

SPEECH
OF
HON. DICK T. MORGAN,
OF OKLAHOMA.

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914.

Mr. MORGAN of Oklahoma. Mr. Chairman, Oklahoma bears burden of the Nation in the loss of school lands, in the insignificant amount received from the percentage on sale of public lands and in enormous loss of revenue by reason of vast area of nontaxable Indian lands. To remove this burden from the people of Oklahoma I have introduced three bills, to which I wish to call the attention of the House at this time.

Each one of these bills provides for a large appropriation to the State of Oklahoma. These appropriations are to pay to the State of Oklahoma certain amounts which I maintain are justly due the State on account of matters growing out of the terms and conditions under which Oklahoma was admitted as a State into the Union. At the outset, I will state that I do not charge that Congress intentionally did an injustice to Oklahoma. Nothing I shall say will be intended as a criticism upon the Committee on Territories in 1906, that had the Oklahoma Enabling Act in charge, and especially nothing I say must be regarded as, in any way, a criticism upon the gentleman from Michigan, the Hon. EDWARD L. HAMILTON, the chairman of the Committee on Territories at the time. The people of Oklahoma are greatly indebted to him for services rendered, and our people hold him in the highest esteem. And finally nothing I say is intended as a reflection upon the work of my colleague, Mr. McGUIRE, who was the delegate from Oklahoma Territory, at the time the Oklahoma Statehood bill was passed. Rather would I praise him for his splendid work in connection with Oklahoma's statehood act.

THIRTY-ONE MILLION ASKED FOR.

The three bills which I have introduced carry a total appropriation to the State of Oklahoma of over \$31,000,000. This is a large sum of money. I have not introduced these bills hastily.

In the second place, at the time of statehood, in what was formerly Oklahoma Territory, nearly all the public lands had been entered and final proof made thereon. As a result, this grant to Oklahoma of an amount equal to 5 per cent on the sales of public lands is insignificant compared with the amount received by the 28 other public-land States. To correct this injustice, I have introduced H. R. 28669, which provides in substance that Oklahoma shall have 5 per cent on sales of public lands lying within the State, sold either prior or subsequent to date of statehood.

NONTAXABLE INDIAN LANDS.

The most important of all these three bills is H. R. 28670, which provides for an appropriation of \$20,000,000 to the State of Oklahoma, payable in 16 annual payments of \$1,250,000 each.

This claim is based upon the proposition that the Indian lands in Oklahoma are nontaxable by virtue of stipulations in treaties made by the United States with the Indians; that the Federal Government has no power or authority to exempt from taxation land within a State, after the United States had sold or disposed of the lands, except by consent of the State, and except on terms and conditions prescribed by the State and upon payment of such consideration as shall be satisfactory to the State; and, finally, that to provide the Indians with nontaxable lands is a duty belonging to the Federal and not the State government, and that whatever it costs to provide nontaxable lands for the Indians should be paid by the National Government and not by the people of the State governments. The object of this \$20,000,000 appropriation is, in a measure at least, to pay to the State of Oklahoma and the various county, township, and school district governments for loss in revenue from nontaxable Indian lands.

SCHOOL LANDS APPROPRIATED FOR NATIONAL USE.

It is important that we first clearly comprehend the fact that the Federal Government used the public lands in the Indian Territory for a national purpose. To all intents and purposes these lands were used by the Government to pay a national debt. The United States in effect sold these lands to the Indians, and received a valuable consideration therefor. The Indians secured these lands through contract, agreement, and treaty. The Indians paid a consideration therefor, they released title to other lands, they relinquished homes elsewhere, or otherwise made concessions which were valuable to the Nation.

But, leaving out the question of consideration, in dealing with the Indian the United States had a duty to perform, an

obligation to discharge, a responsibility to meet. In discharging what was clearly a national duty, a national obligation, a national responsibility, the public lands in the Indian Territory were conveyed to the Indians.

The public school lands in the Indian Territory, solemnly dedicated to the sacred purpose of promoting education among the people of the State, were diverted from this great purpose and converted by the United States to another and entirely different purpose. These lands belonged to the State; they were used by the Nation. Dedicated solely to the use of the people of the State, they were appropriated for the use and benefit of all the people of the United States. Deprived of these lands, the people of the State have the right to expect full compensation therefor. If full compensation is not made to the people of the State for the loss of these lands then the Federal Government will be compelling the people of Oklahoma to pay, as a price for statehood, a debt that clearly belonged to the Nation and should have been paid by all the 93,000,000 people of the United States.

THREE GENERAL PROPOSITIONS.

The arguments in support of the bill (H. R. 27950) to appropriate \$11,000,000 to compensate the State of Oklahoma for difference between the value of school lands in the Indian Territory and the \$5,000,000 appropriated, I will present under three general propositions.

First. By virtue of what might be called the common law of the country—a law established by more than a century of precedent, custom, and usage, reenforced by a well-defined national policy—the people of Oklahoma were entitled to sections 16 and 36 in each township in the Indian Territory for public school purposes, or in lieu thereof an amount of money equal to their reasonable value at date of statehood.

Second. Other public-land States, in the number of acres granted to them for public school purposes, and in the per capita grant to such States, based upon population in 1910, and also in the per capita grant based upon school population, received vastly larger grants of land for public school purposes than did Oklahoma.

Third. The 1,100,000 acres of public school lands in the Indian Territory were reasonably worth about \$15 per acre—or in the aggregate about \$16,000,000—or about \$11,000,000 more than the \$5,000,000 granted in the enabling act.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Certainly.

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grant of the regular school lands given to other States, or their equivalent in cash. The mistakes of others should be a warning to the people of Oklahoma, but should not be used as an excuse for limiting the grant, either in lands or in money.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MORGAN of Oklahoma. Yes; I will yield to the gentleman.

Mr. CARTER. The State of Kansas was not brought into the Union with one-half of its lands nontaxable?

Mr. MORGAN of Oklahoma. No. I will come to that directly.

USAGE AND PRECEDENT SUPPORT CLAIM.

Oklahoma's claim to school lands in the Indian Territory is sustained by a full century of precedent, practice, usage, and custom.

The precedent for granting certain lands in each township for public-school purposes antedates the adoption of the Constitution and the organization of the Federal Government thereunder. In 1785 the Congress adopted an ordinance providing for the survey of the territory northwest of the Ohio River. This ordinance declared that lot 16 should be reserved for public-school purposes. In 1787, two years later, Congress passed another ordinance providing for the government of the Northwest Territory. This ordinance designated certain articles therein which should be regarded as articles of compact between the Original States and the State and the people of the Northwest Territory, which articles should remain unalterable except by common consent. One of these articles declared that—

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Thus our forefathers, 128 years ago—before the adoption of the Constitution—before the organization of the Government thereunder—established a precedent and inaugurated a national policy which have been followed ever since, and which have been potent factors in the spread of knowledge, in the promotion of education, in the enlightenment of our citizenship, and in adding strength, greatness, and glory to our country.

In 1802 Congress passed an act for the admission of Ohio as a State into the Union. This act granted section 16 in each township for public-school purposes.

From 1802 to 1848—a period of 46 years—in admitting public-land State Congress uniformly granted to the States section 16 in each township for public-school purposes.

In 1848 a new precedent was established—a new policy was adopted. The grant for public schools was enlarged. In that year the State of Oregon was admitted to the Union under an enabling act which granted both sections 16 and 36 in each township for the use of public schools.

The Oregon enabling act became a model for subsequent statehood acts. For from 1848 down to 1913—two-thirds of a century—in admitting public-land States into the Union Congress has followed the Oregon act and granted to the new States sections 16 and 36 in each township for public-school purposes, except that Utah, Arizona, and New Mexico were granted four sections in each township for public schools.

OKLAHOMA RECEIVES LESS THAN OTHER STATES.

The number of acres of land granted to Oklahoma for public-school purposes is not one-third the average number of acres granted to the various States admitted to the Union since 1848.

I have prepared a table showing the number of acres of land granted to the public-land States admitted since 1848 for public-school purposes. This table shows the population of these States in 1910, with the per capita grant to these States. The table is as follows:

Table showing number of acres the several States received from sections 16 and 36, and Utah, Arizona, and New Mexico with sections 2, 16, 32, and 36, with population of States in 1910, and number of acres per capita.

State.	Acres.	Population.	Per capita.
Utah.....	6,007,182	373,351	16
Montana.....	5,102,107	376,053	13.5
New Mexico.....	4,309,369	327,301	13.4
Arizona.....	4,050,346	204,354	28.8
Nevada.....	3,985,422	81,875	48.6
Colorado.....	3,715,555	799,024	4.6
Oregon.....	3,387,520	672,765	5.03
Wyoming.....	3,368,924	145,965	23.6
Idaho.....	3,063,271	325,594	9.4
Kansas.....	2,876,124	1,690,949	1.7
South Dakota.....	2,813,511	583,888	4.8
Nebraska.....	2,637,155	1,192,214	2.2
North Dakota.....	2,531,200	577,056	4.3
Washington.....	2,448,675	1,141,990	2.1
Oklahoma.....	1,276,204	1,657,155	.77
Total number of acres.....	51,572,565

Average acres for each State, 3,438,171.

Acres granted to Oklahoma, 1,276,204.

Utah received 6,007,128 acres; Montana received 5,102,107 acres. Arizona and New Mexico each received over 4,000,000 acres. Colorado, Idaho, Nevada, Oregon, and Wyoming each

received over 3,000,000 acres; Kansas received 2,876,124 acres; South Dakota, 2,813,511 acres; Nebraska, 2,637,155; North Dakota, 2,531,100; and Washington, 2,488,675 acres. Oklahoma received 1,276,520 acres.

Utah received the largest acreage for public-school purposes, Oklahoma the smallest. In acreage Utah's grant was more than four times that of Oklahoma. The average acreage granted to these States was 3,438,171 acres, three times the acreage received by Oklahoma.

PER CAPITA GRANT.

The number of acres per capita granted to the people of Oklahoma for common-school purposes is only one-sixteenth the per capita grant to the people of the other States for the same purpose.

The per capita grant for common-school purposes to the various States is as follows:

Nevada, 48.6 acres; Arizona, 28.8 acres; Wyoming, 23.6 acres; Utah, 16 acres; Montana, 13.5 acres; New Mexico, 13.4 acres; Idaho, 9.4 acres; Oregon, 5.03 acres; South Dakota, 4.8 acres; Colorado, 4.6 acres; North Dakota, 4.3 acres; Nebraska, 2.2 acres; Washington, 2.1 acres; Kansas, 1.7 acres; and Oklahoma, only 0.7 of an acre.

Nevada received the largest per capita grant, 48.6 acres. Oklahoma received the smallest per capita grant, seven-tenths of an acre. The per capita grant to Nevada was 70 times the per capita grant to Oklahoma. The average per capita grant to the various States was 11.2 acres. The average per capita grant to these States was 16 times the per capita acreage granted to Oklahoma.

If this is fair and equitable, then you must say that 1 acre of land in Oklahoma is worth 16 acres of average land in 14 of the best States west of the Mississippi River.

PER CAPITA GRANT BASED ON SCHOOL POPULATION.

The number of acres per capita granted to Oklahoma, based upon the number of persons of school age in 1910, is only one twenty-fourth the per capita grant to the other 14 States based upon school population.

I have prepared a table showing the number of acres of land granted for public-school purposes, the school population based upon the census of 1910, and the per capita grant to each State based upon the number of persons of school age in said States in 1910.

The table is as follows:

Table showing grant per capita according to the number of persons of school age in certain States in 1910.

States.	Acres.	School population.	Per capita.
Utah.....	6,007,182	121,016	49.6
Montana.....	5,102,107	93,771	54.4
New Mexico.....	4,309,369	105,403	40.8
Arizona.....	4,050,346	56,897	71
Nevada.....	3,985,422	16,132	247
Colorado.....	3,715,555	215,940	17.2
Oregon.....	3,387,520	175,386	19.3
Wyoming.....	3,368,924	35,776	94.1
Idaho.....	3,063,271	96,819	31.6
Kansas.....	2,876,124	515,156	5.5
South Dakota.....	2,813,511	183,979	15.2
Nebraska.....	2,637,155	373,868	7
North Dakota.....	2,531,200	183,336	13.8
Washington.....	2,448,675	293,478	8.3
Oklahoma.....	1,276,204	566,323	2.2

Average grant per capita on school population, excluding Oklahoma, 48.2.
Per capita grant to school children in Oklahoma, 2.2.

Nevada leads the list of States with 247 acres for each person of school age in the State in 1910. Oklahoma is at the bottom of the list with only 2.2 acres to each person of school age in the State in 1910. Wyoming follows Nevada with 94.1 acres for every child of school age. Arizona has 71 acres per capita for her children of school age. Montana has 54.4 acres for every one of her school children. Utah comes next with 49.6 acres to each school child. New Mexico has a per capita acreage for every one of her school children of 40.8 acres. Idaho has for each school child in the State 31.6 acres. For every school child Oregon has 19.3 acres; Colorado, 17.2 acres; South Dakota, 15.2 acres; North Dakota, 13.8 acres; Washington, 8.3 acres; Nebraska, 7 acres; and Kansas, 5.5 acres.

The average grant per capita to the 15 States in this list, excluding Oklahoma, based upon the school population, is 48.2. The average per capita grant to these 15 States, based upon the school population in 1910, was 24 times the per capita grant to Oklahoma.

\$5,000,000 LESS THAN ONE-THIRD VALUE OF LANDS.

The \$5,000,000 in cash granted the State of Oklahoma in lieu of sections 16 and 36 in the Indian Territory was not more than one-third the value of these lands.

What were these lands worth? What gives value to land? Soil, climate, season, transportation facilities, markets, society, schools, and churches.

These lands were located in an excellent climate. The soil was rich, fertile, and productive. The seasons were favorable, the normal rainfall was ample.

These lands were not in an unpopulated country remote from society, civilization, commerce, trade, and business. Six hundred and eighteen thousand one hundred and fifteen people were already in the Territory. Twelve of the States in 1910 had a less number of inhabitants. The two Territories in 1907 had a population of nearly 1,500,000 people.

Railroads were already built, markets were accessible, the cost of transportation reasonable. Flourishing towns and villages dotted the land. There were many thriving cities with populations ranging from one to fifteen thousand.

School privileges were very inadequate in the country, but the towns and cities had established creditable public schools; other institutions of learning had been founded; churches had been built; charitable and fraternal orders had been organized; and already the people had laid well the foundation for the highest type of society and civilization.

Great material progress had been made. Agriculture, mining, manufacturing, trade, transportation, and commerce were flourishing.

The Territory was surrounded by great, populous, wealthy States that had attained a high degree of development. On the south was Texas, on the east Arkansas, on the north Kansas, and on the west the best developed part of Oklahoma Territory, when lands were selling on the market at from \$20 to \$50 per acre.

The Territory was rich in minerals. Nowhere was there a better prospect for industrial development, for growth in its towns and cities, for increase in population, and wealth, and for rapid rise in the value of lands.

Who will say that these fertile lands thus situated and surrounded—located in the very heart of civilization, with markets, transportation, industry, population, schools, and churches—were worth only \$4.62 per acre?

The assessor of Oklahoma in 1909 placed a value on these lands. They assessed Oklahoma lands for taxation in 1909 at \$12.38 per acre. This meant that in their judgment these lands were worth from \$18 to \$25 per acre.

The United States through its Census Bureau valued the lands in Oklahoma at \$22.49 per acre.

In 1889 and 1890 Congress placed an estimate upon the school lands in a number of the Western States. The enabling

acts admitting North Dakota, South Dakota, Montana, and Washington, in 1889, and Idaho and Wyoming, in 1890, granted these States sections 16 and 36. In this act Congress placed a limitation on the grant, prohibiting these States from selling any of these lands, even the poorest section, at less than \$10 per acre. This was equivalent to saying to the people of these States, "The poorest of these lands are worth to you \$10 per acre, and Congress, for the protection of the taxpayers and school children of the State, prohibits you from selling any of your lands at less than their value, and \$10 per acre shall be the minimum price at which any of these lands shall be sold."

But, lo, and behold! When Congress a few years later came to compensate Oklahoma for school lands which the Nation had appropriated for another purpose—a national purpose—Congress said to the people of Oklahoma, "Your lands are worth only \$4.62 per acre."

If it were unwise for the people of North Dakota, South Dakota, Montana, Washington, Idaho, and Wyoming to sell their school lands for less than \$10 per acre as the minimum price, certainly the people of Oklahoma ought not to accept \$4.62 per acre for her school lands without a protest and without an appeal to the National Congress for justice in a matter that vitally affects her people.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MORGAN of Oklahoma. I will yield to the gentleman for a question.

Mr. MONDELL. The gentleman does not think, as a matter of fact, that the school lands in the States he refers to are actually worth anything like \$10 an acre, does he?

Mr. MORGAN of Oklahoma. Well, I am only stating what the judgment of Congress was as to the value of those lands.

Mr. HELGESEN. Let me tell the gentleman that in North Dakota they are worth vastly more than \$10 an acre, and they have sold for more.

Mr. MORGAN of Oklahoma. I am glad to have the testimony of the gentleman from North Dakota as to the value of school lands in that State.

Mr. BURKE of South Dakota. But the gentleman from Oklahoma [Mr. MORGAN] is talking about the value at the time of the grant. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes; I will yield.

Mr. BURKE of South Dakota. The gentleman says that the United States Census Bureau estimated the value of lands in

Oklahoma at the time Oklahoma came into the Union at something over \$22 an acre.

Mr. MORGAN of Oklahoma. No; I said in 1910.

Mr. BURKE of South Dakota. Well, in 1910. Can the gentleman state what was the value of the land in some of the other States that he has mentioned at the time they were admitted; for instance, Nevada, Wyoming, and Montana?

Mr. MORGAN of Oklahoma. I did not look this up. I do not suppose the land in those States on the average is worth as much as land in some other States.

Mr. BURKE of South Dakota. Do you not think that at the time they were admitted \$1.60 an acre would have been a pretty good price?

Mr. MORGAN of Oklahoma. I am candid in answering this question in the negative. These Oklahoma lands at that time could have been sold wholesale to a syndicate or corporation for \$15 an acre. Why, Mr. Chairman, not only was the surface of these lands worth that, but it was known that these lands were rich in mineral. It was known that the new State would develop rapidly.

PER CENT ON PROCEEDS OF SALE OF PUBLIC LANDS.

The second bill which I have introduced and to which I desire to call the attention of the House is H. R. 28669. This bill carries an appropriation of \$500,000, or so much as may be necessary. This bill authorizes the payment to the State of Oklahoma of an amount of money equal to 5 per cent of the proceeds of the sale of public lands lying within what was formerly Oklahoma Territory on sales made between April 22, 1889, the date the first lands were opened to entry, and November 16, 1907, the date Oklahoma became a State in the Union.

The object of this bill is to equalize the amount received by the State of Oklahoma from a percentage on the proceeds of the sale of public lands with an amount received by 28 of the States of the Union under a similar provision.

OKLAHOMA'S GRANT INSIGNIFICANT.

The amount received by Oklahoma from the grant of 5 per cent on the net proceeds of the sales of public lands lying within the State is only one-eighth the average amount received by 28 other States under a similar grant.

I have prepared a table showing the States which have received this grant, the amount received by each State for the fiscal year 1912, and the total amount received by each State up to that time.

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The table is as follows:

Amounts accrued and paid to States for purposes of education, or of making public roads and improvements, on account of grants of 2, 3, and 5 per cent of net proceeds of sales of public lands lying within said States.

State.	Total to June 30, 1911.	Fiscal year 1912.	Aggregate to June 30, 1912, inclusive.
Alabama.....	\$1,077,305.32	\$599.40	\$1,077,904.72
Arizona.....		1,652.99	1,652.99
Arkansas.....	323,897.84	1,013.16	324,911.00
California.....	1,062,698.44	17,354.82	1,080,053.26
Colorado.....	445,393.06	15,355.24	460,748.30
Florida.....	133,159.79	4,176.27	137,336.06
Idaho.....	231,342.01	10,541.35	241,883.36
Illinois.....	1,187,908.89		1,187,908.89
Indiana.....	1,040,255.26		1,040,255.26
Iowa.....	633,638.10		633,638.10
Kansas.....	1,122,353.55	3,116.86	1,125,469.41
Louisiana.....	467,862.06	325.83	468,187.89
Michigan.....	586,783.64	284.88	587,068.52
Minnesota.....	586,036.69	2,246.39	588,283.08
Mississippi.....	1,069,843.91	82.71	1,069,926.62
Missouri.....	1,059,760.74	669.87	1,060,430.61
Montana.....	366,647.00	37,598.88	404,245.88
Nebraska.....	551,388.13	8,006.32	559,394.45
Nevada.....	29,518.81	2,605.77	32,124.56
New Mexico.....	110,453.47	10,587.31	121,040.78
North Dakota.....	505,262.75	23,764.36	529,027.11
Ohio.....	999,353.01		999,353.01
Oklahoma.....	55,986.06	3,161.83	59,117.89
Oregon.....	701,687.81	15,328.30	717,016.11
South Dakota.....	263,485.30	44,582.90	308,068.20
Utah.....	75,860.78	5,834.00	81,694.78
Washington.....	390,903.57	6,026.78	396,930.35
Wisconsin.....	586,304.10	104.48	586,408.58
Wyoming.....	189,517.57	23,870.07	213,387.64
Total.....	15,854,577.66	238,889.77	16,093,467.43

Seven of these States, viz, Alabama, California, Illinois, Indiana, Kansas, Mississippi, and Missouri, have each received from this fund in excess of \$1,000,000. Ohio has received \$999,351.01. Oregon has received \$715,016.11. Wisconsin, North Dakota, Nebraska, Minnesota, and Iowa have received in excess of \$500,000. Montana and Louisiana have each received \$400,000. Washington, South Dakota, and Arkansas have each received over \$300,000.

In comparison with these large amounts received by the various States, ranging from \$300,000 to over \$1,000,000, Oklahoma has received the insignificant sum of \$59,117.89. This sum can never be materially increased, because the public lands in Oklahoma have been exhausted, final proofs have been made, and patents issued on practically all of our public lands. On the lands not yet patented there will be very few sales; the most of our settlers will acquire title under the three and five year

law. Under this grant, as construed by the department, Oklahoma will never receive to exceed \$75,000.

Each of the 28 States have received under this grant an average of \$572,655. In round numbers, each of the States have received 10 times the amount received by Oklahoma. Many of the States in the list will receive under this grant large sums in the future, because large tracts of public lands in the State are still unentered.

The per capita grant received by the 14 public-land States that have been admitted since 1848, excluding Arizona, which has just been admitted, based upon the population of 1910, is as follows: Wyoming, \$1.44; Oregon, \$1.06; Montana, \$1.06; North Dakota, 91 cents; Idaho, 74 cents; Kansas, 66 cents; South Dakota, 58 cents; Colorado, 57 cents; Nebraska, 47 cents; Nevada, 39 cents; New Mexico, 36 cents; Washington, 33 cents; Utah, 22 cents; and Oklahoma, 3 cents.

The largest amount per capita is \$1.44, received by the people of Wyoming. The smallest amount per capita was 3 cents, received by the people of Oklahoma.

The average amount received per capita by these 14 States, excluding Oklahoma, is 62 cents. In other words, the average amount per capita received by the people of these 13 States is 20 times the amount per capita received by the people of Oklahoma.

Taking these same 13 public-land States, which have been admitted since 1848, excluding Arizona, the amount received per capita, based upon the number of persons of school age according to the census of 1910, is as follows: Wyoming, \$5.96; Montana, \$4.31; Oregon, \$4.08; North Dakota, \$2.87; Idaho, \$2.49; Kansas, \$2.18; Colorado, \$2.16; Nevada, \$1.99; Nebraska, \$1.41; Washington, \$1.35; New Mexico, \$1.14; South Dakota, \$1.13; Utah, 67 cents; and Oklahoma, 10 cents.

The largest amount received by any State from the percentage on the proceeds of the sale of public lands was Wyoming, \$5.96. The smallest amount was received by Oklahoma, 10 cents per capita. The average per capita received by these 13 States was \$2.44.

In other words the average amount received by these States per capita is 24 times the amount received per capita by the people of Oklahoma from this grant.

The discrimination against Oklahoma in this grant is also seen in the amount received from each State for the fiscal year ending June 30, 1912. For that year South Dakota received \$44,582.90, Montana received \$37,598.88, Wyoming received \$23,-

\$70.07, North Dakota received \$23,564.36, California received \$17,354.82, Colorado received \$15,355.24, and Oregon received \$15,328.30, but Oklahoma received from this fund during that year only \$3,161.83.

The amount received by the State of Oklahoma compared with the total amount received, or the per capita amount, according to the population of 1910, or based upon the school population of the various States, is so insignificantly small as to make the grant to Oklahoma practically no grant at all.

What is the explanation of this? In the first place, Congress conveyed practically one-half of all the public lands in Oklahoma to the various Indian tribes of the Indian Territory. In theory the National Government received a consideration for these lands, but under the grant Oklahoma, of course, receives no percentage thereon. Secondly, before statehood the public lands lying within the State had been largely already patented. Thirdly, as a rule the settlers of Oklahoma did not purchase their land under the commutation act, but acquired title after a five years' residence.

The department has construed the provision in the Oklahoma enabling act providing for this grant to apply only to lands sold subsequent to statehood. The bill which I have introduced (H. R. 28669) grants to the State a sum equal to 5 per cent of the net proceeds on all sales from public lands from April 22, 1880, to November 16, 1907, the day Oklahoma became a State. In effect my bill grants to the State a sum equal to 5 per cent on the sale of public lands lying within the State sold either before or subsequent to statehood.

In all the 29 States receiving this grant the provision in the enabling act states specifically either that the per cent shall apply only to lands sold subsequent to statehood or a definite date is fixed on or about statehood from which the State should receive a percentage on the proceeds of all sales. The Nebraska enabling act is an exception, in this, that it grants the per cent of sales of public land both "prior and subsequent" to statehood. New Mexico was also granted this percentage on sales made while a Territory.

The Oklahoma enabling act is an exception to all the others. The language is indefinite and uncertain. It provides that there shall be paid to the State "an amount equal to 5 per cent of the proceeds of the sale of public lands lying within the State." The department has construed this language to limit the grant to sales of public lands made subsequent to statehood. The department, I think, is wrong in this construction. The grant

was philanthropic in its nature, and should be construed liberally in favor of Oklahoma.

It may be suggested that Oklahoma is too late; that the people have slept on their rights. Not so. Congress itself has made a precedent for correcting a mistake or injustice relating to such a grant.

California was admitted into the Union by an act approved September 9, 1850. The act made no grant to the State of any percentage on the proceeds of the sale of its public lands. Fifty-six years passed away. Finally, by an act approved June 27, 1906 (34 Stat. L., 518), Congress granted to California 5 per cent of the net proceeds of the sales of public lands from date of statehood. Under this act California has received already \$1,080,053.26, and from the sales of land in 1912 received \$17,354.82.

Congress has been just and generous to California. I have faith that Congress will treat Oklahoma with the same degree of justice and generosity, and make an appropriation which will, in a measure at least, equalize the amount received by Oklahoma under this grant with the money that has been received by 28 States of this Union under a similar grant.

Mr. HELGESEN. How far back did it go in California?

Mr. MORGAN of Oklahoma. It went back to the time that it was admitted into the Union as a State.

Mr. HELGESEN. Five per cent on the lands from the beginning?

Mr. MORGAN of Oklahoma. Went back to the sale of lands from the beginning—from the admission of the State in 1850.

Mr. MURDOCK. Mr. Chairman, the California proposition is very interesting. Will the gentleman explain to the House whether the California payment went through Congress as a separate measure, or was it on some appropriation bill?

Mr. MORGAN of Oklahoma. That California bill went through as a separate measure, considered by itself, which showed it had the due consideration of the House.

Mr. MILLER. Can the gentleman state to the House what Oklahoma has done with its school lands in what was old Oklahoma Territory? I understand there is something about a million—

Mr. MORGAN of Oklahoma. Most of those lands have not been sold, but they are under lease.

Mr. MILLER. And still remain intact?

Mr. MORGAN of Oklahoma. They still remain intact. The common-school lands have not been sold.

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Mr. McGUIRE of Oklahoma. A portion of them have been sold and a portion have not been sold.

Mr. MILLER. Have arrangements been made to put them into a permanent fund?

Mr. McGUIRE of Oklahoma. Yes, sir.

COMPENSATION FOR NONTAXABLE LANDS.

Mr. MORGAN of Oklahoma. The third bill which I have introduced, to which I wish to call the attention of the House at this time, is H. R. 28670.

The bill is entitled "A bill to pay the State of Oklahoma \$20,000,000 in lieu of taxes on lands and other property within the State, sold and disposed of by the United States under terms and conditions prohibiting the State from taxing the same."

The National Government, through treaty stipulations, has placed a large portion of the lands in Oklahoma in a position of being exempt from taxation. I have reached the conclusion that the State is entitled to compensation for loss of revenue occasioned thereby, and that no adequate compensation has been made. The object of this bill is to require the National Government to make such appropriation as will at least in a fair measure compensate the State and its various civil subdivisions for loss of taxes upon nontaxable Indian lands. The bill appropriates \$20,000,000, payable in 16 annual installments, to be distributed to the State, counties, and school districts, as their interests may appear, based upon loss of revenue.

OKLAHOMA BEARS NATIONAL BURDEN.

The United States in asking Oklahoma to provide nontaxable homes for more than one-third of the Indians of the United States is placing upon the 1,700,000 people of the State of Oklahoma a duty, an obligation, a responsibility, a burden, that belongs to all the 93,000,000 people of the United States.

Under the Constitution of the United States the Federal Government has no right, power, or authority, without the consent of the State and except upon such terms and conditions as shall be prescribed by the State, and except upon the payment to the State of such consideration as may be agreed to by the State, to exempt from taxation, for any period of time, any lands which have been sold or disposed of by the National Government.

Cooley, in his work on "Taxation" (third edition, p. 136), discussing the exemption of public lands from State taxation, says:

The disability remains effective until the United States shall have made sale or other disposition of the lands, but it then terminates,

notwithstanding the title may not have passed by the actual execution and delivery of a patent.

In the Ohio enabling act Congress made three grants to the State—section 16 for schools, certain salt springs with contiguous land, and a per cent on net sales of public lands. Following these grants was this proviso:

Provided always, That three foregoing propositions herein offered are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by Congress from and after the 30th day of June next shall be, and remain, exempt from any tax laid by order or under authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years from and after the day of sale.

The Indiana enabling act, passed in 1816, made certain grants to the State on the express condition that the State would not tax lands which the United States had sold for a period of five years after date of sale. Four grants were made to Illinois on the express condition that the State would exempt from taxation lands sold by the United States for a period of five years, and exempt certain bounty lands granted to soldiers while the same should be held by the patentees or their heirs.

The enabling acts admitting Iowa, Alabama, Arkansas, and other States contain similar provisions.

Indeed, this proviso requiring the States to exempt from taxation, for a definite period of time, certain lands which the United States had sold or disposed of was inserted in all the enabling acts of those States in which there were lands which the United States desired should be exempt from taxation after statehood.

The grant to the States of 5 per cent on the sales of public lands apparently was intended as a special consideration to the States and the civil subdivisions thereof for loss of revenue on lands which had been disposed of by the United States and which the National Government desired should be exempt from taxation. In admitting Oklahoma Congress apparently gave no consideration to the question of compensating the State for exempting from taxation lands which the Government had conveyed to the Indians. Certainly there is nothing in the enabling act specifically referring thereto. There is nothing in the enabling act—no grant, gratuity, gift, or donation to the State—that may fairly be construed as a consideration to the people of the State for loss of revenue from lands no longer the property of the United States, but which had been made exempt from taxation by stipulations in treaties made by the Federal Government with the Indians.

In other words, the Federal Government has never claimed the right to exempt from State taxation property which it had disposed of.

The Federal Government has always conceded the right of the State to demand a consideration for exempting from taxation any lands or other property sold or disposed of by the United States.

The State therefore has the right to demand a full consideration for exempting from taxation property which has been made nontaxable by law, treaty, or other act of the United States.

I frankly admit the the people of Oklahoma in their constitution have by express terms exempted from taxation "such property as may be exempt by reasons of treaty stipulations existing between the Indians and the United States Government or by Federal laws during the force and effect of such treaties or Federal laws."

This provision is mere surplusage. Without such a provision in the State constitution the State of Oklahoma could not have taxed the lands which were exempt from taxation by reason of treaties made between the Indians and the United States. The people of Oklahoma might any day repeal this provision in their constitution. Still the State could not tax these Indian lands. The Supreme Court of the United States has decided that these lands were exempt from taxation and alienation by virtue of treaty stipulations, and that Congress itself was powerless by any statute to subject the property to taxation.

There is no specific provision in the enabling act requiring the people of Oklahoma to waive the right to tax lands belonging to the Indians. There is not a word in the enabling act expressing any special consideration to the people of Oklahoma for waiver of power to tax Indian property. The enabling act contains nothing which may be regarded as a consideration or compensation to the State for loss of revenue from nontaxable Indian property.

The State of Oklahoma received only such grants and gratuities as had been given to all the public-land States. Indeed, I have shown that, on the whole, the grants to Oklahoma, all things considered, have not been commensurate with grants to other States.

Yet Oklahoma is the only State where Indian property exempt from taxation is a matter which to any great degree seriously embarrasses the State and local governments.

It is clear, therefore, that the people of Oklahoma have received no consideration for exempting Indian property from

AMOUNT OF PROPERTY EXEMPT FROM TAXATION.

Few people realize the enormous value of Indian property in Oklahoma which is exempt from taxation, and it is almost impossible to comprehend the immense loss in revenue thereby occasioned to the State, county, township, and school district governments.

I present a table showing Indian population. The table is as follows:

Table showing Indian population of the United States, exclusive of Alaska, June 30, 1911.

Grand total.....	322, 715
Five Civilized Tribes, including freemen and intermarried whites.....	101, 287
By blood.....	75, 360
By intermarriage.....	2, 582
Freedmen.....	23, 345
Exclusive of Five Civilized Tribes.....	221, 428

BY STATES AND TERRITORIES.

Alabama.....	909
Arizona.....	39, 216
Arkansas.....	460
California.....	10, 371
Colorado.....	841
Connecticut.....	152
Delaware.....	5
District of Columbia.....	68
Florida.....	446
Georgia.....	95
Idaho.....	3, 791
Illinois.....	188
Indiana.....	279
Iowa.....	369
Kansas.....	1, 309
Kentucky.....	234
Louisiana.....	780
Maine.....	892
Maryland.....	55
Massachusetts.....	688
Michigan.....	7, 519
Minnesota.....	10, 711
Mississippi.....	1, 253
Missouri.....	313
Montana.....	10, 814
Nebraska.....	3, 809
Nevada.....	5, 240
New Hampshire.....	34
New Jersey.....	168
New Mexico.....	21, 121
New York.....	6, 046
North Carolina.....	7, 851
North Dakota.....	8, 253
Ohio.....	127

Oklahoma (includes 23,345 freedmen and 2,582 intermarried whites)	117,247
Oregon	6,403
Rhode Island	284
South Carolina	331
South Dakota	20,352
Tennessee	216
Texas	702
Utah	3,123
Vermont	26
Virginia	539
Washington	10,997
West Virginia	36
Wisconsin	10,360
Wyoming	1,691

FIVE CIVILIZED TRIBES.

Full bloods	26,686
Mixed blood, over one-half Indian blood	10,298
Mixed blood, but less than one-half Indian blood	64,255

There are in the United States 322,715 Indians; 117,247 of this number are in Oklahoma. We have within our State over one-third of the entire Indian population of the United States; 101,287 of this number belong to the Five Civilized Tribes; 15,960 belong to other tribes. The latter are Indians located in the western half of the State in what was formerly Oklahoma Territory.

Twenty-seven of the States have less than 1,000 Indians; 21 have less than 500 Indians; 7 of the States have less than 100 Indians. The total Indian population of 41 States of the Union is less than the Indian population of Oklahoma. In the amount of its Indian population Oklahoma stands absolutely in a class by itself.

I present table showing distribution of Indian property in the various States. The table is as follows:

Table showing value of Indian property, both private and individual, June 30, 1911.

Oklahoma, Five Civilized Tribes, \$191,946,070.34;	
other tribes, \$75,657,040.73	\$267,603,111.07
Arizona	36,915,162.10
California	41,921,654.53
Colorado	1,963,800.28
Florida	13,788.00
Idaho	14,573,608.60
Iowa	686,607.95
Kansas	4,252,008.55
Michigan	211,709.66
Minnesota	32,167,618.42
Montana	64,193,008.59
Nebraska	10,245,043.92
Nevada	1,264,426.58

New Mexico-----	\$16, 916, 560. 69
New York-----	185, 271. 20
North Carolina-----	629, 161. 42
North Dakota-----	22, 746, 539. 49
Oregon-----	36, 645, 098. 06
Pennsylvania-----	30, 172. 22
South Dakota-----	41, 015, 702. 05
Utah-----	3, 055, 275. 84
Washington-----	52, 086, 258. 37
Wisconsin-----	26, 930, 516. 31
Wyoming-----	2, 212, 148. 68
Grand total-----	678, 564, 253. 08

In what was formerly the Indian Territory the allotted and unallotted Indian lands comprise 19,134,214 acres. About three-fourths of this vast area is untaxable for a long period of years. In what was formerly Oklahoma Territory there are 3,602,259 acres of untaxable Indian lands. In the entire State about 18,000,000 acres of Indian lands are not taxable. At \$15 per acre these lands are worth \$270,000,000. This vast estate, made untaxable by laws and treaties of the United States, is equal to about one-fourth of all the taxable property of the State of Oklahoma.

The Bureau of Indian Affairs has made an estimate of the value of all the Indian property in the United States. According to this estimate the Indian property in the United States amounts to \$678,564,253. The Indian Bureau values the Indian property in the State of Oklahoma at \$267,603,111. Two-fifths of all the Indian property of the United States is in Oklahoma. All the Indian property in 41 States of the Union does not equal the amount of Indian property in the one State of Oklahoma.

If this property were taxed for State, county, township, and school-district purposes at $1\frac{1}{2}$ per cent, it would bring to the State and its various civil subdivisions annually over \$4,000,000. At this rate, in the five years which have elapsed since statehood the people have lost in revenue from nontaxable Indian property more than \$20,000,000. Congress granted to the people of the State \$5,000,000 cash in lieu of public-school lands in the Indian Territory. At 5 per cent annual interest this would bring the State an annual revenue of \$250,000. In the meantime the State and its various civil municipalities loses annually \$4,000,000 in revenue. They are losing \$16 in revenue from nontaxable Indian lands for every dollar in interest they receive from the \$5,000,000 cash appropriation. This must go on until the lands may be taxed. The loss which the people of Oklahoma will sustain by reason of nontaxable Indian lands can not, of course, be accurately measured, but the loss will be enormous.

mous. In my judgment, when a final accounting is had in the matter of nontaxable Indian lands the people of the State will have lost in revenue above \$50,000,000.

We all agree that the lands of the incompetent, uneducated, and uncivilized Indians should be exempted from taxation, but some one must pay for this exemption. To relieve one piece of property from taxation is equivalent to increasing the tax upon all other property. To exempt Indian lands from taxation adds additional taxes to all other lands. Revenue lost from exempted Indian property must be made up by revenue from other property. There is no escape from these conclusions, unless the people submit to an inefficient government and inadequate educational facilities.

This 276,000,000 acres of property in Oklahoma that is exempt from taxation belongs to the Indians. The Indians are wards of the Federal Government—they are the children of the Nation. The care of Indians is a national duty. To provide them with nontaxable property is an obligation that rests upon the National Government. It is the business of the Nation to provide the Indians with nontaxable property. The cost of providing this nontaxable property is a debt the Nation owes and a debt the Nation should pay. The cost of exempting the Indian from any of the ordinary duties, obligations, and responsibilities of citizenship in the State in which he lives should be paid by all the 93,000,000 people of the United States. It is unjust, it is unfair, it is inequitable, it is indefensible for the people of this great Nation to ask the people of one State to bear an undue and an extraordinary proportion of a burden that in justice belongs to all the people of the Union.

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