The original documents are located in Box 20, folder "01/02/1975 HR13869 Relief of Carl C Strauss and Mary Ann Strauss" of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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ACTION

Last Day: January 4

THE WHITE HOUSE

WASHINGTON

December 30, 1974

MEMORANDUM FOR

THE PRESIDENT KEN COL

FROM:

SUBJECT:

Enrolled Bill H.R. 13869 - For the Relief of Carl C. Strauss and Mary Ann Strauss

Attached for your consideration is H.R. 13869, sponsored by Representative Cederberg, which authorizes payment of \$3,634.50 to Mr. and Mrs. Strauss of Mount Pleasant, Michigan to reimburse them for expenses incurred in clearing title to land which the Bureau of Indian Affairs had improperly transferred to the previous owners of the land.

OMB recommends approval and provides additional background information in its enrolled bill report (Tab A).

Max Friedersdorf and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign H.R. 13869 (Tab B).



EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 2 7 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 13869 - For the relief of Carl C. Strauss and Mary Ann Strauss Sponsor - Rep. Cederberg (R) Michigan

Last Day for Action

January 4, 1975 - Saturday

Purpose

Provides payment of \$3,634.50 to Carl C. Strauss and Mary Ann Strauss (husband and wife) for reimbursement of expenses they incurred in clearing title to land which the Bureau of Indian Affairs had improperly transferred to the previous owners of the land.

Agency Recommendations

Office of Management and Budget Approval

Department of the Interior

No objection

Discussion

In 1953, the Bureau of Indian Affairs sold a parcel of Indian land to a William J. Martin. Subsequently, he sold a portion of the land to Mr. and Mrs. Strauss, the claimants under H.R. 13869. In negotiating for a loan, the attorney for the Strausses determined, and the Bureau of Indian Affairs agrees, that Mr. and Mrs. Strauss did not have a clear title to the property because the Bureau originally had made an improper conveyance to Martin.

Although the Bureau attempted to obtain a clear title for the Strausses, it was not entirely successful. Apparently, since Mr. and Mrs. Strauss needed a clear title to obtain their loan, they undertook to clear the title themselves. They succeeded but incurred expenses of \$3,634.50 in the process. The enrolled bill would provide reimbursement to the Strausses for their expenses in clearing the title to their land.

While Interior's enrolled bill letter acknowledges that the Bureau's errors prevented the Strausses from getting a clear title, it states that the Department believes the Strauss' best course of action would have been a suit against Martin who then could have sought private relief for his damages which resulted from the defective transfer. The letter continues, however, that:

"In any event, regardless of who is the proper claimant under this bill, we recognize that some relief would be appropriate. Therefore, we would not object to the approval of the bill by the President."

Interior also points out that the bill provides for attorney's fees of \$867 which is more than the 10 percent customarily authorized in private relief bills. Since the \$867 figure represents the actual amount of attorney's fees expended by the claimants, however, Interior concurs in this provision.

Wilfred H Commel

Assistant Director for Legislative Reference

Enclosures



UNITED STATES DEPARTMENT OF THE INTERIOR OFFICE OF THE SECRETARY WASHINGTON, D.C. 20240

DEC 24 1974

Dear Mr. Ash:

This responds to your request for the views of this Department on the enrolled bill H.R. 13869, "For the relief of Carl C. Strauss and Mary Ann Strauss."

We would have no objection to approval of the bill by the President.

H.R. 13869 authorizes and directs the Secretary of the Treasury to pay to Carl C. and Mary Ann Strauss the sum of \$3,634.50 in full settlement of all their claims against the United States for reimbursement of expenses incurred in clearing title to land that had been improperly transferred by the Bureau of Indian Affairs of this Department. Section 2 of the bill limits the amount that any agent or attorney can receive on account of services rendered to \$867.00.

The background for this action arises from the following facts: In February 1885 the United States issued a restricted fee patent to David McClure, an Indian, who was determined "not so competent." The 40-acre tract is described as the NW1/4 NW1/4 Section 10, Township 14 N., Range 5 W, Michigan meridian and is located near the town of Mount Pleasant, Michigan. In 1953 the tract was advertised for sale and on opening the bids on June 8, 1953, a high bid of \$2,650 was received from William J. Martin. It was reported that this was considered an especially good bid, since the appraised value of the property was somewhat lower. A conveyance by deed was attempted, and efforts were made to obtain the consents of the seven heirs. This proved not to be possible for only five of the seven heirs were located at that time. It was then decided to request the Bureau of Land Management of this Department to issue a patent in fee, under authority of the Act of June 25, 1910 (36 Stat. 855), which in part, permits the Secretary to sell lands if one or more of the heirs are determined to be incompetent. A patent was thereafter issued by BLM on February 26, 1954, to Mr. and Mrs. Martin.

Two parcels comprising approximately 5 acres were subsequently sold by Martin to Mr. and Mrs. Carl C. Strauss: In the course of negotiating for a loan, the attorney for the Strausses determined,

and we agree, that they did not have clear title to the property. Since the land is within the boundaries of the Isabella Reservation which was organized under the Indian Reorganization Act of June 18, 1934 (48 Stat. 894), the authority of the Secretary of the Interior under the Act of June 25, 1910, could not be used to convey interests in the land of an individual Indian without his consent, and therefore, the patent issued to Martin was defective.

To obtain a clear title for the Strausses, the Bureau of Indian Affairs contacted each of the Indian heirs who had sold their undivided interests in the property and received payment therefor and attempted to obtain quitclaim deeds. The five heirs who were located and paid at the time of the original sale in 1953 had already signed the BLM patent at that time. One of the heirs, Mr. Campau Jackson, however, was not located and paid until 1955, at which time he acknowledged receipt of the money but inadvertently was not asked to sign a release, quitclaim deed, or the Martin patent. The 7th heir was paid in 1967 and signed a quitclaim deed at that time.

Although Jackson owned only a 7/36 undivided interest and had received his proportionate share of the sales price -- \$515.30--he refused to make any reasonable settlement. His demands varied from asking \$30,000 for his undivided interest to buying out the present owners of the tract for \$2,100. Both of these alternatives seemed exorbitant and unrealistic since Mr. and Mrs. Strauss had already invested \$14,045 in construction costs. After almost a year and a half a settlement was reached with Mr. Jackson whereby he conveyed his undivided interest in approximately 5 acres of land to Mr. and Mrs. Strauss for a consideration of \$2,000. The cost of title instruments was \$220, research \$390, many conferences estimated at \$867, and incidental expenses of \$35.50, or a total of \$1,512.50. In addition there is an interest item of \$100 through January 19, 1969, on the \$2,000 paid to Mr. Jackson since this money was borrowed. There was also an item of \$22 for auto expenses to visit Mr. and Mrs. Jackson at Rochester, Michigan. This made an overall total of \$3,634.50, the amount which H.R. 13869 seeks to recover.

While this Department acknowledges that the BLM patent was defective and that BIA's failure to obtain Jackson's release prevented the claimants from getting a clear title from the heirs, we believe that the Strauss' best course of action would have been a suit against Martin on his warranty deed. Martin then could have sought private relief for his damages which resulted from the defective patent.

In any event, regardless of who is the proper claimant under this bill, we recognize that some relief would be appropriate. Therefore, we would not object to the approval of the bill by the President.

Section 2 of H R. 13869 has been amended by the Committee to provide for attorney's fees of \$867.00 in lieu of the 10 percent limit customarily authorized. Since the \$867.00 figure represents the actual amount of attorney's fees expended by the claimants, we concur in this amendment.

Sincerely yours,

Assistant Secretary of the Interior

Honorable Roy L. Ash Director, Office of Management and Budget Washington, D.C.

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EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET WASHINGTON, D.C. 20503

DEC 2 7 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 13869 - For the relief of Carl C. Strauss and Mary Ann Strauss Sponsor - Rep. Cederberg (R) Michigan

Last Day for Action

January 4, 1975 - Saturday

Purpose

Provides payment of \$3,634.50 to Carl C. Strauss and Mary Ann Strauss (husband and wife) for reimbursement of expenses they incurred in clearing title to land which the Bureau of Indian Affairs had improperly transferred to the previous owners of the land.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

No objection

Discussion

In 1953, the Bureau of Indian Affairs sold a parcel of Indian land to a William J. Martin. Subsequently, he sold a portion of the land to Mr. and Mrs. Strauss, the claimants under H.R. 13869. In negotiating for a loan, the attorney for the Strausses determined, and the Bureau of Indian Affairs agrees, that Mr. and Mrs. Strauss did not have a clear title to the property because the Bureau originally had made an improper conveyance to Martin.

Although the Bureau attempted to obtain a clear title for the Strausses, it was not entirely successful. Apparently,

WASHINGTON

MEMORANDUM FOR: WARREN HENDRIKS FROM: MAX L. FRIEDERSDORF tres Action Memorandum - Log No. 855A SUBJECT: Enrolled Bill H.R. 13869

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

Rome

WASHINGTON

1974 December 1/8,

MEMORANDUM FOR:

THROUGH:

FROM:

ROY JSH PAUL O'NEILL WILLIAM E. TIMMONS MAX L. FRIEDERSDORF M.C. M.C. Al Cederberg (R-Mich)

SUBJECT:

Congressman Cederberg called today in behalf of a private bill he has sponsored, H.R. 13869, for the relief of Carl and Mary Strauss.

Mr. Cederberg is worried that it might be vetoed because it contains some money. However, he said, "you know I wouldn't sponsor such a bill unless I strongly believed in it's merits."

The bill cleared both House and Senate and should be at the White House soon.

ACTION MEMORANDUM

WASHINGTON

Date: December 27, 1974

Time: 7:00 p.m.

FOR ACTION: Mike Duval dc (for information): Warren Hendriks Max Friedersdorf Jerry Jones Phil Areeda 7000

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT

Enrolled Bill H.R. 13869 For the Relief of Carl Strauss and Mary Ann Strauss

ACTION REQUESTED:

----- For Necessary Action

____ For Your Recommendations

_____ Prepare Agenda and Brief

__ Draft Remarks

_ Draft Reply

-X For Your Comments

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required matricial, please telephone the Staff Secretary immediately.

K. R. COLE, JR. For the President

ACTION MEMORANDUM

WASHINGTON

Date: December 27, 1974

Time: 7:00 p.m.

FOR ACTION: Mike Duval

cc (for information): Warren Hendriks Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bill H.R. 13869 For the Relief of Carl Strauss and Mary Ann Strauss

ACTION REQUESTED:

----- For Necessary Action

<u>X</u> For Your Recommendations

____ Prepare Agenda and Brief

____ Draft Reply

X For Your Comments

____ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks For the President

ACTION MEMORANDUM

WASHINGTON

Date: December 27, 1974

Time: 7:00 p.m.

FOR ACTION: Mike Duval Max Friedersdorf Phil Areeda

cc (for information): Warren Hendriks Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

1:00 p.m. Time:

SUBJECT:

Enrolled Bill H.R. 13869 For the Relief of Carl Strauss and Mary Ann Strauss

ACTION REQUESTED:

_____ For Necessary Action

<u>X</u> For Your Recommendations

____ Prepare Agenda and Brief

____ Draft Reply

____ Draft Remarks

X For Your Comments

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please Varren K. Hendriks telephone the Staff Secretary immediately.

For the President

CARL C. STRAUSS AND MARY ANN STRAUSS

DECEMBER 10, 1974.—Committed to the Committee of the Whole House and ordered to be printed

Mr. FROEHLICH, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 13869]

The Committee on the Judiciary, to whom was referred the bill (H.R. 13869) for the relief of Carl C. Strauss and Mary Ann Strauss, having considered the same, report favorably thereon with amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 13: Strike "10 per centum thereof" and insert "\$867.00".

PURPOSE

The purpose of the proposed legislation, as amended, is to pay a husband and wife of Mount Pleasant, Michigan \$3,634.50 to reimburse them for expenses incurred in clearing title to land which had been improperly conveyed to their predecessor in interest by the Bureau of Indian Affairs.

STATEMENT

The Department of the Interior in its report to the Committee on the bill has no objection to the bill.

The land referred to was included in a 40 acre tract of land which had been transferred to an Indian in 1885 by the United States which issued him a restricted fee patent. The tract was located near the town of Mount Pleasant, Michigan. In 1953, the tract was advertised for sale and on the opening of bids, a high bid of \$2,650 was received from a William J. Martin.

A conveyance by deed was attempted and efforts were made to obtain the consent of seven heirs, but only five were located. It was then decided to request the Bureau of Land Management of the Department of Interior to issue a patent in fee under a law which permits the Secretary to sell lands if one or more of the heirs are determined to be incompetent. A patent issued in 1954 to Mr. and Mrs. Martin. Two parcels comprising approximately five acres was sold by Mr. terano (referenza de la participation de la p

Martin to the claimants in this bill. Their attorney determined that they did not have clear title since the land is within the boundaries of the Isabella Reservation. The conveyance of land of this type required concent of an Indian owner. To obtain clear title for the State, the Bureau of Indian Affairs contacted each of the Indian heirs who had sold their interest and received payment and attempted to obtain quitclaim deeds.

The original five heirs, who were located and paid in 1953, had already signed the BLM patent at that time. One of the heirs, Jackson, was not located and paid until 1955, at which time he acknowledged receipt of the money, but the Government failed to ask him to sign a release, a quitclaim deed, or the Martin patent. The seventh heir was paid in 1967 and signed a quit claim deed at that time. Jackson owned a 7/36th undivided interest and had received his proportionate share of the sales price but refuse to make any reasonable settlement. After a year and a half, he conveyed his interest for a consideration of \$2,000. The cost of title instruments were \$220.; research \$390.; many conferences were estimated to cost \$867.; and incidental expenses were \$35.50. This totals \$3,512.50. The claimants paid interest of \$100. on the \$2,000 borrowed to pay Mr. Jackson. Travel expense of \$22.00 brings the total to \$3,634.50.

The committee has concluded that there is an equitable basis for relief in this case in the amount stated in the bill. The report of the Department of the Interior, as outlined above, shows attorney's fees in the amount of \$867.00; and this is further documented in material filed with the Committee. Accordingly, it has been recommended that the bill be amended to limit the amount of attorney's fees to that amount. It is recommended that the amended bill be considered favorably.

> U.S. DEPARTMENT OF THE INTERIOR, OFFICE OF THE SECRETARY, Washington, D.C., June 14, 1971.

Hon. EMANUEL CELLER, Chairman. Committee on the Judiciary,

House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on H.R. 1835, a bill "For the relief of Carl C. Strauss and Mary Ann Strauss."

H.R. 1835 authorizes and directs the Secretary of the Treasury to pay to Carl C. and Mary Ann Strauss the sum of \$3,634.50 in full settlement of all their claims against the United States for clearing title to the land that had been improperly transferred by the Bureau of Indian Affairs of this Department. Section 2 of the bill limits the amount that any agent or attorney can receive on account of services rendered to ten percent.

The background for this action arises from the following facts: In February 1885 the United States issued a restricted fee patent to David McClure, an Indian, who was determined "not so competent." The 40acre tract is described as the NW1/4 NW1/4 Section 10, Township 14 N., Range 5 W, Michigan meridian and is located near the town of Mount Pleasant, Michigan. In 1953 the tract was advertised for sale and on opening the bids on June 8, 1953, a high bid of \$2,650 was received from William J. Martin. It was reported that this was considered an especially good bid, since the appraised value of the property was somewhat lower. A conveyance by deed was attempted, and efforts were made to obtain the consents of the seven heirs. This proved not to be possible for only five of the seven heirs were located at that time. It was then decided to request the Bureau of Land Management of this Department to issue a patent in fee, under authority of the Act of June 25, 1910 (36 Stat. 855), which in part, permits the Secretary to sell lands if one or more of the heirs are determined to be incompetent. A patent was thereafter issued by BLM on February 26, 1954, to Mr. and Mrs. Martin.

Two parcels comprising approximately five acres were subsequently sold by Martin to Mr. and Mrs. Carl C. Strauss. In the course of negotiating for a loan, the attorney for the Strausses determined, and we agree, that they did not have clear title to the property. Since the land is within the boundaries of the Isabella Reservation which was organized under the Indian Reorganization Act of June 18, 1934 (48 Stat. 894), the authority of the Secretary of the Interior under the Act of June 25, 1910 could not be used to convey interests in the land of an individual Indian without his consent, and therefore, the patent issued to Martin was defective.

To obtain a clear title for the Strausses, the Bureau of Indian Affairs contacted each of the Indian heirs who had sold their undivided interests in the property and received payment herefor and attempted to obtain quitclaim deeds. The five heirs who were located and paid at the time of the original sale in 1953 had already signed the BLM patent at that time. One of the heirs, Mr. Campau Jackson, however, was not located and paid until 1955, at which time he acknowledged receipt of the money but inadvertently was not asked to sign a release, quitclaim deed, or the Martin patent. The 7th heir was paid in 1967 and signed a quitclaim deed at that time.

Although Jackson owned only a $\frac{7}{36}$ undivided interest and had received his proportionate share of the sales price—\$515.30—he refused to make any reasonable settlement. His demands varied from asking \$30,000 for his undivided interest to buying out the present owners of the tract of \$2,100. Both of these alternatives seemed exorbitant and unrealistic since Mr. and Mrs. Strauss had already invested \$14.045 in construction costs. After almost a year and a half a settlement was reached with Mr. Jackson whereby he conveyed his undivided interest in approximately five acres of land to Mr. and Mrs. Strauss for a consideration of \$2,000. The cost of title instruments was \$220, research \$390, many conferences estimated at \$867, and incidental expenses of \$35.50, or a total of \$1,512.50. In addition there is an interest item of \$100 through January 19, 1969, on the \$2,000 paid to Mr. Jackson since this money was borrowed. There was also an item of \$22 for auto expenses to visit Mr. and Mrs. Jackson at Rochester. Michigan. This made an overall total of \$3,634.50, the amount which H.R. seeks to recover.

While this Department acknowledges that the BLM patent was defective and that BIA's failure to obtain Jackson's release prevented the claimants from getting a clear title from the heirs, we believe that the Strauss' best course of action would have been a suit against Martin on his warranty deed. Martin then could have sought private relief for his damages which resulted from the defective patent. In any event, regardless of who is the proper claimant under this bill, we recognize that some relief would be appropriate. Therefore, if the Congress, after considering all the facts, should determine that the claimant is entitled to such reimbursement, we would not object to the enactment of the 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,

HARRISON LOESCH, Assistant Secretary of the Interior.

Ο

Rinety-third Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-first day of January, one thousand nine hundred and seventy-four

An Act

For the relief of Carl C. Strauss and Mary Ann Strauss.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carl C. Strauss and Mary Ann Strauss (husband and wife) of Mount Pleasant, Michigan, the sum of \$3,634.50 in full settlement of all their claims against the United States for reimbursement of expenses incurred in clearing title to land which had been improperly transferred to certain predecessors in interest by the Bureau of Indian Affairs, Department of the Interior.

SEC. 2. No part of the amount appropriated in this Act in excess of \$867 thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

December 24, 1974

Dear Mr. Director:

THE PATTONETE OF	LD WELC AGOUATON B		HALL VO ADVIDG	ULL APG	S GILLO GA	S-T USA
S.J. Res. 40	y8. 3481 °		8958	A.R.	14600	/
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v8. 251	V8. 3943		9199		15173	
8. 356	8. 3976 V	I.R.	9588	A.R.	15223	
8. 521/1	s. 4073/	I.R.	9654	VA.R.	15229	V.
8. 544	13. 4206	I.R.	10212		15322	
8. 663 /	E.J. Res. 1178	A.R.	10701		15977	
V8. 754	-H.J. Res. 1180		10710		16045	
8. 663 * 8. 754 8. 1017	VI.R. 421	H.R.	108271/		16215	
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B. 1410	H.R. 2208				17010	
8. 2149	✓ H.R. 2933		11802		17045	V .
8. 2446	I.R. 3203 V	PH.R.	11847	A.R.	17085	/
S. 2807 4	H.R. 3339 V	✓H.R.	11897			
8. 2854	H.R. 5264 0	VI.R.	12044	A.R.	17558	1
5. 2888	I.R. 5463	'H.R.	12113	H.R.	17597	V,
8. 2994	E.R. 5773 /	A.R.	12427	M.R.	17628	V
vs. 3022 /	H.R. 7599		12884	-H.R.		
S. 3289V,	H.R. 7684		13022			
S. 3358	E.R. 1767		13296			
8. 3359 V	H.R. 8214	AP	13869			
e 220/1	H.R. 8322	T P	144491			
8. 3394						
vs. 3433c	H.R. 8591	H.R.	144611/			

The following bills were received at the White House on December 24th:

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder Chief Executive Clerk

The Honorable Roy L. Ash Director Office of Management and Budget Washington, D. C. 2