GRACY LEWIS, CHOCATAW ATTORNEY

By W. F. Semple and Winnie Lewis Gravitt*

Grady Lewis was born September 20, 1897 near the present
town of Cameron, LeFlore County, Choctaw Nation, Indian Terr-
tory. He was the youngest child of William A. Lewis and his wife,
Elizabeth Ann Moore Lewis. On his father's side he was descended
from John Lewis who immigrated from Wales and settled in Han-
over County, Virginia, about 1673. From Virginia, members of the
Lewis family moved in to North and South Carolina, and later into
Georgia. Here, Jacob Warren Lewis married Eliza Holcomb, a direct
descendant of Francis Lewis, a signer of the Declaration of Inde-
pendence. It was from Cartersville, Georgia that William A. Lewis
came to the Choctaw Nation in 1872. He settled near Kully Chaha,
in present LeFlore County. Five years later he married Elizabeth
Ann Moore.

On his maternal side, Grady Lewis was a lineal descendant of
an early Choctaw chief, Nita-oshe. Under Article 14 of the Danc-
ing Rabbit Treaty, Nita-oshe elected to remain in Mississippi. One
of his grandsons, bearing the name of William McCagus Moore, re-
moved to the Choctaw Nation in 1865, he being the father of Eliza-
beth Ann Moore. In 1877, Miss Moore married William A. Lewis and
they settled near Kully Chaha living near there until her death in
1899. Grady Lewis was proud of his Indian ancestry and said many
times that the work he had done for the Choctaws and other Indians
over a period of twenty years was the source of the greatest satis-
faction and pride to him.

Like most Choctaw boys of his time, he attended the "National
schools", as the tribal supported schools were called. At the age of
nine years he was sent to Jones Academy for two terms. After State-
hood, he attended the State public schools, and was graduated from
Bokchito High School in 1914. He attended Southeastern State Nor-
mal school at Durant, and later the University of Oklahoma. His
second year in the University was interrupted by service in World
War I. After his return from military service, he obtained his legal
training at the Cumberland Law School at Lebanon, Tennessee. He
passed the Bar examination in 1920.

While still a student in the University, he had volunteered for
service following the entry of the U. S. in World War I. He was ad-

*Hon. Wm. F. Semple, attorney, makes his home in Tulsa where he conducts
his legal work in connection with Indian claims to be presented to the Indian
Claims Commission. Mr. Semple is a member of a well known Choctaw family, and
was appointed Principal Chief of the Choctaws by President Woodrow Wilson,
serving in this position from 1918 to 1922. Mrs. Winnie Lewis Gravitt is a sister of
Grady Lewis, and is Librarian for the Public Library in McAlester.—Ed.
mitted to the Officers' Training School at Fort Logan H. Root, Camp Pike, Arkansas, September 1, 1917, at the age of twenty. He was there commissioned as a Second Lieutenant, Cavalry section, on August 15, 1917, and was assigned to the 87th Division activated at Camp Pike, September 1, 1917. He was commissioned a First Lieutenant in December of the same year. In July of 1918 his Division was sent to Camp Dix, and in August was sent overseas. His division saw little active service. Following the Armistice, he was returned to the United States, and honorably discharged from the service on March 15, 1919, with the rank of captain.

At the outbreak of World War II, Mr. Lewis again volunteered for service and was appointed Major, Army of the United States, April 30, 1942. He was promoted to Lieut. Colonel, July 1, 1944 and was relieved from active duty December 16, 1944. Upon his arrival overseas he had been assigned to serve under General William S. Key as Provost Marshall for the London area. Later Colonel Lewis was sent to Gibraltar on assignment from England. Here, he had as his chief duty the interviewing and processing of Allied Air Corps personnel who had been shot down over Europe and had subsequently made their way through the underground to Gibraltar. The importance of this work and the effectiveness with which he carried it cut contributed to the success of American Intelligence operations in this area. Upon his return to England, he served as Intelligence Officer in the Invasion Plans. In the early spring of 1944, he was assigned to the Claims Department. He became Chief Assistant in the preparation of plans for the transportation to, and the operation of the claims service on the Continent. After the plans were completed and approved, he was selected as the Commander of the Claims Office Team and crossed the Channel soon after the Invasion started. He left England on June 15, 1944; upon reaching the Continent he opened, and set up a foreign claims office in the city of Cherbourg. This was the first claims office to operate on the Continent. He continued as commander of this unit, until relieved to return to the United States December, 1944.

His commanding officer, General William S. Key said of Colonel Grady Lewis:

"Grady Lewis possessed and exhibited on all occasions the finest attributes of an officer and a gentleman. His patriotism and loyalty to his nation, his pride in the Armed Services, and the energetic manner in which he formed his military duties were inspiring to his many friends and associates in the Service; his warm personality, his fine sense of humor and fellowship contributed much to the morale of his associates."

After his graduation from Law School in 1920, Grady Lewis engaged in the practice of law at Durant, Oklahoma, where he associated with Mr. William F. Semple and the late Judge Jesse H. Hatchett. Later he established his own law office at Antlers, and two years later at Sapulpa where he became assistant county attorney for four years. He was elected Representative from Creek County to the State Legislature in 1929-30 and served for one term.
Since the beginning of his law practice he had been interested in the Choctaws, their problems and interests. During the Hoover administration, he was appointed National Attorney for the Choctaws. Thereupon, he first removed to Muskogee, more centrally located and nearer the Agency Office of the Five Civilized tribes. Finding that his duties could be transacted better, he later moved to the Nation's Capital, Washington, D.C., which was his home until his passing.

When he left the office of Choctaw National Attorney, Mr. Lewis took a contract with the Chief of the Choctaws, Ben Dwight, for the prosecution of the noted “Leased District” claim, involving some two and half million acres of land lying between the 98th and 100th degrees west longitude. The lands in question were originally ceded to the Choctaw Nation in the removal treaty concluded at Dancing Rabbit Creek, 1830, and covered by patent from the United States but the Government claimed to have acquired title to this particular area by virtue of the provisions of the Choctaw-Chickasaw treaty of 1866, negotiated shortly after the close of the Civil War. Upon presentation of the case, the claim of the Choctaws was allowed by an Act of Congress, wherein provision was made for the payment of some ten million dollars as compensation for the lands taken. The bill for the compensation was sponsored by Senator Wm. B. Pine, in the U.S. Senate and the members of the House from Oklahoma. It was vetoed by President Hoover, however. In the first round involving his claim, Mr. Lewis met defeat in the Court of Claims by a judgement rendered in that Court in 1939.

Thereafter, Mr. Lewis was instrumental in working out plans for the present “Indian Claims Commission”, created by an act of Congress and passed on August 6th, 1946. (60 Stat. 1049). This Act gave the Indians a new day in the prosecution of their claims, and waived technicalities which had heretofore constituted impossible barriers, and provided for presentation of total claims determined upon a fair and honorable basis. Entertaining, as he did, an abiding faith in the justice of his case, Grady Lewis continued to work night and day in the recovery of these lands. He finally obtained a judgment in the Court of Claims in 1951, for three and one half million dollars. After twenty five years intensive research, study and work on this case, he was rewarded. The Government did not prosecute an appeal from this judgment. While the amount recovered was less than that which the claim asserted, his judgment on the merits of the case was regarded by the legal profession as an outstanding accomplishment. The Choctaw Leased District Claim was the first decision rendered in favor of an Indian tribe in the history of the Indian Claims Commission.

In another case, Mr. Lewis succeeded in establishing a legal precedent by prosecuting an appeal from the United States District Court for the Western District of Oklahoma to the Circuit Court of
Appeals. In this court he obtained the release of an Apache Indian, Phillip Toosiagah, who had been convicted of the crime of murder, on the legal theory urged by the United States that the crime was committed on an Indian Reservation. Mr. Lewis took the position that the judgment was void for a total want of jurisdiction of the Federal Court, advancing the argument that there was no such thing as an Indian Reservation in Oklahoma at that time. The trial court was so thoroughly convinced that he was pursuing an erroneous conception of the law that time was not taken to let him argue his case, but was advised to prepare the record on appeal. The Circuit Court of Appeals reversed the trial court and sustained Mr. Lewis' contention that the court was without jurisdiction and the judgment of the court was wholly void. The judgment of the Court of Appeals was a vindication of his conception of the law involving facts presented in the case. Consequently the Indian was released from the United States prison at Leavenworth.

Other than the Choctaws, Mr. Lewis represented many Indian tribes. Among them were: Caddoes; the "Six Nations" comprised of the Seneca, Tuscarora, Mohawk, Iroquois, Oneida, Onondaga; the Apache, comprised of different bands, the Ft. Sill, the Warm Springs band and the Chiricahua of New Mexico; The Citizens band of the Pottawatomie; Oto and Missourii; the absentee Shawnee; Kiowa and Comanche. Some of these cases were pending at the time of his death.

At various times from 1940 to 1952, Mr. Lewis served as an arbitrator referee, and Presidential Fact Finding Board Member under the provision of the Railway Labor Act, as amended. To quote Frank Douglas, Chairman of the National Mediation Board:

"Needing men with keen minds and judicial temperament, and trained in law to serve as a referee with the National Railroad Adjustment Board, I appointed Grady to this service. He did such a fine job at that time, that we reappointed him several times as such referee. His decisions were so well reasoned and sound that they stand today and will through future years as precedents in disposing like grievances of the railroads of the Nation. Due to Grady's outstanding service as a referee, and his knowledge of the Railroad Industry, he was selected many times by the President of the United States as a member of the Presidential Emergency Fact Finding Board, and to report directly to the President the causes of the emergency and to recommend a method of settling the emergency. On these Boards he performed outstanding service. The boards on which he served were some of the most important in the Nation's history of industrial relations. He was an expert in that field, with his keen mind; his understanding and judicial temperament, together with his fearless application of judgment, made him, indeed, a valuable member of the Panel."

In 1920, Grady Lewis was married to Miss Esther Nash, Antlers, Oklahoma, a daughter of Dr. and Mrs. H. C. Nash. Mrs. Lewis is of Choctaw-Chickasaw Indian blood. Through her mother she is a direct descendant of Principal Chief Ben F. Smallwood of the Choctaw Nation and is also related to the family of Principal Chief.
Wilson Jones. Mrs. Lewis now lives in the home which had been established in Washington. Mr. and Mrs. Lewis reared and educated her niece, Margaret Branson, now Mrs. H. D. Hieberg of Washington, D. C.

Others of his family surviving him are: Dr. Anna Lewis, head of the History Department of Oklahoma College for Women, and a historian of note; Curtis, a rancher, near Tuskahoma; Alice (Mrs. Mark Pierce) of Fort Worth, Texas; Winnie (Mrs. Andy Gravitt), Librarian, McAlester; Ruth (Mrs. Julian Miller) of Oklahoma City and William, an attorney of Denver, Colorado.

Grady Lewis was a 32nd degree Mason, a member of Sigma Chi fraternity; a founder of the Green-Bryant Post of the American Legion at Durant; and member of Sons of the American Revolution.

Mr. and Mrs. Lewis were on a holiday in England when he became ill. He returned to America to enter a hospital. He underwent an operation in the Memorial Hospital in New York, August 1951. His recovery was not complete. During the remaining year and a half of his life he suffered intensely, but bore the suffering with magnitude of courage. He attempted to live a normal life, continued constant research in his “Indian Cases”, his friends marvelling at his fortitude.

Grady Lewis had such a zest for living that it infected all who knew him—such charm of friendship that his friends were unnumbered. He was a brilliant and witty raconteur, and his clever and amusing conversation was the delight of many social occasions. His thoughtfulness for, and his love of his family, was one of his abiding traits of character, his loyalty to friend or family never wavered. He passed away January 3, 1953 at his home in Washington, and was buried in National Cemetery at Arlington.