

WILLIAM S. COHEN
2D DISTRICT, MAINE

1223 LONGWORTH BUILDING
(202) 225-6306

COMMITTEES:
JUDICIARY
MERCHANT MARINE AND
FISHERIES

Congress of the United States

House of Representatives

Washington, D.C. 20515

June 1, 1973

Mr. Bradley Patterson
Assistant to the President for
Indian Affairs
Executive Office Building
Washington, D.C.

Dear Mr. Patterson:

There are approximately 3,000 Indians -- Penobscots, Maliseets, Micmacs and Passamaquoddies -- residing in the State of Maine, who do not receive the services of the Federal Bureau of Indian Affairs or of the Indian Health Service. The Passamaquoddy Tribe has two reservations, Indian Township and Pleasant Point; the Penobscots have the Indian Island Reservation. The Maliseets and Micmacs have no land base. However, due to their mobility and to the close ties between the various tribes, there are members of all four tribes on and off the reservations throughout the State. Most off-reservation Indians reside near the reservations in Aroostook, Penobscot and Washington Counties.

Maine Indians are in great need of assistance from the Federal Government in order to develop their personal and tribal resources and in order to protect their Indian rights. The denial of these necessary services by those agencies, specifically charged by Congress to serve all Indians, appears to be arbitrary and unfair. It is our understanding that this denial of Federal services by BIA and IHS can be reversed by administrative decision. We urge you to help bring about such a change in policy.

The obligation to provide services for American Indians is rooted in the United States Constitution, and more specifically in Federal statutes which establish special benefit programs for American Indians. The most important of these is the Snyder Act under which most BIA funds are allocated. The Snyder Act gives the BIA authority to provide a wide range of services to "...Indians throughout the United States..." The Bureau of Indian Affairs, on the other hand, has decided that "throughout the United States" means on or near Federally recognized Indian reservations and has limited the availability of its services accordingly.

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In adopting this policy the Bureau has denied services to two categories of Indians in Maine: on-reservation and off-reservation. The on-reservation Indians are denied services because they live on a "state" rather than a "Federal" reservation; the off-reservation Indians because they do not live on or near a "Federal" reservation. All Maine Indians are denied services because they do not belong to a "federally recognized" tribe. This concept of "Federal recognition" however, is extremely confusing. Congress has not given BIA or any other agency of government the power to confer or deny Federal recognition.

The question of whether a person or community is or is not Indian, then, is largely anthropological and cannot be denied by administrative decision. General Washington and the Continental Congress certainly had no difficulty recognizing the Indians of Maine when they requested and got their assistance during the War for Independence. The Indian Office of the Department of War -- the BIA's predecessor -- had no difficulty recognizing the Indians of Maine when they surveyed the Indians of the United States in 1821 or when they financed public schools at Indian Island and Pleasant Point during the later 1820's and 1830's. The BIA, however, has a problem in recognizing the Indians of Maine.

The President spoke out strongly against the policy of termination in his message on Indian affairs which was delivered to Congress July 8, 1970. Not only did he call this policy "wrong", but termed it as "morally and legally unacceptable." He called upon Congress to "expressly renounce, repudiate and repeal the termination policy." He called for the passage of a resolution that "would reaffirm for the Legislative branch -- as I hereby affirm for the Executive branch -- that the historic relationship between the Federal Government and the Indian communities cannot be abridged without the consent of the Indians."

We urge you, therefore, to use your power to bring back Federal services to the Indians of Maine.

Sincerely,

William S. Cohen, M.C.

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