

LAW OFFICES  
SONOSKY, CHAMBERS & SACHSE

2030 M STREET, N.W.  
WASHINGTON, D. C. 20036

MARVIN J. SONOSKY  
HARRY R. SACHSE  
REID PEYTON CHAMBERS  
WILLIAM R. PERRY

TELEPHONE  
(202) 331-7780

August 20, 1980  
REC'D AUG 21 1980

Honorable John Melcher  
Chairman, Select Committee on Indian Affairs  
United States Senate  
Washington, D.C. 20510

Re: S. 2829

Dear Mr. Chairman:

The Houlton Band of Maliseets requests Committee consideration of one change in the substitute to S.2829 which Secretary of Interior Andrus transmitted to you with his letter of August 8, 1980. Specifically, the Band proposes that the language in the substitute bill concerning Houlton Band membership (Section 6(h), last proviso, p. 18) be changed to read as follows:

"Provided, however, that for purposes of the provision of Federal services or benefits, no person who is not a citizen of the United States may be considered a member of the Houlton Band of Maliseets, except for persons, as of the date of enactment of this Act, who are enrolled members on the Band's existing membership roll, and direct lineal descendants of such members. Membership in the Band shall be subject to such further qualifications as may be provided by the Band in its organic governing document or amendments thereto."

This language would ensure that present members of the Band are not struck from the Band's existing roll. (A copy of the Band's roll was submitted as Appendix E to the written testimony of Terry Polchies, authorized representative of the Houlton Band, at hearings on S.2829 before the Select Committee on Indian Affairs.) As Mr. Polchies stated in his testimony before the Select Committee, a small minority of Houlton Band--about forty in number--has long resided in the Houlton area without obtaining United States citizenship. Under the Jay Treaty Indians have the right to free access to both sides of the border, without regard to citizenship. These Houlton Band members should not be penalized for their exercise of Jay Treaty rights by being denied federal benefits afforded to other Band members under the bill.

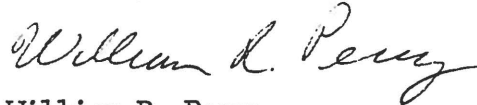
The language we propose would also, we believe, meet the Interior Department's concern in this regard. As we understand it,

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Interior seeks to prevent large number of Canadian Maliseets--who are not now members of the Houlton Band--from seeking membership in the Band to obtain United States benefits and services. Our proposed language would accomplish this objective by barring all non-United States citizens from Band membership, for purposes of federal services and benefits--except for those few Band members on the existing roll at the time of the bill's enactment and their lineal descendants.

We urge the Committee to consider and act favorably upon this simple proposal, which is of great importance to the Houlton Band and its members.

Sincerely,



William R. Perry

WRP/cmt

cc: Honorable Cecil D. Andrus, Secretary of the Interior  
Honorable William C. Cohen, United States Senate