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*Indian
Affairs
(Interior)*

THE WHITE HOUSE

WASHINGTON

November 4, 1975

Dear Senator Bellmon:

This is in further response to your letter of September 24, concerning the need for better coordination between the funding of programs for Indian groups and those for the surrounding non-Indian communities.

I quite agree with your observation that the funding of Indian programs should be better coordinated with other Federally assisted activities at the local level, and I have raised this matter with Jim Lynn. I am advised that we are currently making some progress in this area, however, which I would like to bring to your attention.

As you know, one of the primary means for assuring coordination of Federal assistance programs at the local level is OMB Circular No. A-95. Pursuant to this circular, State and areawide clearing-houses receive notification of Federal grant applications and circulate those applications to other State and local agencies for comment. In this manner, local agencies may become aware of each other's plans for obtaining Federal funds and may register with the funding agency their concurrence or objection to those plans.

Grant applicants from Federally recognized Indian tribes are not required to follow the A-95 procedure; however, the tribes are encouraged to comply on a voluntary basis. In addition, the Office of Management and Budget is currently revising Circular A-95 to enable Federally recognized tribes to establish intra-tribal coordinating mechanisms to review Federal grant applications.

Another effort which is now under way, and which may help to alleviate the coordination problems you cite, is the implementation of the Indian Self-Determination and Education Assistance Act (Public Law 93-638). The draft regulations which have been published by the Bureau of Indian Affairs state that:

"It is the policy of the Bureau of Indian Affairs to facilitate the efforts of Indian tribes to plan, conduct, and administer programs or portions thereof, which the Bureau is authorized to administer for the benefit of Indians and to facilitate the coordination of all Federal and other programs on Indian reservations."



~~Finally, you should know that~~ the tribes are encouraged to participate in the budget process of the Bureau of Indian Affairs and to express their preferences among programs in the formulation of the BIA budget.

In combination, these mechanisms greatly enhance the potential for tribal governments to control the design, operation and level of funding of the many BIA programs serving them and to coordinate those programs with the surrounding communities. However, while the potential for tribal cooperation with other units of government is substantial, such cooperation remains voluntary with the tribal government. We are hopeful that the actions I have outlined in this letter will not only facilitate such cooperation where a spirit of cooperation currently exists, but will encourage both Indian and non-Indian communities to seek out additional opportunities for coordination.

Sincerely,

James M. Cannon
Assistant to the President
for Domestic Affairs

The Honorable Henry Bellmon
United States Senate
Washington, D. C. 20510



THE WHITE HOUSE
WASHINGTON

October 7, 1975

TO: HOWARD BARGSTRAM

FROM: DICK PARSONS

Per our conversation, a draft
response would be appreciated.

United States Senate

WASHINGTON, D.C. 20510

September 24, 1975

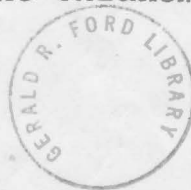
Mr. James Cannon
The Domestic Council
The White House
Washington, D. C. 20500

Dear Jim:

Recently I had the opportunity to discuss the operation of the Regional Councils with a large group of knowledgeable local officials in Oklahoma. Two points were brought up which I feel are deserving of the attention of the Domestic Council.

First, is the fact that the Regional Council is headed up on a rotating basis by one of the regional agency's directors. This means that the head of the Regional Council is largely a figurehead and that the Regional Council's do not function effectively. The suggestion has been made that a permanent director should be appointed and given authority over the other Regional Directors so that effective coordination of federal agencies at the regional level could be accomplished. The general feeling is that at the present time the regional concept is not working well because of a lack of coordination and a lack of an official who can require agency cooperation and coordination as it is needed. I join in this opinion and would urge prompt action in this direction.

~~Also the suggestion has been made that Indian funding should be coordinated with other departments in the communities involved.~~ At the present time there seems to be no coordination between the activities and the funding of Indian groups and the communities in which they are located particularly in states like Oklahoma

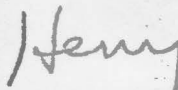


Mr. James Cannon
Page Two
September 24, 1975

where Indian tribes are thoroughly intermingled with the White population. This means that on many occasions, Indian programs are funded which duplicate, or in some cancel out, community efforts.

These suggestions are offered in the hope that you will look into the matter and take the indicated action.

Sincerely,



Henry Bellmon

HB:csg

THE WHITE HOUSE
WASHINGTON

Dear Senator Bellmon:

Thank you for your letter of September 24, concerning the Federal Regional Councils and their funding of Indian groups in Oklahoma.

Your first suggestion for a permanent director for each Regional Council is an interesting one. As a member of the Advisory Commission on Intergovernmental Relations, I am hopeful that we will be able to explore your suggestion at our next meeting.

Sincerely,

James M. Cannon
Assistant to the President
for Domestic Affairs

The Honorable Henry Bellmon
United States Senate
Washington, D. C. 20510

Who sent?

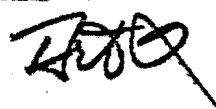


THE WHITE HOUSE

WASHINGTON

July 13, 1976

MEMORANDUM FOR: BILL BAROODY
PAUL O'NEILL

FROM: ART QUERN 

SUBJECT: White House Staff Dealing With
Indians

With the departure of Ted Marrs from the White House staff we are losing someone with outstanding capabilities to serve as a White House liaison with Indians.

A suggestion has been made that instead of simply attempting to replace Ted as our "liaison" with Indians, we should also establish a White House "Coordinator" of Federal programs for Indians. I believe this would be a mistake.

I strongly recommend that we immediately seek a replacement for Dr. Marrs on the White House Public Liaison staff and that this person should serve as a liaison (point of contact) for the Indians. When, through this liaison, problems are identified with Federal programs affecting Indians, this liaison person should be able to expect prompt and thorough assistance from existing OMB and Domestic Council staff who are responsible for the particular programs in question.

To attempt to do anything more than this would be to promise more than we are capable of providing. It would also introduce requests from other groups such as the handicapped, the aged, the small businessman, the veterans, etc. for a "White House Coordinator" all their own.

We simply do not have the resources to organize our substantive (as opposed to the "communicative") staffs along both functional and client group lines. Where the Federal structure is such as to involve a number of different Federal agencies in serving a particular group it is the responsibility of the involved agencies to coordinate



their activities. Where this coordination is missing or inadequate, it is the responsibility of the Domestic Council to so indicate to the agencies and to direct them to make the necessary changes.

To try to actually coordinate a particular group of programs on an ongoing basis from the White House is beyond our resources. It would have the White House attempting to permanently deliver something which should be done by the line agencies.

Certainly, when Federal policies conflict they must be corrected. If specific evidence exists that Federal policies affecting Indians are conflicting, we should know it, and immediately engage in a specific, product oriented, effort to come up with new policies. I would certainly support such a review.

Finally, I am convinced that in regard to Indian matters there is no more nor no less a problem of "coordination" than exists in regard to any other group to which a variety of programs are addressed.

In most instances the problem is that we either do not have a solution or have judged that we can not afford the programs we would like to have.

In sum:

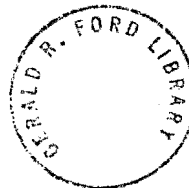
I oppose a White House Coordinator of Indian programs.

I urge the immediate identification of a person on the Public Liaison staff to serve as a point of contact for the Indians.

I offer the full support of the Domestic Council staff in resolving specific problems that are identified through the liaison staff.

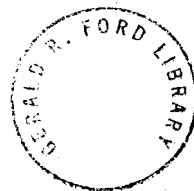
I would support, if the evidence indicates it would be useful, a policy review of all programs affecting Indians.

I would support increases in funds for Indian programs where there are demonstrated inadequacies.



Let's not pretend to solve a problem by creating a new staff position. If the policies are conflicting let's correct them. If the funds are inadequate let's increase them. If the agencies are not coordinating let's resolve their differences. But let's not be creating new organizational arrangements in the White House when the issue is programmatic problems in the agencies.

cc: Ted Marrs
Dan McGurk



THE WHITE HOUSE
WASHINGTON

Geo 7
Interior

INFORMATION

October 18, 1976



MEMORANDUM FOR: JIM CANNON
FROM: JANET BROWN *JB*
SUBJECT: Land Controversy Involving Maine Indian Tribes

George Humphreys mentioned that you wanted a summary of the Indian land situation in Maine. Its status is as follows:

The Trade and Intercourse Act of 1790 states that all transfers of land from Indian tribes to non-Indians shall not be valid unless made by treaty. (As codified in the United States Code, "No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution." 25 USC section 177.)

In December, 1975, a Maine court found that land transfers from the Penobscot and Passamaquoddy Indian tribes, both of Maine, were in fact covered by the 1790 Act. Since 1790, however, an undetermined amount of land initially owned by these two tribes has been transferred without the requisite treaties. The tribes, therefore, claim that these transfers are not legitimate and should be rescinded. (The Passamaquoddy estimate that 10.5 million acres were improperly transferred, an area which equals approximately two-thirds of the State of Maine.)

On behalf of the two tribes, the Department of Justice filed a claim for damages in 1972. Now the tribes wish to bring suit for rescission. Their request is with the Solicitor of the Department of Interior who will submit a litigation memorandum to Justice when it has been determined whether or not to support the Indians' claim. Justice is waiting for the decision by Interior at this time.

10/18/76

THE WHITE HOUSE
WASHINGTON

October 19, 1976

1976 OCT 21 PM 12 11

10/19/76
1) Todd Cavanaugh + Moroh
and 2) McLaughlin & Call
Gov Longley

MEMORANDUM TO: JIM CANNON
FROM: GEORGE W. HUMPHREYS
SUBJECT: Maine Indian Controversy

In 1970, the Penobscot and Passamaquoddy Indian tribes in Maine asked Interior to represent them against the occupants of land, and the State of Maine. The tribes claimed that land transfers since 1790 were invalid because of failure to meet the terms of a treaty. The land in question is estimated to be 10.5 million acres.

Interior initially refused to represent the Indians and the tribes sued Secretary Morton. The court opined that Interior did indeed have a trust responsibility and must represent the Indians, and must file suit on behalf of the tribes. Interior filed suit and appealed the decision.

The Circuit Court of Appeals agreed with the original court and noted that the law "assures the Indians of occupancy" of the land. Interior was ordered to proceed.

At present, Interior and Justice are carefully reviewing the case and are trying to determine the exact nature of the claim and what appropriate actions are indicated. They do not expect any resolution before mid-November.

Interior is aware that, should there be a "win" by the tribes of any magnitude, similar cases will likely be raised in New York, Massachusetts, and North Carolina. One major concern is that, should Interior and Justice fail to pursue the case, suit could be brought in the Indian Court of Claims which would be a less friendly forum and which sees values differently. Claims in the neighborhood of \$60 billion could result.

I am meeting with Interior Solicitor Austin next Monday and will report further.



101908

CLEARANCE SHEET

DATE: 10/18/76

JMC ACTION

Required by: _____

1976 OCT 19 AM 7 32

STAFF RESPONSIBILITY J. Brown

SUBJECT: Land Controversy involving Maine Indian Tribes

(per your request)

RECEIVED FROM: _____ DATE RECEIVED: _____

STAFF COMMENTS:

QUERN/MOORE RECOMMENDATION:

_____ APPROVE

_____ REVIEW & COMMENT

_____ DISCUSS

CANNON ACTION:

DATE:

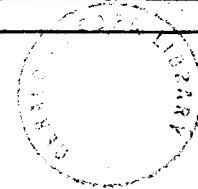
Material Has Been:

_____ Signed and forwarded

_____ Changed and signed

_____ Returned per conversation

_____ Noted



JIM CANNON

Comment:

101901

THE WHITE HOUSE

WASHINGTON

INFORMATION

October 18, 1976

MEMORANDUM FOR: JIM CANNON
FROM: JANET BROWN JB
SUBJECT: Land Controversy Involving Maine Indian Tribes

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In December, 1975, a Maine court found that land transfers from the Penobscot and Passamaquoddy Indian tribes, both of Maine, were in fact covered by the 1790 Act. Since 1790, however, an undetermined amount of land initially owned by these two tribes has been transferred without the requisite treaties. The tribes, therefore, claim that these transfers are not legitimate and should be rescinded. (The Passamaquoddy estimate that 10.5 million acres were improperly transferred, an area which equals approximately two-thirds of the State of Maine.)

On behalf of the two tribes, the Department of Justice filed a claim for damages in 1972. Now the tribes wish to bring suit for rescision. Their request is with the Solicitor of the Department of Interior who will submit a litigation memorandum to Justice when it has been determined whether or not to support the Indians' claim. Justice is waiting for the decision by Interior at this time.



101901

*Interior -
Rivers*

cc: Humphreys

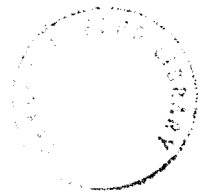
THE WHITE HOUSE
WASHINGTON

Art file
7/21/09
[Signature]

October 4, 1976

MEMORANDUM FOR: JIM CANNON
THRU: MAX FRIEDERSDORF *M-G.*
FROM: BOB WOLTHUIS *RKW*
SUBJECT: Omnibus Rivers and Harbors Bill

Jack Edwards (R-Ala.) called this morning to strongly recommend that the President sign the Rivers and Harbors bill. He said that since it was only an authorization the budget factor was not significant. In his part of Alabama, the legislation is very important.



10/15/76