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Letter from Representative Charles R. Robertson to Ernest L. Wilkinson Regarding Indian Claims Commission, August 26, 1946

Charles R. Robertson

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CHARLES R. ROBERTSON

MEMBER AT LARGE
NORTH DAKOTA

SECRETARY:
ELSIE L. GOULD

ASSISTANT SECRETARIES:
LUCILLE H. BLAKE
PEARLE L. GAY

Indians
COMMITTEES:
FLOOD CONTROL
INDIAN AFFAIRS
PUBLIC BUILDINGS AND GROUNDS
TERRITORIES

Congress of the United States
House of Representatives

Washington, D. C.

August 26, 1946

Ernest L. Wilkinson, Esq.
744 Jackson Place, NW
Washington 6, D.C.

Dear Mr. Wilkinson:

Now that the Indian Claims Commission Bill has become a law, I want to express the gratitude not only of myself but of every member of the Committee on Indian Affairs of the House of Representatives for your untiring efforts in behalf of that legislation.

It has now been nearly two years since the first Indian Claims Commission bills were introduced in this Congress. During that time the Members of Congress have been so busily engaged with so many matters that the Indian Claims Commission bill needed someone on the outside with a special knowledge of Indian Affairs to continually nurture and father this legislation from month to month. You supplied this need. At one of the very first hearings you appeared in support of those bills, but proposed a number of amendments. You will recall that the Committee was so much impressed with your testimony that they asked you and Felix Cohen, Acting Solicitor of the Department of Interior, to redraft a new bill incorporating your respective ideas. The bill that you and Mr. Cohen redrafted was, with the consent of the Committee, substituted for the bill originally introduced in the Congress and was favorably reported by the Committee.

I recall that you were present in the gallery of the House when the bill was debated, and those of us interested in the passage of the bill, sought your advice at that time with respect to certain amendments that were proposed on the floor of the House. In following your suggestions, we were successful in having the bill passed by the House.

I think I know also the part that you played in the passage of the bill after it left the House. The fact that the Senate was deeply absorbed with other matters and that the Senators were weary from some five years of continuous

sessions, did not deter you from pressing day by day the necessity for the passage of this bill. And when you were not satisfied with the bill as it passed the Senate, you proposed to both the Senate and House conferees certain amendments which really gave scope and substance to the bill. I recall in particular that you insisted upon certain provisions enlarging and making more certain the jurisdiction of the Commission. Your proposals were accepted. I recall also that you drafted an amendment precluding the government from setting off against any tribal judgments expenditures made by the government for education, health and hospitalization, agency and administrative expenses, highway and other purposes; this amendment alone, which was accepted, will be of inestimable value to the different tribes.

I recall also that you insisted upon a provision giving similarity of treatment to tribal cases already pending in the Court of Claims; to those tribes who already have suits pending in the Court of Claims, this should be of invaluable help.

Finally, I recall that when the Department of Justice was insisting that any awards made by the Commission be merely advisory, and that any tribe receiving an award be compelled to introduce a new bill and go through the entire legislative process in order to have it paid, you insisted that the awards of the Commission be final and be paid by Congress by regular appropriations, but you provided that the awards of the Commission should be subject to judicial review as are the decisions of administrative agencies generally under the Administrative Procedure Act. This proposal removed the opposition of the Department of Justice to a finality of awards by the Commission, and in my judgment, made it possible for the passage and signing of the law. Without such a compromise which you worked out, there was great danger of a veto. Your amendment, which was accepted, gives dignity and strength to the Commission, and I am sure does not prejudice the just determination of tribal claims. In short, the important provisions of the bill as it emerged from the conference of the managers of both Houses was largely the product of your pen. It is not, therefore, too much to say that the bill as passed and signed by the President owes its vitality to your genius for compromising differences with an invariable insistence, however, that the rights of all Indian tribes be protected.

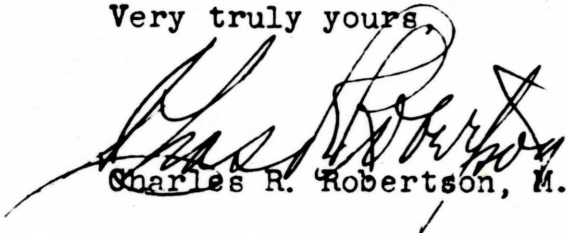
I can best express the gratitude of myself and others who fostered this legislation by quoting from a letter that I have already written to a lawyer in the West who wrote congratulating me on the part I played in this legislation, In reply, I wrote him as follows:

"I cannot fail to state to you that I feel with deep conviction. Never in the world would the Bill have passed the Congress had it not been for the constant efforts put forth by Mr. Wilkinson. He gave liberally of his time and talents in helping us draft the Bill and correct it. He made the necessary compromises to effect its passage, and still, after all is said and done, I feel we have an excellent Bill, and I will say to you in perfect candor, that Mr. Wilkinson is more responsible for it than any Member of Congress."

I shall always welcome the opportunity to join you in any endeavor in the interests of our Indian citizens. I have been tremendously impressed by your contribution, and by your willingness to give your time so graciously to the members of a Committee who have struggled with this problem for many years. I have come to regard you in the highest, and am certain that the Indians throughout the country owe you a debt of gratitude for your work. I consider you unequalled as a lawyer in the representation of Indian Tribes.

With kindest regards,

Very truly yours,



Charles R. Robertson, M. C.

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