon stated that the wishes of his constituency is to follow the bill which should have been presented three years ago to determine ownership and that the tribe's position is to reverse the trend of landless people and that they want to follow the hard line and wait and see how the bill fares. In general, the remaining Indian spokesmen followed the line of total and absolute ownership and development. The attorney suggested that the tribe's intent on acquisition and the competing uses proposed by the City of Lawton was clouding the issue on legislative interests, that the



issues were not necessarily incompatible and that in his opinion, lack of a compromise or agreement supporting the bill could result in legislation dragging on for several years. Mayor Whitaker stated that Lawton is not so much concerned with ownership as it is with the use. The meeting ended on a note of cooperation in working with each other regardless of who gets the land and that there should be covenants attached to the land whichever side gets the land.

The Indian delegation adopted a motion requesting the City to submit a proposal for their consideration prior to the end of the week.

*W.T.B.*

W. T. Belland  
Director of Planning



BACKGROUND AND STATUS OF  
PROPOSED OUT DOOR RECREATION COMPLEX  
LAWTON, OKLAHOMA

Background on the Land

The entire tract on which it is proposed to locate the outdoor recreation complex is approximately 890 acres. It is located east of the Fort Sill Indian School in the northeast portion of the City of Lawton as shown on the attached map in solid and hachured green.

This land was a portion of Indian reservation lands which were patented to white settlers under the Act of June 6, 1900, (31 Statute 672) after each Indian (man, woman and child) was given 160 acres of their own choice.

The Indian tribes were given two million dollars as compensation for the land acquired under this act. Under the Act of May 20, 1959 (73 Statute 51), the Indian tribes were given an additional 2,067,166 dollars on the basis that the original compensation was inadequate.

In 1939, the Department of Interior acquired approximately 890 acres, now in question, for a program at the Fort Sill Indian School which never materialized. This land is now surplus to the requirements of the government.

Some <sup>730</sup>~~890~~ acres are under lease to Cameron College.

Several years ago, the Comanche, Apache and Kiowa tribes, through their joint tribal organization, requested that the land be placed in tribal trust.

On January 11, 1972, the city council of Lawton, Oklahoma passed a resolution authorizing the mayor and Board of Park Commissioners to apply for the transfer of these lands for open space purposes to the City of Lawton.

Out Door Recreation Complex Background

Upon passage of the January 11, 1972 resolution, an application for this land was submitted to the Bureau of Land Management. Because there were two competing requests for the land, the application was returned under an agreement that an attempt would be made to resolve the competing requests.

On September 20, 1972, Mayor Whitaker visited in Washington with representatives of the Department of Interior, Bureau of Indian Affairs, Bureau of Out Door Recreation and Bureau of Land Management. It was agreed at that time that an effort would be made locally to compromise with the KCA and arrange for some division of the land between the Indians and the City of Lawton.

On December 14, 1972, a meeting was held between City of Lawton officials and the KCA leadership. It was orally agreed that the KCA would study the project and respond to the City of Lawton's offers to assist them with the development of a portion of this land as well as other undeveloped tribal land in the Lawton area.

In January, 1973, the KCA leadership visited Washington to promote their endeavor to acquire the entire tract.



At the request of the KCA, Congressman Steed introduced HR. 11949 on December 13, 1973, to effect the sale of 791.8 acres to the KCA upon payment, therefor, in the amount of \$71,733.00, the original cost of the land.

#### Land Development Considerations

As shown on the attached map in light dots, much of this land lies within the 100 year flood plain. This portion of the land is not suitable for normal development because of the hazard of flood. It is suitable for development as an outdoor recreation complex. If the entire tract is placed in tribal trust, the Indian tribes will be unable to develop large portions of it because of city zoning regulations and restrictions of the Federal Flood Insurance Administrator. Nearly 200 acres shown on the map as remainder of surplus land, (not requested by the city), is suitable for residential development and the City of Lawton would be quite willing to see the KCA develop this for residential use.

There is serious question; however, concerning the KCA's ability to develop this land. The attached map also shows nearly 320 acres of undeveloped Indian land just west of the Kiowa Indian Hospital. The failure of the KCA to develop this tract has had a detrimental effect on the development of Lawton. Because of its proximity to the central business district, Elmer Thomas Park, and Fort Sill, it should have been developed as a logical step in Lawton's growth many years ago. Held in an undeveloped status, it has required Lawton's growth to go to more distant areas, thus increasing the problems of providing municipal services and requiring residents in these more distant areas to be inconvenienced by their distance from essential travel destinations. Uncertainty as to the future of this tract has made infrastructure (water, sewerage and street) planning difficult because capacity requirements could not be projected. In spite of this unfortunate experience with tribal land within the City of Lawton, there is no objection to transfer of the land shown in hachured green to tribal trust.

#### City of Lawton's Present Position

At the present time, the City of Lawton would like to resolve the competition for this land as follows:

- 1) Provide Cameron College with a tract of city owned land outside the city limits which would be suitable for the college's use but too distant for recreation use by the residents of Lawton.
- 2) Purchase the land needed for the outdoor recreation complex from the government for \$71,733.00, the original cost to the government for the entire tract.
- 3) Agree to the transfer of the remainder of this surplus land as shown in hachured green to the KCA without cost to them.

A meeting with the KCA tribal leaders is planned in an effort to secure their agreement to this arrangement.

PSC:jj  
Enclosure



## LAWTON CHAMBER OF COMMERCE

Active Recreation

July 12, 1971

The following statement on active recreation was approved by the Board of Directors of the Lawton Chamber of Commerce on July 12, 1971:

It has been observed that, "The essence of life is participation." In this reflection, active recreation is indispensable to the enjoyment and fulfillment of our heritage. It has always been a part of the vigor and spirit of the American tradition and purpose.

The sub-committee on active recreation of the Urban Design Committee of the Lawton Chamber of Commerce, therefore, seeks to encourage and to respond to the wholesome and ever-expanding demand for additional active recreational facilities in the Lawton-Fort Sill community.

But the community is now handicapped by insufficient and inadequate opportunities for such activities, the desire for which usually appears in two distinct and differing situations.

1. There is the impulsive, "Why don't we play a set of tennis? Let's go now, don't bother about the car. We'll just walk."

And this could apply to touch football, badminton, softball, baseball and many other sports.

The convenience and inducement of these immediately available accommodations is a necessary objective in the planning process.

2. Conversely, and with broader geographical impact, there is the centralized, planned, organized major concentration of facilities for those who are willing to prepare, drive a few minutes, and equip themselves for competition.

This requirement includes dressing rooms, club houses, observation platforms, accommodations for judges, landscape planting, which would mitigate the winds, shower facilities, parking areas, and numerous other attributes. The community presently lacks this kind of arena.

As a consequence of the above mentioned demands, intrusions now occur in settings which would normally be expected to provide what is generally regarded as passive recreation, along with the more comprehensive ambitions of the community.



Elmer Thomas Park, as well as certain other sites, is an example. The problem has become not, "What other activity can we implant in Elmer Thomas Park?" but, most emphatically, "How quickly can we remove some of the existing invasions." As a result of a McMahon Foundation Grant, a plan to redefine its optimum composition and uses is now in process.

Night lighting is an essential part of the central active recreational complex which the committee envisions. But night lighting in neighborhood parks usually is an irritant. It can, in fact, discourage architecturally related creative lighting in residential situations.

Fortunately, the Park Board recently has retained the services of a landscape designer to plan, in detail, existing as well as undeveloped neighborhood park sites.

Because of these circumstances, and the above mentioned conflicting requirements, it is the recommendation of the sub-committee that the constituted authorities move promptly toward acquisition of land suitable for a centralized several hundred acre active recreational complex.

The criteria which would govern the selection of the location are:

1. A central location with easy vehicular access from all parts of the community, insofar as this is possible.
2. Respect for the potential Interstate designation of Pioneer Expressway.
3. Proximity to the projected convention facilities in the central business district.
4. Aesthetically pleasing environment.
5. Easy ingress and egress from all major street and highway systems, along with convenient and adequate parking.
6. Respect for previously prepared and ongoing studies of LMAPC.

If the above objectives and criteria are met, it is essential that land acquisition occur quickly. The unacceptable alternative would be for the conflict between active and passive recreation to escalate, with a consequent and dangerous diffusion of active recreation into a scattered and disorganized condition.

"Instant active recreation" is essential. This can be accomplished, ideally, by parks in proximity to neighborhood schools. And this situation, to be adequate, in most instances, would not require and, in fact, would preclude overhead night lighting.



Satisfying the community needs for an extensive, planned, superior active recreational facility would attract conventions, sport enthusiasts, and athletically oriented groups from a several hundred mile radius.

Thus, economic benefits would be a pleasing by-product of the accomplishment.

The sub-committee recommends prompt action on behalf of these objectives. The social and environmental ambitions of the community require it.



Memo for Record

January 8, 1974

Re: Athletic Complex East of City

Briefed Mr. Steed at luncheon in Comanche Room of Hotel Lawtonian.

Highlights to date - Started with Council action by resolution to investigate and acquire land for athletic complex.

Application to Bureau of Land Management filed April 18, 1972. Returned informally without action with suggestion to deal with Secretary of Interior. Mayor Whitaker visited with Assistant Secretary Loesch on September 20, 1972. Application included development phases running through 1978 at a total cost of 2.3 million.

January 8, 1973, Mayor Whitaker sent letter to Secretary Rogers advising him of tribal meeting with KCA tribal chairman.

Last correspondence with Mr. Steed January 20, 1973, indicating that he would introduce bill as requested authorizing the Indians to purchase 781 acres.

Mr. Steed referred to fact that Cameron College was leasing 359 acres and he did not want to do anything which would impact Cameron. Larry Fountaine assured him that the City could work something out to Cameron's satisfaction. Vernon Howell said he would help.

Mr. Steed said he would hold up setting the hearing for as long as the rest of the year to give Lawton and the Indians time to develop a joint agreement and that we should come in for the entire 900 acres.

The Interior and Insular Affairs Committee recommended that the land be sold to the Indians. Mr. Steed stated that if we waited for the hearing to protest that probably no one would get the land. He also mentioned the report and was surprised that we had not seen it. He said he would furnish us a copy because we should study the report as a basis for an agreement with the Indians.



May 8, 1974

## TO WHOM IT MAY CONCERN:

The tract of land described in the attached copy of a Warranty Deed was purchased from my mother, Mrs. Pauline Simpson, by the U.S. Government for the purpose of establishing an agricultural education program for the Fort Sill Indian School.

It is my understanding that the program did not materialize and that the land is surplus land under control of the Secretary of the Interior.

As the only heir of the owner having title to the property prior to acquisition by the Government, I claim prior rights to acquisition of said surplus land at the original purchase price and hereby transfer, relinquish and convey all my rights and interest in such property to the City of Lawton for said land to be used as an outdoor recreation park.

Mrs. Bennie Stephens  
Mrs. Bennie Stephens  
401 Ft. Sill Boulevard

Enclosure

Wayne A. Smith  
Notary Public  
Comm. expires 7-7-75



T. H. Turkington, county clerk (1941)

WARRANTY DEED.

KNOW ALL MEN BY THESE PRESENTS:

That Pauline Simpson, a widow, also known as P. Simpson, of Lawton, Oklahoma, in consideration of the sum of forty-nine thousand nine hundred and no/100 dollars (\$49,000.00) in hand paid, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto The United States of America, the following described real property and premises situated in Comanche county, state of Oklahoma, to-wit:

Lot two (2) of section twenty (20); the north half of the northeast quarter of section twenty-eight (28); and the west half and the west half of the southwest quarter of the southeast quarter and the southeast quarter of the northeast quarter of the southeast quarter of section twenty-two (22); all in township 21 North of range 21 East of range 11 N. M. as piece of beginning of this survey, thence 250 feet east on the north line of said quarter section, with bank of Cache Creek, thence 830 feet E- a southeasterly direction intersecting west line of said quarter section, thence 430 feet due north in said section line to northeast corner of northeast quarter of said quarter section which is place of beginning of this survey, said survey containing 1.83 acres, more or less also MOORE & tract described as follows: A strip of land 35 feet wide between the left bank of Cache Creek and a line running as follows, beginning at a point 117 feet west of the northeast corner of the northeast quarter of section 21, township 2 North, of range 11 N. M. running then N. south 37 feet 31.0 45' west, thence 301 feet south 31.0 45' west, thence 179 feet south 13.0 25' west, thence 44 feet south 70.0 30' W.; thence 93 feet south 70.0 30' west, thence 190 feet south 70.0 30' west, thence 224 feet north 64.0 25' west thence 175 feet north 15.0 10' west, thence 175 feet north 6.0 30' west to the point 33 feet south of the north line of said section 21, as plat exhibits # 1; and containing 490.12 acres more or less.

together with all improvements thereon and the appurtenances thereto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD the said described premises unto the said party of the second part, its successors and assigns forever free, clear and discharged of and from all former grants, charges, taxes, judgment, mortgages and other liens and encumbrances of whatsoever nature except.....

Signed and delivered this 25th day of November, 1939.  
(Res. Stamps \$49.50 annu.)  
PAULINE SIMPSON (SEAL)  
also known as P. Simpson.

State of Oklahoma, county of Comanche, ss

Before me, H. T. Miller, a notary public in and for said county and state, on this 25th day of November, 1939 personally appeared Pauline Simpson, a widow, also known as P. Simpson, to me known to be the identical person who executed the above and foregoing instrument and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal as such notary public, at Lawton, Oklahoma, this 25th day of November, 1939.

My commission expires January 4, 1942 (seal)

H. T. Miller, notary public.

State of Oklahoma, county of Comanche, ss

This instrument was filed for record on the 9 day of February 1940 at 3:10 p m and duly recorded

in book 254 page 555

T. H. Turkington, county clerk (seal)

490.19  
- 86.25  
- 27.84  
357.10



93d CONGRESS  
1st Session

# H. R. 11949

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 1973

Mr. STEED introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

---

## A BILL

To declare that certain federally owned land is held by the United States in trust for the Kiowa, Comanche, and Apache Indian Tribes of Oklahoma.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That all the right, title, and interest of the United States in  
4        the following described land, comprising 791.80 acres, more  
5        or less, which has been deemed to be surplus to the needs of  
6        the Fort Sill Indian School by the Anadarko area office of  
7        the Bureau of Indian Affairs, are hereby declared to be held  
8        by the United States in trust for the Kiowa, Comanche, and  
9        Apache Indian Tribes of Oklahoma upon payment therefor in  
10       the amount of \$71,733, the original cost of the land:



## INDIAN MERIDIAN

Township 2 North, Range 11 West

Section 21, northeast quarter, west half, west half  
southwest quarter southeast quarter, and southwest quarter  
 northwest quarter southeast quarter, [except a tract described  
 as beginning at the northwest corner of section 21, township  
 2 north, range 11 west,

thence 250 feet east on the north line of said section,  
 right bank of Cache Creek,

thence 520 feet in a southwesterly direction inter-  
 secting the west line of said section,

thence 450 feet due north on said section line to  
 northwest corner of northwest quarter of said section  
 which is place of beginning, containing 1.29 acres, more  
 or less. Also [except a tract described as a strip of land  
 33 feet wide between the left bank of Cache Creek and  
 a line running as follows: beginning at a point 117 feet  
 west of the northeast corner of the northwest quarter  
 of section 21, township 2 north, range 11 west, running  
 thence south 37 feet 31 degrees 45 minutes west,

thence 201 feet south 31 degrees 45 minutes west,

thence 129 feet south 13 degrees 25 minutes west,

thence 44 feet south 70 degrees 30 minutes west,

thence 93 feet south 70 degrees 30 minutes west,

thence 180 feet south 70 degrees 30 minutes west,



1           thence 134 feet north 64 degrees 25 minutes west,  
2           thence 175 feet north 15 degrees 10 minutes west,  
3           thence 175 feet north 6 degrees 30 minutes west  
4       to the point 33 feet south of the north line of said section  
5       21, containing 0.88 acres. ]

6       Section 28, north half northeast quarter and northwest  
7       quarter;

8       Section 29, a parcel of land rectangular in form com-  
9       prising 36.35 acres off the south end of lot 12, and a  
10      parcel of land rectangular in form comprising 7.62 acres off  
11      the north end of lot 14, except an undivided one-sixteenth  
12      interest in all oil, gas, and minerals lying on or under the  
13      above described land.



Plans for Development Use  
and Maintenance  
for

Lawton Outdoor Recreation Complex

R L  
BUREAU OF LANDS  
APR 28 1972

HOUR: 10:00

I. Development Plan: See attached development plan. Cost estimates are:

Phase I 1972-1974

|                                                                                |                  |
|--------------------------------------------------------------------------------|------------------|
| Grades, plowing, harrowing<br>and seeding playfields<br>50 acres @ \$500 per A | \$ 25,000        |
| Sanitary Sewerage                                                              | 104,000          |
| Water distribution                                                             | 33,000           |
| Lighting for playfields                                                        | 152,000          |
| Seating, playfield bleachers                                                   | 32,000           |
| Roads and parking, oil and chip                                                | 60,000           |
| Toilets, 20 @ 150 sq. ft. @ \$20 per sq. ft.                                   | 60,000           |
| Trees and shrubs, purchase and planting<br>1600 items @ \$20                   | 32,000           |
| Maintenance shed, 2000 sq. ft.<br>@ \$15 per sq. ft.                           | 30,000           |
|                                                                                | <u>\$528,000</u> |

|                   |               |
|-------------------|---------------|
| Contingencies 10% | <u>53,000</u> |
|-------------------|---------------|

|               |           |
|---------------|-----------|
| Total Phase I | \$581,000 |
|---------------|-----------|

Phase II 1974-1976

|                                                        |                |
|--------------------------------------------------------|----------------|
| Tennis and Handball courts                             | \$100,000      |
| Golf course, greens, trees,<br>fairways and irrigation | <u>350,000</u> |
|                                                        | \$450,000      |
| Contingencies 12%                                      | <u>57,000</u>  |

|                |           |
|----------------|-----------|
| Total Phase II | \$507,000 |
|----------------|-----------|

Phase III 1976-1978

|                                                |                |
|------------------------------------------------|----------------|
| Gymnasium 40,000 sq. ft.<br>@ \$25 per sq. ft. | \$1,000,000    |
| Contingencies 15%                              | <u>150,000</u> |
|                                                | \$1,150,000    |

|                         |             |
|-------------------------|-------------|
| Total Project 1972-1978 | \$2,238,000 |
|-------------------------|-------------|



II. Use: This facility will be open without discrimination to the general public. Local residents will benefit most because of their closer proximity. These include military personnel at Fort Sill. Residents from surrounding counties are expected to use this complex at all times and especially when regional events such as tournaments are held. It will be equally open to tourists and out of area visitors. As a public facility it will, in principle, be available for the free use of the general public. In practice nominal fees may be charged if necessary on a non-profit basis to cover cash out of pocket costs for such things as organization and conduct of league athletics, tournaments, green fees etc.

III. Maintenance. This facility will be maintained by the City Park Department on the same basis as other city parks. Because of its size a small maintenance building is planned within the complex to house equipment and serve as a base for a small permanent maintenance crew (2-3 men) which will be augmented to meet cyclical requirements.



Mr. WHITAKER. Thank you very much.

Senator Bartlett, to give a little bit of a background, I know we have been listening and you have asked some questions and you have received some answers.

Some of them were not agreeable. Some of my answers might fill in some of those answers.

We started out back in 1972 on January 11, 1972. The City Council of Lawton, Okla. passed a resolution authorizing the mayor and the Board of Park Commissioners to apply for the transfer of the 791 acres in question, for open space purposes for the city of Lawton.

After passage of this resolution, an application for the land was submitted to the Bureau of Land Management.

We were told, from a representative down in the area at that time, that this land out there was originally intended for the purpose of agricultural purposes within the Fort Sill Indian School, for educational purposes, but that they had not been able to use this and that this land might be declared surplus excess.

We get into terminology there, but the land might be available.

Does the city of Lawton have an intended use for this land?

Our answer was yes. We did not realize that this land might be available. Yes, we do have an intended use, but because, at the time, we were looking all around Lawton, Okla. trying to consolidate all of our athletic—Little League athletic fields, which were football fields, baseball fields, anything that had to do with athletic competition as far as our city program is concerned.

We were pretty scattered out. We have them in three or four major areas throughout the city.

We were looking for a large piece of land and we were having difficulties finding a large piece that we could get a hold of.

We found several small pieces, but we already had that.

This land, being in a flood plain area, we thought that this might be an ideal location.

The planning department went to work. The application was submitted, as I say, to the Bureau of Land Management.

Because there were two competing requests for the land, the application was returned under an agreement that an attempt would be made to resolve the competing requests.

On September 20, 1972, myself and representative from my office, such as planning people, my director of human development and people who would be involved in this particular search for this land for this outdoor complex, we visited in Washington with representatives of the Department of Interior, the Bureau of Indian Affairs, the Bureau of Outdoor Recreation and the Bureau of Land Management.

Senator Bellmon's office, Joe Kinney, one of his aides, set up all of these people and these were people who were pretty high up in each one of the bureaus.

At this meeting, we presented what our plan might be.

This was a proposed plan. It was not in its entirety. It could be flexible and could be changed.



We noted that and they acknowledged that, but this is what we wanted to put as our regional outdoor complex in consolidating all of our athletic fields.

It was agreed at that time that an effort would be made locally to compromise with the KCA and arrange for some division of the land between the city of Lawton and the Indians.

December 14, 1972, I called a meeting. I wrote the leaders of the tribes, the Kiowa, Comanche, and Apache and asked if they could come in and listen to our presentation of use of this land and what we might be able to work out together as instructed by this meeting we had in Washington.

It was orally agreed that the KCA would study the project and respond to the city of Lawton offers to assist them with the development of the portion of this land, as well as other underdeveloped tribal land in the Lawton area.

I think some of the things that were mentioned in this meeting, of course, Bob, Lee, and Frank were all there.

We kind of proposed our outdoor recreation regional complex to them.

Senator BARTLETT. What was the date of that meeting?

Mr. WHITAKER. That was December 14, 1972.

Senator BARTLETT. What was the prior meeting that Senator Bellmon arranged?

Mr. WHITAKER. That was September 20, 1972, approximately 40 days later than I asked if they would meet and we did have a meeting.

At that time, we showed them what our plans were and along with those plans, orally told them we would be glad to help them on any of the land that was out of the flood plain area because we did not want all of the land, as far as the development of the outdoor regional complex, the land that was to the east portion of it, then this might be used for housing or whatever they might want to use it for and we would be glad to help them plan it and give them any assistance from the city.

At the time, I think we made the statement that we would be glad to help them on any planning and assistance on their undeveloped land that they mentioned, about approximately 300 acres across from Highway 62 through the city of Lawton.

Going down later now, they said they would have to go back to their land use committee people and they would have to go back to their people.

It would take time. We understood this.

We waited from this point.

We finally had another meeting the other day.

Of course, in the meantime, they have asked Congressman Steed to introduce a House Resolution, No. 11949 and also asked Senators Bartlett and Bellmon, to introduce the Senate bill.

No meetings or no plans were ever mentioned or sent to the city of Lawton.

I did ask the leaders of the tribe to meet here about 1 week ago Monday and they mentioned their meeting today.



Of course, this was approximately 6 or 7 days before this hearing. Without overhearing what their plans might be, or what conclusion they might have come to after that meeting in 1972, it would be almost impossible to work up a lease or agreement or anything like that in the short time that we had.

I thought it would be just as good to come in here and present our position, as we always have, on this land.

We have talked about the land now. I would now like for Mr. Howell to show what our position has been, at this time.

I know there have been a lot of questions. I want to point this out at this point.

In listening to prior testimony on this, there was some question as to what was the actual flood plain.

We are not saying we are going to confine it in the exact boundaries of the flood plain.

We realize that this complex, the proposed complex, is larger than the flood plain area, but it does include all of the flood plain area, but because of the size of the proposed complex, there would be some out of the flood plain area.

That is why the mention of the approximate 600 acres. We never said that we wanted to confine it inside the flood plain and because of its size, yes, there would be some of it out of the flood plain area.

In relation to studies, I have heard comments made that we do not need any additional parks. We realize this because the proposal on this has, all the way from the first, been to consolidate what lighted parks and complexes we already have in the city of Lawton and put them here.

We are not building new ones. The largest area is the Elmer Thomas Park area and the master plan on this has been in the mill for 7 or 8 years now to make that park a passive park.

About three-fourths of that park has ball diamonds, so our proposal is to take the ball diamonds out of there and two other locations in Lawton, Okla. and consolidate all of them in one area.

Along with this, we would make available other complexes and other sports on a regional basis to draw more people.

Senator BARTLETT. This would be a regional park concept?

Mayor WHITAKER. That is right, more specifically, for the use of the citizens of Lawton, Okla., but on a regional basis.

In other words, yes, we would use the ball parks. The people in Lawton, Okla. would use the ball parks and things like this, but then they would have a golf course, and anyone could come and use it.

We had told the leaders of the tribes at some of the meetings when I met with them that we could put pow-wow grounds in there, a soap box derby slide in there in Duncan, Okla. and some of the other cities.

They have said, if we had one, they would be able to participate and things like this, so it is on a regional complex basis that we propose this.

This is a map on the 100 year flood plain.



I know that you had a question a while ago—the area in question, Senator Bartlett, is in the upper right hand corner.

The red portion was the proposed regional complex, athletic complex, outdoor ground, and the two green areas there were the areas that we, at first, proposed to the Indians as development on other things, such as housing or whatever they would like to develop it as.

We were interested in that regional complex area there.

Our position there, starting back, as you can see by the history there, in 1972, we were ready to get to work right then.

Then, of course, we were told that it would take time to act within the tribes before they could give any kind of a determination.

The reason why Lawton seeks, and still remains in a position of the ownership of it was that in the beginning if we owned the land, then we could get busy and start building complexes.

Then, of course, we had our proposed financial budget to the development of this as a regional complex in 1972.

In the proposal that I gave you, it points out that the estimate costs are back in 1972 because that is when we wanted to start developing the park complex if we could get ownership at that time.

I would like to state some positions that been stated to me.

They asked me to state their positions at this hearing.

We have a letter from Mrs. Bennie Stephens and it says the following:

To whom it may concern, the tracts of land described in the attached copy of the warranty deed was purchased from my mother, Mrs. Pauline Simpson, by the U.S. Government for the purpose of establishing another cultural education program for the Fort Sill Indian School.

It is my understanding that the programs did not materialize and that the land is surplus land under the control of the Secretary of the Interior.

As the only heir of the owner having title to the property, prior to acquisition by the government, I claim prior rights to acquisition of said surplus land and the original purchase price and hereby transfer, relinquish, and convey all my rights and interests in such property to the city of Lawton for said land to be used as an outdoor recreation park.

Senator BARTLETT. Do you have any legal opinion on that letter?

Mayor WHITAKER. A notary public has signed it and put his signature on it.

Senator BARTLETT. Yes, that will be made a part of the record. We would like to have that copy for the record.

Mayor WHITAKER. The original is here. You have a copy of it.

Senator BARTLETT. Oh, it is in the folder.

Mayor WHITAKER. Also, the warranty deed is attached to it.

The Lawton Chamber of Commerce has expressed its opinion—

Senator BARTLETT. Do you happen to have a legal opinion on the transfer of title?

You have a warranty deed?

Mayor WHITAKER. This is a copy of the original warranty deed.

Senator BARTLETT. Is there a legal opinion on that?

Mayor WHITAKER. No, I just have a statement from Mrs. Stephens. She asked that I give this.

Senator BARTLETT. OK.

Mayor WHITAKER. The Chamber of Commerce's position is what I have expressed before.



Mainly, they state that the central location would provide easy vehicular access for all parts of the community insofar as it would be possible with respect for the potential Interstate designation of the expressway with proximity to convention facilities in the central business district, easy egress from all major highway systems and adequate parking.

In respect to previously prepared and ongoing studies by the Metropolitan Planning Commission, they say other things here, but it is a part of the record.

I think I would be repeating myself by stating the entire record, but the Lawton Chamber of Commerce did want me to state their position on this.

There is also another corporation point, East Lawton, Inc., which is made up of businessmen in east Lawton.

They have supported it and will wholeheartedly endorse our regional concept in planning for a regional athletic complex.

Vernon, did you want to state Cameron College's position on that?

Mr. HOWELL. Cameron College, I visited a number of times with them relative to the use of the land, to the use of part of its land they are now using for agricultural and grazing purposes as an adjunct to the agricultural program at Cameron.

They are perfectly willing and in agreement with the city provided that additional land or suitable land could be made available to replace the land they currently hold under lease from the Department of Interior on this particular tract.

There is no conflict whatsoever between Cameron and the city with respect to that situation.

Senator BARTLETT. What would be Cameron College's views if the tribe owned the land?

Mr. HOWELL. The problem is this, Senator Bartlett, regardless of who owned the land, Cameron is looking for land to use to replace this.

Whether or not Cameron can work out a suitable arrangement or lease with the tribes is a question that has not been explored insofar as I know because as yet, this is the first time the possibility has even been suggested.

I could not answer that without having some comment or discussion with Cameron.

Mayor WHITAKER. Senator Bartlett, that is all of the ones who asked that they be presented as a matter of record on this testimony.

More or less to conclude my presentation so that we might be able to answer questions that you might have, the only thing that I am pleased to see, of course, as I stated in the history, we started back in 1972, pretty excited about a big piece of land that would answer some questions for our outdoor complex and everything.

This is the first time, today, that I have heard a usage stated from the KCA. I was very pleased to hear that they do intend to use it, should they get ownership of it.

This is all we started asking them back in 1972.

This is the way we would like for it to be used and we never heard, until this day, as far as their intended use.



I am very pleased to hear that.

I think that pretty well completes our presentation. We still stand, of course, as is stated in there, that we would like for it to be used pretty close to the way we have presented our uses.

Senator BARTLETT. Mayor Whitaker, have you had a chance to look at this report by the KCA?

Mayor WHITAKER. Yes, night before last.

Senator BARTLETT. You have a copy of it?

Mayor WHITAKER. Yes, I have a copy. That was the first time I had seen it.

Senator BARTLETT. How do you feel about trying to work out a joint solution to the problem?

What way of achieving that do you think would be acceptable to the city of Lawton and possibly also the tribes?

In other words, there is quite a bit of land there. I think the obvious questions are do you need all of the land you outlined in your plan, will a lease arrangement for the city of Lawton be satisfactory to the city of Lawton, do you know what the conditions of that lease arrangement would be?

What I am really trying to ask, without giving you any suggestions or suggested answers, is just what kind of joint solution might there be that you think would be compatible to both sides?

Mayor WHITAKER. Of course, the city of Lawton, I think would consider anything.

When you say a lease, that is a pretty broad term, Senator Bartlett.

We do not know what is in the lease, who it reverts to, after \$7 million of improvement are put on it.

We do not know how many options, what is the length of the term, things like this.

We have been willing to try to negotiate since 1972.

Senator BARTLETT. I think the term lease, of course, connotes meaning different from outright ownership. What conditions would you like to see in a lease, if the lease were satisfactory?

What requirements of term and other requirements, extensions or whatever it might be?

Mayor WHITAKER. First off, I would not like to have a lease that would jeopardize any funding from government agencies, such as the BOR, the Bureau of Land Planning or anything like this.

If we could get funds to help develop the complex, I do not know the exact rules they might have regarding a lease at this time, Senator Bartlett.

All I can say is that I would not want anything in the lease that would restrict or not be able to get any funding.

We are also interested in that part of it as far as the ownership of the land.

We understand, from the Bureau of Outdoor Recreation, anything that is private ownership, would not be eligible and that most of their grants are for government entities.

You mentioned, I think, previously in the hearing here, about a new public law.

Is this taking in this?



Senator BARTLETT. Yes. This would presumably provide moneys for the Indian tribes. It is the Indian Financing Act and presumably this would be available.

Mayor WHITAKER. In other words, if the ownership were in a private ownership for all three tribes, it would be eligible for large grants to develop outdoor recreation complexes then?

Senator BARTLETT. Loans, grants, et cetera, I think also technological information.

Mayor WHITAKER. This is real new then, right?

Senator BARTLETT. Yes, it was passed very recently this year.

Mayor WHITAKER. That is in 1972, we took the position that we did because we understood that private ownership like that was not eligible for funds.

Senator BARTLETT. This is available to the Indian Tribes of Oklahoma.

In the past, oftentimes Federal programs were available only to Reservation Tribes.

Mayor WHITAKER. That is fine. Like I say, it was not there in 1972 and that is why we pursued the ownership right on it.

As far as other terms in the lease, Senator Bartlett, I think the lease has to acknowledge the fact of what you have there and how much improvements are involved in this lease and how much acreage we could finally agree to lease and everything like this.

The terms here would be in compliance with what improvements and how much acreage is involved.

I think 25 years is the maximum that you can lease.

Could we enter into a 99 year lease? We understand that you cannot.

Senator BARTLETT. Mr. Hutchinson is in the back of the room. Could you come up, sir?

On the matter of leasing, and I know what the tribes thinking on this is, what is the law on leasing in terms of long-term leasing?

Mr. HUTCHINSON. If these lands were turned over to the tribe, they could be leased under existing law for a period of 25 years with an option to renew for further 25 years.

Senator BARTLETT. For a further period?

Mr. HUTCHINSON. For 50 years in total.

Mayor WHITAKER. Fifty years would be the limit then?

Mr. HUTCHINSON. Yes.

Mayor WHITAKER. The consideration of that and the amount of acreage and the proposed improvements to be put up to there, I am not that much of a legal expert, it would have to come from my legal department, then you might have resulting at the end of the 50th year, the lessor takes over or there would be the appraised value.

Many things would enter into that portion of it under the terminology of the lease which I expressed a while ago.

Senator BARTLETT. While we have Mr. Hutchinson there.

Have you had a chance to look at the letter from Mrs. Stephens to the city of Lawton?

Mr. HUTCHINSON. Yes, I have.



Senator BARTLETT. Do you have any opinion as to the legality of that document?

Mr. HUTCHINSON. The instrument is legal in so far as starting what the heir of the vendor is telling the United States. However, the vendor did not serve any right, did not insert any condition in the deed, which would give her a prior right to purchase.

The letter is, you might say, without legal effect in so far as transferring any right to the City or anyone else to have the prior right.

Mayor WHITAKER. I think the main thing on that letter, Senator Bartlett, is her opinion that she is in support of our proposed use of the land more than anything else.

Senator BARTLETT. Rather than a legal conveyance, I see.

Mayor WHITAKER. If we went in that pursuit, we would get legal attendance and things like that.

We did not. It is just a notarized statement.

Senator BARTLETT. She was compensated at the time for the land?

Mayor WHITAKER. She has taken the position with the city of Lawton for the development of the land.

Senator BARTLETT. Mayor Whitaker, do you or Mr. Jones have any other comments?

Mayor WHITAKER. I have always told them that we hoped something could be worked out.

I hope that it does not get down to the point where he said this and you said that and admittedly, we have always wanted to make it into a regional complex and we still want to.

Senator BARTLETT. Each side has heard the other side.

Now we will turn back, Lee, to you and your colleagues of the three tribes for any comments that you might wish to make.

Let me just say, as I said earlier, before the Mayor spoke, that I hope something can be worked out that will serve the interest of all concerned, if this is at all possible.

Mr. MOTAH. Senator, Mr. Chairman, we still stand where we understand our agreement that we are, as Indian people, of that jurisdiction, we are concerned about ownership.

After the ownership, we are concerned about working with our friends of the city of Lawton, either on the basis of leasing or something like that, a certain portion of it, but we want the ownership.

We want you to understand that we are concerned about the ownership of the land, then we can negotiate with them on other procedures.

Senator BARTLETT. I think the Mayor of Lawton is willing to discuss the leasing of the land from the three tribes at such time as the tribes did own it, but I think they were wanting the city of Lawton to work with the tribes in the acquisition of the ownership, I would think that conditions of the leasing would be an area of interest that the city has. Would the three tribes be willing to discuss the leasing matter prior to possible acquisition of ownership on the basis that the tribe's would acquire ownership and then negotiate leasing arrangements with regard to terms, amounts of land, and so on.



I think this is the area I would say where agreement would be reached or would not be reached.

Mr. PIPESTEM. Senator, I have seen, and I do have confidence, I have seen this Congress effectuate very innovative and equitable solutions to problems such as this.

One of the purposes that the KCA Inter-Tribal Land Use Committee did have in meeting with the city of Lawton was to iron out these kinds of problems and come to arrangements of this nature.

At no point, am I emphasizing that the KCA or the Comanche, Kiowa, and Apache Tribes are definitely and emphatically interested in ownership of the land, but they are also interested in coming to some kind of agreement whereby it can be worked out, as long as we do not get into getting less than 50 cents a year per acre on the lease or something like that.

Senator BARTLETT. Thank you, Mr. Pipestem.

Mayor Whitaker, in your opinion, is the city of Lawton interested in supporting the ownership of this land by the three tribes if satisfactory leasing arrangements can be worked out with the three tribes prior to that support?

Mayor WHITAKER. It would be hard for me to answer that question, just like it would be hard for them.

When we originally talked about this, they had to go back to their tribes and their land use people, because I, in the capacity of representing the city, I have to go back to the Council.

At this point, I have only been instructed to give the position that we are giving.

As far as the lease is concerned, I would have to take this, Senator Bartlett, back to the Council, and ask again the Chamber of Commerce what their opinion might be on it because they are very heavily involved in it.

Then we would come back with yeas and nays and strike ups and additions, I guess.

That is the only thing I can say at this point. I cannot say yes definitely.

Senator BARTLETT. Mayor Whitaker, would you agree with me that the possibility of working out a joint effort would be pulling together on the ownership in the name of the three tribes, and would be dependent upon a lease agreement that would be mutually agreeable between the city of Lawton and the tribes?

Mayor WHITAKER. We would like to see—

Senator BARTLETT. What I am asking you is if you agree that this is an area where it would be possible to work out a jointly acceptable solution?

Mayor WHITAKER. Yes, this would be one of the possible solutions.

Another solution would be for the land to be granted to us only as far as we are interested in it and the other land granted to the Indians where they are interested in it.

That might be a solution also.

Senator BARTLETT. That is a solution, but that is not a solution that is acceptable to the tribes.

The question was trying to define the area where a mutually satisfactory solution could be achieved. Are you in agreement?



Mayor WHITAKER. We will be glad to look at it and try to discuss it. As I say, the final passage, again, lies in the final vote of the Council and expression from the Chamber of Commerce.

Senator BARTLETT. It seems to me as far as this bill is concerned, from the point of view of joint support by the city of Lawton and by the three tribes, that the area for working out an agreement would be in the area of ownership of this land being conveyed to the tribes with a lease arrangement agreeable to both the city of Lawton and to the tribes.

This seems to be the possible area.

Mayor WHITAKER. It looks like it is getting in that direction.

Senator BARTLETT. Mr. Pipestem, or Lee Motah, do any of you have any comments on this, Bob Cannon?

Mr. CANNON. One final comment, Senator, and that is while ownership is a prerequisite as far as the tribes are concerned, and the negotiations that we are discussing here that are a possibility are important, we feel that this thing can be over emphasized.

This bill must be acted upon immediately because of the lateness and the time tables that are involved since this bill has been put before the—as the mayor said, it was written about 2 years ago now.

We would encourage action on this immediately.

Senator BARTLETT. Then what you are saying is that you are wanting the ownership and you are also wanting to proceed with that ownership without any understanding on the lease arrangement?

Mr. CANNON. It is important that we talk about lease arrangements, but we also feel the importance of ownership also and they need to act immediately on the bill in a positive way.

Mayor WHITAKER. I take that, Senator Bartlett, that they want the actions and then the ownership and then they will talk lease.

Senator BARTLETT. What is your reaction to that Mayor Whitaker?

Mayor WHITAKER. I guess it just boils down to a decision by someone to put the ownership with one of the two of us.

We still, of course, stand on our position of the ownership also and we say that we would try to work out the lease agreement.

I take it from their statement that they would not do this until after the determination has been made?

Senator BARTLETT. Mr. Motah?

Mr. MOTAH. Senator, you cannot lease anything unless you own it, so we would like the ownership of this land and then we can negotiate with the city of Lawton and also involved in that is when it comes in the names of the three tribes, we can talk business with some funding company or some Bureau of Indian Affairs.

We can get money, but we must have ownership first. That seems to be the tie with us Indian people. We want ownership and then we can talk to Mr. Whitaker and his group.

Mr. REDBONE. Also we have other land in that area that we are trying to develop and certainly, we are going to have to work, in some respects, with the city of Lawton, so as it was stated here by Mr. Motah, once we acquire the ownership of that land, certainly we can go from there and try to work hand and hand.

After all, it was stated here a while ago that we own some land right in that vicinity.



Certainly, we will have to work together.

Senator BARTLETT. Mr. Cannon, Mr. Pipestem and anyone else, are there any other statements you would like to make for the record?

Mayor Whitaker or Mr. Jones, do you have any other statements?

Let me ask if there are any questions up here?

I think if no one else has anything to say for the record, that completes the record.

The record on this hearing will be open for 2 weeks.

If any of you have any additional statements, documents or positions to make, we will welcome them and make them a part of the record.

If there are no further comments or statements to be made, that concludes the hearing scheduled for May 14, 1974.

Mayor WHITAKER. Thank you.

Mr. MOTAH. Thank you.

Mr. PIPESTEM. Thank you.

Mr. CANNON. Thank you.

Mr. REDBONE. Thank you.

[Whereupon, at 12:45 p.m., the hearing was adjourned.]

○