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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

August 25, 1980

Honorable Morris Udall
Chairman
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C.

Re: H.R. 7919 - "The Maine Land Claims Settlement Act of 1980"

Dear Mr. Chairman:

Enclosed herewith are materials which supplement certain of my remarks to the Committee on this bill. First, I enclose two volumes of correspondence from and reports of the Federal government from 1789 to the present, all of which affirm, in varying forms, the long held position of the United States that Indians in Maine and the eastern seaboard were the responsibility of the respective States and not the United States and which confirm the continuing exercise of State jurisdiction over such Indians. (Exhibits A and B).

Documents referenced or quoted in my statement to the Committee are included in this compilation. President Washington's letter is the first document of the set. The Commissioner's responses to an 1885 letter and its enclosure, the 1794 State treaty, are attached as Documents Nos. 9, 10 and 11. Commissioner Collier's 1939 letter is Document No. 101. In addition, I would draw your attention to the following documents as they are particularly succinct in their statements concerning State jurisdiction over the Indians along the eastern seaboard. They are Nos. 20, 34, 47, 49, 51, 59, 60, 61, 66, 68, 70, 74, 90, 102, 109, 118, 120 and 133.

Second, I enclose a copy of the jurisdictional legislation enacted by the Maine Legislature and the Report of the Joint Select Committee on the Indian Land Claim of the Maine Legislature. (Exhibits C and D). These documents detail the nature of the agreed upon State/Federal relationship.

Honorable Morris Udall

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Finally, I enclose for you reports documenting the statements in my testimony that Maine has spent in excess of \$20 million dollars on Indian programs. Exhibit E is a report originally prepared for former Governor James B. Longley in 1978 which concludes that, as of that date, Maine had spent more than \$18,000,000 on Indian programs. Exhibit F is a brief summary of cumulative State appropriations prepared by my staff. The information contained in this summary was obtained by reviewing the more than 400 pieces of legislation enacted in Maine regarding Indians from 1820-1978. You will note the close similarity between the figures in these two exhibits. Adding to these amounts the appropriations since 1978 (approximately \$1.5 million per year) makes a total of more than \$21 million.

With respect to this subject, several additional observations are appropriate. First, the monies were provided to the Indians in addition to whatever benefits they might have been eligible by virtue of their residency in Maine. These appropriations were made voluntarily without any compulsion by Congress. Second, most of the amounts appropriated have been provided in recent years. We estimate nearly \$15,000,000 in benefits have been provided for in the last 15 years. Third, during most of this period the Federal government refused to recognize the Maine Tribes and provided little if any financial aid to them compared to Tribes in the Western United States. Fourth, although amounts appropriated in early years are small, they must be compared to total state expenditures. In 1850 the State budget totalled only \$615,000 per year and by 1900 that had risen to only \$2,000,000. Today the State budget is more than \$1 billion per year. Finally, these expenditures should be measured against the number of Indians in Maine. Historical records indicate that in 1820 the total population of Indians in Maine was approximately 650. By 1880 that number rose to about 1,000. Today the resident population of the three Maine reservations totals about 1,500. Adding all the foregoing considerations to the amount actually spent on Indians by the State has lead us to conclude that Maine has satisfied any possible requirement that it should contribute to the payment to these Tribes under this settlement.

I would appreciate it if this letter and the attachments could be included in the Committee's record of this hearing. If you need any additional information, please feel free to contact me.

Sincerely,

RICHARD S. COHEN
Attorney General

RSC:mfe
Enclosures



FEDERAL CORRESPONDENCE
REGARDING JURISDICTION
OVER EASTERN SEABOARD
INDIAN GROUPS

VOLUME I
1792-1937

EXHIBIT A

VOLUME I

Document
Number

1. Letter, President George Washington to Bishop Carroll, April 10, 1792.
2. Letter, Office of Indian Affairs to the first and second chiefs of the Penobscot Tribe, April 15, 1842.
3. Letter, Office of Indian Affairs to Jeremiah Slingerland, January 13, 1843.
4. Letter, Office of Indian Affairs to the Governor of Maine, January 13, 1843.
5. Appointment of John Neptune and Peal Polis, December 10, 1845.
6. Letter, Mr. Hayford, State Agent for the Penobscots, to the Commissioner of Indian Affairs, December 18, 1845.
7. Letter, Joseph Polis, Penobscot Chief, to the Commissioner of Indian Affairs, January 3, 1874.
8. Letter, Commissioner of Indian Affairs to Joseph Polis, February 5, 1874.
9. Letter, Commissioner of Indian Affairs to Tomah Joseph, January 26, 1886.
10. Letter, Commissioner of Indian Affairs to the Secretary of State, Maine, January 26, 1886.
11. 1794 Agreement between Massachusetts and the Passamaquoddy In Enclosed in Tomah Joseph letter to the President of the United States, December 7, 1885 [not located], and referred to the Office of Indian Affairs. See Documents nos. 9 and 10.
12. Letter, Secretary of State, Maine, to the Commissioner of Indian Affairs, January 28, 1886.
13. Letter, Secretary of Interior to Commissioner of Indian Affairs, March 27, 1888.
14. Letter, Commissioner of Indian Affairs to Susan Waterman, January 31, 1891.
15. Letter, Commissioner of Indian Affairs to Melta Fowler, May 16, 1896.
16. Letter, Acting Commissioner of Indian Affairs to the Secretary of Interior, October 7, 1898.
17. Letter, Francis Morrison to the Acting Commissioner of Indian Affairs, June 3, 1899.
18. Letter, Acting Commissioner of Indian Affairs to the Secretary of Interior, June 10, 1899.
19. Letter, Acting Commissioner of Indian Affairs to the Secretary of Interior, June 16, 1899.
20. Letter, Acting Secretary of Interior to the Commissioner of Indian Affairs, June 23, 1899.

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21. Letter, Francis Morrison to the Commissioner of Indian Affairs, July 5, 1899.
22. Letter, Commissioner of Indian Affairs to Francis Morrison, July 10, 1899.
23. Letter, Francis Morrison to the Commissioner of Indian Affairs, July 17, 1899.
24. Letter, Commissioner of Indian Affairs to the Secretary of Interior, July 21, 1899.
25. Letter, Commissioner of Indian Affairs to Charles A. Russell, August 4, 1899.
26. Letter, Commissioner of Indian Affairs to George G. Ammons, August 31, 1899.
27. Letter, Commissioner of Indian Affairs to the Secretary of Interior, January 4, 1900.
28. Letter, Francis Morrison to the Commissioner of Indian Affairs, February 28, 1900.
29. Letter, Commissioner of Indian Affairs to Secretary of Interior, March 15, 1900.
30. Letter, Francis Morrison to the Secretary of Interior, March 16, 1900.
31. Bill proposed by Francis Morrison in the matter of the New York Indians v. U.S., asking Congress to pay the judgment and provide for distribution of same. Received by the office of Indian Affairs, March 23, 1900.
32. Letter, Senator Hoar to the Secretary of Interior, March 27, 1900.
33. Brief in the matter of the Montauk, Shinnecock, Mohegan and Narragansett Indians and their claim to Brothertown. Francis Morrison, Counsel, received by the office of Indian Affairs, March, 1900.
34. Letter, Assistant Commissioner of Indian Affairs to James N. Arnold, April 4, 1901.
35. Letter, Acting Commissioner of Indian Affairs to Francis Morrison, May 2, 1901.
36. Letter, Commissioner of Indian Affairs to Secretary of Interior, June 10, 1901.
37. Letter, Acting Commissioner of Indian Affairs to the Secretary of Interior, May 20, 1902.
38. Letter, Assistant Commissioner of Indian Affairs to Abbie L. Champlin, February 12, 1904.
39. Letter, Assistant Commissioner of Indian Affairs to Sarah M. Champlin, February 12, 1904.
40. Letter, Assistant Commissioner of Indian Affairs to Sarah F. Sekater, February 12, 1904.
41. Letter, Assistant Commissioner of Indian Affairs to Annie S. Scott, February 13, 1904.

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42. Letter, Assistant Commissioner of Indian Affairs to Daniel Sekater, February 13, 1904.
43. Letter, Assistant Commissioner of Indian Affairs to Benjamin F. Stanton, February 13, 1904.
44. Letter, Chief, Education Division, Office of Indian Affairs to Superintendent Davis, Genoa Indian School, August 10, 1910.
45. Letter, A. E. Wheeler to the Commissioner of Indian Affairs, July, 1912.
46. Letter, Assistant Commissioner of Indian Affairs to A. E. Wheeler, July 20, 1912.
47. Letter, Assistant Commissioner of Indian Affairs to Dr. Plecker, January 26, 1914.
48. Letter, John Wood to the Commissioner of Indian Affairs, March 5, 1914.
49. Letter, Commissioner of Indian Affairs to the Maine Attorney General, March 16, 1914.
50. Letter, Hannah Himstreet to the Commissioner of Indian Affairs, June 20, 1914.
51. Letter, Assistant Commissioner of Indian Affairs to Hannah Himstreet, July 2, 1914.
52. Letter, Assistant Commissioner of Indian Affairs to John St. Naka, June 23, 1914.
53. Letter, John Susep to President Wilson, received by the Department of Interior, August 27, 1915.
54. Letter, Assistant Commissioner of Indian Affairs to John Susep, September 3, 1915.
55. Letter, Assistant Commissioner of Indian Affairs to Sarah Williams, February 15, 1918.
56. Letter, Congressman Griest to the Bureau of Indian Affairs, May 24, 1921. [related correspondence attached]
57. Letter, Earl Zeigenfus to the Commissioner of Indian Affairs, November 27, 1921. [Bureau response attached]
58. Letter, Deputy Attorney General Fogg, Maine, to Assistant Commissioner of Indian Affairs, February 10, 1925.
59. Letter, Assistant Commissioner of Indian Affairs to Hattie Bennett, July 27, 1925.
60. Letter, Assistant Commissioner of Indian Affairs to Hattie Bennett, November 18, 1925.
61. Letter, Assistant Commissioner of Indian Affairs to John Noka, March 24, 1927.
62. Letter, John Noka to Assistant Commissioner of Indian Affairs, April 25, 1927.
63. Letter, Assistant Commissioner of Indian Affairs to John Noka, May 5, 1927.

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64. Letter, Assistant Commissioner of Indian Affairs to Daniel Sekater, June 29, 1927.
65. Letter, Assistant Commissioner of Indian Affairs to John Noka, July 19, 1927.
66. Letter, Commissioner of Indian Affairs to Senator Curtis, August 6, 1928. [related correspondence attached]
67. Letter, Assistant Commissioner of Indian Affairs to Mrs. Ester Cass, August 22, 1928.
68. Letter, Assistant Commissioner of Indian Affairs to John Waters, September 15, 1928.
69. Letter, Daniel Sekater to the Department of Interior, January 2, 1930.
70. Letter, Commissioner of Indian Affairs to Daniel Sekater, January 11, 1930.
71. Letter, Commissioner of Indian Affairs to Morris Phillips, September 9, 1930. [Phillip's inquiry and map attached]
72. Letter, Addie Moynihan to the Commissioner of Indian Affairs, September 10, 1930.
73. Letter, Commissioner of Indian Affairs to Addie Moynihan, September 23, 1930.
74. Letter, Edith Smith to the Commissioner of Indian Affairs, October 1, 1931. [Bureau response attached]
75. Letter, Alexina Gristy to the Vice-President of the United States, received December 9, 1931.
76. Letter, Commissioner of Indian Affairs to Alexina Gristy, December 11, 1931.
77. Letter, Commissioner of Indian Affairs to Van Sickle Adjustment Company, March 12, 1932.
78. Letter, Assistant Commissioner of Indian Affairs to O. E. Sikes, July 11, 1932.
79. Letter, Commissioner of Indian Affairs to Harry Hirsch, Assistant Commissioner, Department of Social Welfare, New York City, New York, December 15, 1932.
80. Letter, Clara Brown to the Office of Indian Affairs, May 3, 1933. [Bureau response attached]
81. Commissioner of Indian Affairs to all Superintendents, Circular No. 2953, Indian Wardship, Office of Indian Affairs, October 28, 1933.
82. Letter, Walter McNeely to Commissioner of Indian Affairs, December 16, 1934. [Bureau response attached]
83. Letter, W. I. Purvis to President Roosevelt, December 19, 1934. [response attached]
84. Letter, Congressman O'Connell to Bureau of Indian Affairs, January 9, 1935.
85. Letter, Commissioner of Indian Affairs to Congressman O'Connell, January 25, 1935.

86. Letter, Commissioner of Indian Affairs to Congressman Brewster, April 18, 1935. [related correspondence attached]
87. Letter, Mina Caswell to the Bureau of Indian Affairs, May 27, 1935. [related correspondence attached]
88. Letter, Congressman O'Connell to the Commissioner of Indian Affairs, May 29, 1935.
89. Letter, Commissioner of Indian Affairs to Congressman O'Connell, June 23, 1935.
90. Letter, Congressman Moran to Commissioner of Indian Affairs, January 28, 1936. [related correspondence attached]
91. Letter, Senator Hale to Commissioner of Indian Affairs, January 25, 1937. [Bureau response attached]
92. Letter, Congressman O'Connell to Commissioner of Indian Affairs, March 8, 1937. [Bureau response attached]



FEDERAL CORRESPONDENCE
REGARDING JURISDICTION
OVER EASTERN SEABOARD
INDIAN GROUPS

VOLUME II
1937-1977

EXHIBIT B

VOLUME II

Document
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93. Memorandum, Acting Solicitor, Department of Interior to the Commissioner of Indian Affairs, June 9, 1937.
94. Letter, Gertrude Fischer to the Commissioner of Indian Affairs, September 16, 1937. [Bureau response attached]
95. Memorandum, Assistant Commissioner of Indian Affairs to the Commissioner, October 22, 1937. [report attached]
96. Letter, Robert Lansdale to D'Arcy McNickle, Bureau of Indian Affairs, October 23, 1937.
97. Letter, Commissioner of Indian Affairs to Ernest Dean, Commissioner of Conservation, Massachusetts, March 31, 1939. [related correspondence attached]
98. Letter, Commissioner of Indian Affairs to Ernest Dean, April 28, 1939.
99. Letter, Commissioner of Indian Affairs to Ernest Dean, June 2, 1939.
100. Letter, J. M. Stewart for the Commissioner of Indian Affairs to Ester Nille, August 25, 1939.
101. Letter, Mrs. Raymond Willoughby to Mrs. Franklin D. Roosevelt, September 11, 1939. [Bureau response attached]
102. Letter, Howard Warren to the Bureau of Indian Affairs, June 21, 1940 [Bureau response attached]
103. Memorandum with attached correspondence, signed Assistant Commissioner of Indian Affairs, November 18, 1940.
104. Letter, Assistant Commissioner of Indian Affairs to Raymond Kenney, Commissioner of Conservation, Massachusetts, December 13, 1940.
105. Letter, Acting Commissioner of Indian Affairs to Senator Saltonstall, November 9, 1945.
106. Letter, Assistant Commissioner of Indian Affairs to Senator Walsh, November 30, 1945.
107. Letter, Senator Ervin to Attorney General Hancock, Maine, August 12, 1961.
108. Letter, Florence Barrell to the Bureau of Indian Affairs, September 3, 1965.
109. Letter, Deputy Commissioner of Indian Affairs to Don C. Gellers, February 6, 1968.
110. Letter, Director, National Council on Indian Opportunity to Commissioner of Indian Affairs, Maine, November 1, 1968. [related correspondence attached]
111. Memorandum, Ray E. Tanner, U. S. Department of Commerce, E.D.A. to various staff members of federal agencies, April 29, 1969.

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112. Memorandum, Edward Hinckley to various Penobscot and Passamaquoddy officials, May 8, 1969.
113. Letter, Peter Crolius to Robert Robertson, July 22, 1969.
114. Letter, U. S. Commissioner of Indian Affairs to Francis Nicola, copy received by Maine Department of Indian Affairs on October 13, 1969.
115. Letter, Office of Special Activities, Department of Labor to Dale Wing, National Council on Indian Activities, August 28, 1970.
116. Letter, Deputy Solicitor, Department of Interior to Daniel Wells, February 11, 1971.
117. Letter, Elwin Sapiel, Greater Bangor Indian Council to the National Council on Indian Opportunity, August 4, 1971.
118. Letter, Commissioner of Indian Affairs to Hazel Kayser, October 4, 1971.
119. Letter, Acting Solicitor, Department of Interior to Kent Frizzell, Department of Justice, June 20, 1972.
120. Letter, Associate Solicitor, Department of Interior to David Warner, Department of Justice, July 6, 1972.
121. Letter, Douglas Robinson to Gene Suarez, Bureau of Indian Affairs, July, 1972.
122. Memorandum, Acting Associate Solicitor, Department of Interior to Assistant to the Secretary for Indian Affairs, April 18, 1973.
123. Interim Report of Maine Advisory Committee to the U. S. Commission on Civil Rights, May, 1973.
124. Letter, Acting Associate Solicitor, Department of Interior to Floyd France, Justice Department, May 16, 1973.
125. Letter, Acting Associate Solicitor, Department of Interior to Floyd France, Justice Department, August 3, 1973.
126. Letter, Commissioner of Indian Affairs to Senator Muskie, April 4, 1975. [related correspondence attached]
127. Memorandum, Associate Solicitor to Deputy Solicitor, Department of Interior, April 8, 1975.
128. Letter, Senator Muskie to Senator Abourezk, March 10, 1976. [related correspondence attached]
129. Memorandum, Executive Secretary to the Solicitor, Department of Interior and the Commissioner, Bureau of Indian Affairs, May 25, 1976. [enclosures attached]
130. Memorandum, Commissioner of Indian Affairs to the Secretary of Interior, May 25, 1976.
131. Memorandum, Solicitor to the Executive Assistant to the Secretary, Department of Interior, July 8, 1976.
132. Memorandum, Assistant Secretary - Program Development and Budget to Executive Secretary, Department of Interior, November 5, 1976

Document
Number

133. Letter, Acting Director, Office of Trust Responsibilities,
Bureau of Indian Affairs to Commander, First Coast Guard
District, November 18, 1976.
134. Memorandum, Commissioner of Indian Affairs to the
Secretary of Interior, June 9, 1977.

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