

We are writing this letter on behalf of the Citizen Band of Potawatomi Indians of Oklahoma. We are their business committee, and are concerned about the fact that the payment of the award which was made by the Court of Claims and part of which belongs to the Citizen Potawatomi Band is being held up. By final decree of the Indian Claims Committee dockets #15-J and #17-A, dated February 26, 1959, 7 Ind.Cl. Com. 186.1, a judgment was rendered as follows:

"That the Potawatomi Nation, as created by the treaty of June 5, 17, 1846, as it then existed, have and recover of and from the defendant (The United States of America) for the benefit of all descendents of members of said nation as it was constituted and recognized by the United States in said treaty, the sum of \$3,288,974.90."

It was further provided that 1400/2180ths of the award go to the Citizen Band of Potawatomi Indians and 780/2180ths of the award to the Prairie Band.

Later, suit was filed in the United States District Court for the District of Kansas by plaintiffs claiming to be the Prairie Band of the Potawatomi Tribe of Indians vs. Stewart L. Udall, Secretary of Interior; Philleo Nash, Commissioner of Indian Affairs, and Buford Morrison, Area Field Representative, Defendants, No. T-3412 Civil. Upon this petition, a preliminary injunction was issued dated October 25, 1963, reading as follows:

"IT IS THEREFORE HEREBY ORDERED that upon the filing and the approval of a bond in this cause for the sum of One Thousand Dollars (\$1,000) that a preliminary injunction issue to enjoin these defendants from making any distribution of the appropriated funds contrary to the Award of the Indian Claims Commission of 1956 (4 Ind.Cl.Comm. Repts.409.)"

Later, on November 24, 1964, summary judgment was rendered, dismissing an action of plaintiffs for lack of jurisdiction, lack of in-

dispensable parties, etc. and dissolving the temporary preliminary injunction.

This case is now on appeal on the Court of Appeals for the Tenth Circuit at Denver. It appears that although the Citizen Band of Potawatomi Indians is not a party to this litigation, and although no relief was asked against the Citizen Band of Potawatomi Indians as such, that the Department of the Interior is withholding distribution of the Citizen Band's share in the award of the Court of Claims which remains on deposit in the Treasury.

We respectfully urge that the outcome of this law suit on appeal should not be allowed to interfere with or hold up the distribution of the Citizen Band of Potawatomi Indians' share of the award to the respective members entitled thereto. The Citizen Band of Potawatomis and the Department have agreed on the method of distribution, the persons entitled thereto, and the identities of the persons entitled thereto.

The way we view it, this is an administrative decision which has been made and concurred in by both the Citizen Band of Potawatomi Indians and the Indian Department, and no one should have the right to hold up the payment of these funds. In fact, distribution of a former award has already been made on the same basis. If these funds are not released, it looks as if the Citizen Band are going to have to hire lawyers to bring suit to get the funds distributed to their own people, when there is no disagreement among the Citizen Band of Potawatomi Indians or the Indian Department as to whom the funds should go. We feel that enough money has already been paid out for lawyer's fees and expenses, and we are asking you to do what you can to get this money paid, and paid now while most of us are still alive. It may take a special act of Congress to get these funds disbursed, but whatever it takes, please do it.