



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 19 1980

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

Dear Mr. Chairman:

At the July 1, 1980 hearings before the Committee on S. 2829 Senator Mitchell asked us to respond to certain questions concerning the Indian land claim settlement which were raised in an editorial in the Bangor Daily News and in a March 23, 1980 statement by former Maine Governor James A. Longley. Many of the questions so raised are directed to State officials or are specifically concerned with the roles of State officials in connection with the negotiation of the land claim settlement. We believe these questions would be better answered by such officials. We will endeavor, nevertheless, to answer as many of the questions raised as possible.

One of the questions posed by the editorial asks, "If one of the major landsellers, Dead River Co., is prepared to sell much of its timber acreage to the Indians, isn't that highly suggestive of a government giveaway?" Appraisers and foresters from this Department have reviewed the appraisals done by the James W. Sewall Company of the lands which have been offered for sale by the Dead River Company and other landowners. It was our conclusion that the price being asked by those landowners for the lands offered for sale is a reasonable one.

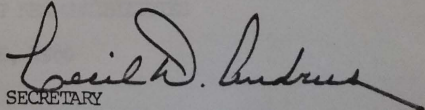
The next question raised in the editorial asks, "There are reportedly 9,500 Indian cases yet to be resolved by Congress. When the state legislature ratifies this settlement offer, is it unwittingly establishing a precedent for the entire country?" The number used in the editorial refers to a figure used at the December 1979 oversight hearings of the Select Committee on the program to process Indian claims subject to the statute of limitations found at 28 U.S.C. §2415. That figure was never intended to refer to individual lawsuits. It refers only to claim inquiries or possible claims identified by the Bureau of Indian Affairs. Many of those possible claims have nothing to do with land at all, and most involve claims of individual Indians in the West. Indeed, hundreds of those claims have since been rejected by the Department. Only the eastern Indian land claims, of which this Department has identified only seven as credible (including the two in Maine), bear any similarity to the claims in Maine. Since we have viewed the Maine claims as the largest in the country, we do not view this legislative settlement proposal as a broad precedent for the settlement of any other claim.

The editorial next asks whether the jurisdictional arrangement between the State and the Tribes "will foster an unrelenting chain of legal disputes in the years ahead." We have examined the language of the Maine Implementing Act and of S. 2829, and have offered language by way of amendment to the Federal bill to clarify this jurisdictional relationship. Based on the understanding which State and tribal officials now have, we fully expect that this relationship will prove to be a workable one. Furthermore, our proposed amendment to the bill would give Congress' consent to future jurisdictional agreements between the State and the Tribes. Thus, there is flexibility built into this relationship. While we cannot guarantee that there will be no litigation over the meaning of the jurisdictional provisions of the State Act, we can say with certainty that without any agreement there would be a great deal of litigation. Indeed, only last year the State Supreme Court determined that it was the Federal Government, not the State Courts, which had felony jurisdiction over Indian crimes on the State's Indian reservations. The new jurisdictional agreement should go a long way toward insuring that there will be no future doubt regarding law enforcement authority over Indian lands within the State.

The one question raised by former Governor Longley which we believe we should address asks, "Should the Federal government or the Indian Tribes reimburse the State of Maine from any settlement they might receive for the millions of dollars the taxpayers of Maine have paid our Indian citizens due to the fact the Federal government in the past refused to recognize our Maine Indians as eligible for Federal assistance while still pouring millions of dollars into the western Indian reservations[?]" These payments have been taken into account in the settlement proposal now before the Congress. Unlike other eastern Indian land claim settlement proposals, in this one the State is not being asked to contribute any land or money to the settlement, though it is the State and its citizens who are the primary beneficiaries of the settlement. Without the settlement many millions of acres of land in the State will continue to be threatened by the claim, which we believe is a credible one. Yet, Maine is being credited for those past payments, and not being asked to contribute anything more than its cooperation to the settlement of the claims in Maine.

Again, many of the questions raised in the editorial and in former Governor Longley's statement raised issues which State officials, the Tribes, or the landowners who have offered to sell land to the Tribes should be better able to answer. If you, any other members of the Committee, or Senator Mitchell have any other questions, please do not hesitate to address them to us.

Sincerely,


CECIL D. ANDRUS

Enclosure