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12/31

APPROVED
DEC 31 1974

Ported in Colorado 12/31/74

*To ARCHIVES
1/3/75*

THE WHITE HOUSE

WASHINGTON

December 27, 1974

ACTION

Last Day: December 31

MEMORANDUM FOR

THE PRESIDENT

FROM:

KEN COLE *C*

SUBJECT:

Enrolled Bill S. 1357 - For the Relief of Mary Red Head

Attached for your consideration is S. 1357, sponsored by Senator Mansfield, which authorizes the payment of \$10,000 to Mary Red Head for disability arising out of the loss of part of her arm while operating machinery in a laundry in a Bureau of Indian Affairs school.

OMB recommends approval and provides additional background information in its enrolled bill report (Tab A).

Max Friedersdorf and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign S. 1357 (Tab B).



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 23 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1357 - For the relief of
Mary Red Head
Sponsor - Sen. Mansfield (D) Montana

Last Day for Action

December 31, 1974 - Tuesday

Purpose

Authorizes payment of \$10,000 to Mary Red Head in full settlement of her claim against the United States for disability due to the loss of part of her arm as the result of an accident while operating machinery in a laundry at a Bureau of Indian Affairs school.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

No objection

Department of Labor

Defers to OMB
(Informally)

Discussion

Mrs. Red Head's claim arises out of an accident in 1921 which resulted in the loss of part of her arm. As a student in a school operated by the Bureau of Indian Affairs, she was detailed to work in the laundry along with other students. While attempting to keep a towel from clogging a mangle, she caught her arm, from the tips of her fingers to her elbow, in the machine. The injuries she sustained

necessitated the amputation of her arm at the elbow. She was 13 years old at the time.

Because she was not an employee of the Bureau of Indian Affairs when she incurred her disability, Mrs. Red Head was not entitled to injury compensation. Over the years, she has received no financial assistance as compensation for the loss of her limb. Nor has she been fitted with a prosthetic device or given vocational training suitable for her condition.

The enrolled bill authorizes payment of \$10,000 to Mrs. Red Head as compensation for her disability. In its enrolled bill letter, the Interior Department states:

"Although compensation such as that which this bill would afford her is not owed her as a matter of right, Mrs. Red Head, now approaching age 65, is in dire financial straits. If the United States refuses to pay her something, her injury of more than 50 years ago will be totally uncompensated."

In its report on S. 1357, the House Judiciary Committee notes that its survey of court decisions involving similar injuries indicates that \$10,000 is a reasonable figure for compensation in this instance.

W. H. Rummel

Assistant Director for
Legislative Reference

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 23 1974

Dear Mr. Ash:

This is in response to your request for the views of this Department on the enrolled bill S. 1357, "For the relief of Mary Red Head."

We have no objection to approval of the bill by the President.

S. 1357 authorizes and directs the Secretary of the Treasury to pay to Mary Red Head of Browning, Montana, the sum of \$10,000 in full settlement of her claims against the United States for disability arising out of the loss of part of her left arm in 1921.

The accident in which Mrs. Red Head lost part of her left arm occurred when she was a student at the Cut Bank Boarding School, Montana, a school operated by the Bureau of Indian Affairs. At the time of the accident, Mrs. Red Head was said to be 13 years of age. She had been detailed to work in the laundry along with other students. Her job involved removing clothing from a mangle after the clothing had been run through. The accident occurred as a result of a towel's becoming entangled in the mangle. Mrs. Red Head grabbed the towel in an effort to keep it from clogging the machine. Her left arm, from the tips of her fingers to her elbow, was caught in the mangle. A school engineer was called in to free her, which he did by turning the mangle backwards. Mrs. Red Head's arm had to be amputated at the elbow.

Since she was not an employee of the Bureau of Indian Affairs, Mrs. Red Head was not entitled to injury compensation. Several unsuccessful attempts -- including bills in previous Congresses -- have been made over the years to effect compensation for her.

At no time has Mrs. Red Head received any financial assistance as compensation for her injury and the resultant amputation of part of her arm. Nor has she been fitted with a prosthetic device or given vocational training suitable to her condition.

Although compensation such as that which this bill would afford her is not owed her as a matter of right, Mrs. Red Head, now approaching age 65, is in dire financial straits. If the United

OFFICE OF MANAGEMENT
AND BUDGET

'74 DEC 23 AM 9:49

RECEIVED

States refuses to pay her something, her injury of more than 50 years ago will be totally uncompensated. S. 1357 sets a figure of \$10,000 as compensation.

Sincerely yours,

Raymond V. Bentley
Acting Deputy Commissioner of Indian Affairs

Honorable Roy L. Ash
Director, Office of
Management and Budget
Ashington, D.C.

U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

DEC 24 1974

Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Ash:

This is in response to your request for our views on S. 1357, an enrolled enactment "For the relief of Mary Red Head."

It is the policy of the Department of Labor to oppose legislation which would give a special privilege to a Federal employee whose statutory period for filing a relief claim has terminated under the Federal Employees' Compensation Act (FECA). However, neither the bill nor our records indicate that the subject was a Government employee.

Since this bill does not involve the FECA, the Department of Labor defers to the Office of Management and Budget.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter J. Brennan".

Secretary of Labor

1974



OFFICE OF MANAGEMENT
AND BUDGET

'74 DEC 26 AM 11:18

RECEIVED

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 838

Date: December 26, 1974

Time: 9:00 a.m.

FOR ACTION: Mike Duval *mh*
Max Friedersdorf *O.k.*
Phil Areeda *No obj.*

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 3:00 p.m.

SUBJECT:

Enrolled Bill S. 1357 - Relief of Mary Red Head

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE
WASHINGTON

12/23/74

TO: WARREN HENDRIKS

RLD

Robert D. Linder

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 838

Date: December 26, 1974

Time: 9:00 a.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda

ok. Ross

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 3:00 p.m.

SUBJECT: Enrolled Bill S. 1357 - Relief of Mary Red Head

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

THE WHITE HOUSE
WASHINGTON

December 26, 1974

MEMORANDUM FOR: WARREN HENDRIKS
FROM: *Max L. Friedersdorf* MAX L. FRIEDERSDORF
SUBJECT: Action Memorandum - Log No. 838
Enrolled Bill s. 1357 - Relief of Mary Red Head

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

Date: December 26, 1974

Time: 9:00 a.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda ✓cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 3:00 p.m.

SUBJECT:

Enrolled Bill S. 1357 - Relief of Mary Red Head

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No Objections
P Areeda

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

FOR THE RELIEF OF MARY RED HEAD

MAY 2, 1974.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 1357]

The Committee on the Judiciary, to which was referred the bill (S. 1357), for the relief of Mary Red Head, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to pay to Mary Red Head of Browning, Mont., the sum of \$10,000 for disability arising out of the loss of part of her arm while operating machinery in a laundry in a Bureau of Indian Affairs school.

STATEMENT

The facts in the case are set forth in a report from the U.S. Department of the Interior as follows:

S. 1357 authorizes and directs the Secretary of the Treasury to pay to Mary Red Head of Browning, Mont., the sum of \$10,000 in full settlement of her claims against the United States for disability arising out of the loss of part of her left arm in 1921.

The accident in which Mrs. Red Head lost part of her left arm occurred when she was a student at the Cut Bank Boarding School, Montana, a school operated by the Bureau of Indian Affairs. At the time of the accident, Mrs. Red

Head was said to be 13 years of age. She had been detailed to work in the laundry along with other students. Her job involved removing clothing from a mangle after the clothing had been run through. The accident occurred as a result of a towel's becoming entangled in the mangle. Mrs. Red Head grabbed the towel in an effort to keep it from clogging the machine. Her left arm, from the tips of her fingers to her elbow, was caught in the mangle. A school engineer was called in to free her, which he did by turning the mangle backwards. Mrs. Red Head's arm had to be amputated at the elbow.

Since she was not an employee of the Bureau of Indian Affairs, Mrs. Red Head was not entitled to injury compensation. Several unsuccessful attempts—including bills in previous Congresses—have been made over the years to effect compensation for her.

At no time has Mrs. Red Head received any financial assistance as compensation for her injury and the resultant amputation of part of her arm. Nor has she been fitted with a prosthetic device or given vocational training suitable to her condition.

Although compensation such as that which this bill would afford her is not owed her as a matter of right, Mrs. Red Head, now approaching age 65, is in dire financial straits. If the United States refuses to pay her something, her injury of more than 50 years ago will be totally uncompensated. S. 1357 sets a figure of \$10,000 as compensation. We have no other figure to recommend as we have no way of judging the value of the loss of a limb and its use.

The committee believes the bill is meritorious and recommends it favorably.

Attached and made a part of this report is a letter dated April 1, 1974, from the Department of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 1, 1974.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on S. 1357, a bill for the relief of Mary Red Head.

We have no objections to enactment of this bill.

S. 1357 authorizes and directs the Secretary of the Treasury to pay to Mary Red Head of Browning, Mont., the sum of \$10,000 in full settlement of her claims against the United States for disability arising out of the loss of part of her left arm in 1921.

The accident in which Mrs. Red Head lost part of her left arm occurred when she was a student at the Cut Bank Boarding School, Montana, a school operated by the Bureau of Indian Affairs. At the time of the accident, Mrs. Red Head was said to be 13 years of age. She had been detailed to work in the laundry along with other stu-

dents. Her job involved removing clothing from a mangle after the clothing had been run through. The accident occurred as a result of a towel's becoming entangled in the mangle. Mrs. Red Head grabbed the towel in an effort to keep it from clogging the machine. Her left arm, from the tips of her fingers to her elbow, was caught in the mangle. A school engineer was called in to free her, which he did by turning the mangle backward. Mrs. Red Head's arm had to be amputated at the elbow.

Since she was not an employee of the Bureau of Indian Affairs, Mrs. Red Head was not entitled to injury compensation. Several unsuccessful attempts—including bills in previous Congresses—have been made over the years to effect compensation for her.

At no time has Mrs. Red Head received any financial assistance as compensation for her injury and the resultant amputation of part of her arm. Nor has she been fitted with a prosthetic device or given vocational training suitable to her condition.

Although compensation such as that which this bill would afford her is not owed as a matter of right, Mrs. Red Head, now approaching age 65, is in dire financial straits. If the United States refuses to pay her something, her injury of more than 50 years ago will be totally uncompensated. S. 1357 sets a figure of \$10,000 as compensation. We have no other figure to recommend as we have no way of judging the value of the loss of a limb and its use.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

○

MARY RED HEAD

DECEMBER 10, 1974.—Committed to the Committee of the Whole House and ordered to be printed

Mr. BUTLER, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 1357]

The Committee on the Judiciary, to whom was referred the bill (S. 1357) for the relief of Mary Red Head, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the proposed legislation, is to pay to Mary Red Head of Browning, Montana, the sum of \$10,000, for the disability arising out of the loss of part of her arm while operating machinery in a laundry in a Bureau of Indian Affairs school.

STATEMENT

The Department of the Interior in its report to the Committee indicated it had no objection to the bill.

Mary Red Head of Browning, Montana, suffers from a disability arising out of the loss of part of her left arm in 1921. The accident in which Mrs. Red Head lost part of her left arm occurred when she was a student at the Cut Bank Boarding School, Montana, a school operated by the Bureau of Indian Affairs. At the time of the accident, Mrs. Red Head was 13 years of age. She had been detailed to work in the laundry along with other students. Her job involved removing clothing from a mangle after the clothing had been run through. The accident occurred as a result of a towel's becoming entangled in the mangle. Mrs. Red Head grabbed the towel in an effort to keep it from clogging the machine. Her left arm, from the tips of her fingers to her elbow, was caught in the mangle. A school engineer was called in to free her, which he did by turning the mangle backwards. Mrs. Red Head's arm had to be amputated at the elbow.

Since she was not an employee of the Bureau of Indian Affairs, Mrs. Red Head was not entitled to injury compensation. Several unsuccessful attempts—including bills in previous Congresses—have been made over the years to effect compensation for her.

At no time has Mrs. Red Head received any financial assistance as compensation for her injury and the resultant amputation of part of her arm, nor has she been fitted with a prosthetic device or given vocational training suitable to her condition.

Mrs. Red Head, now approaching age 65, of course still suffers from this disability. The Department of Interior noted that if the United States refuses to pay her something, her injury of more than 50 years ago will be totally uncompensated. S. 1357 sets a figure of \$10,000 as compensation. The Committee's survey of court decisions involving similar injuries indicates that this amount is a reasonable figure for compensation in this instance. It should be observed that precedents in Montana support this conclusion. It is recommended that the bill be considered favorably.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 1, 1974.

HON. JAMES O. EASTLAND,
*Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on S. 1357, a bill for the relief of Mary Red Head.

We have no objections to enactment of this bill.

S. 1357 authorizes and directs the Secretary of the Treasury to pay to Mary Red Head of Browning, Mont., the sum of \$10,000 in full settlement of her claims against the United States for disability arising out of the loss of part of her left arm in 1921.

The accident in which Mrs. Red Head lost part of her left arm occurred when she was a student at the Cut Bank Boarding School, Montana, a school operated by the Bureau of Indian Affairs. At the time of the accident, Mrs. Red Head was said to be 13 years of age. She had been detailed to work in the laundry along with other students. Her job involved removing clothing from a mangle after the clothing had been run through. The accident occurred as a result of a towel's becoming entangled in the mangle. Mrs. Red Head grabbed the towel in an effort to keep it from clogging the machine. Her left arm, from the tips of her fingers to her elbow, was caught in the mangle. A school engineer was called in to free her, which he did by turning the mangle backward. Mrs. Red Head's arm had to be amputated at the elbow.

Since she was not an employee of the Bureau of Indian Affairs, Mrs. Red Head was not entitled to injury compensation. Several unsuccessful attempts—including bills in previous Congresses—have been made over the years to effect compensation for her.

At no time has Mrs. Red Head received any financial assistance as compensation for her injury and the resultant amputation of part of her arm. Nor has she been fitted with a prosthetic device or given vocational training suitable to her condition.

Although compensation such as that which this bill would afford her is not owed as a matter of right, Mrs. Red Head, now approaching age 65, is in dire financial straits. If the United States refuses to pay her something, her injury of more than 50 years ago will be totally uncompensated. S. 1357 sets a figure of \$10,000 as compensation. We have no other figure to recommend as we have no way of judging the value of the loss of a limb and its use.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

○

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

For the relief of Mary Red Head.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Red Head of Browning, Montana, the sum of \$10,000 in full settlement of all her claims against the United States for disability arising out of the loss of part of her arm (from the elbow down) in 1921 in machinery she was operating in the laundry while a student at the Cut Bank Boarding School, Montana, a school operated by the Bureau of Indian Affairs. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 19, 1974

Dear Mr. Director:

The following bills were received at the White House on December 19th:

✓ S.J. Res. 234	S. 2838 ✓	S. 3578 ✓
S. 184 ✓	S. 3341 ✓	S. 3615 ✓
S. 194 ✓	S. 3397 ✓	H.R. 3538 ✓
S. 1283 ✓	S. 3418 ✓	H.R. 14401 ✓
S. 1357 ✓	S. 3489 ✓	H.R. 15912 ✓
S. 2125 ✓	S. 3518 ✓	H.R. 16609 ✓
S. 2594 ✓	S. 3574 ✓	H.R. 16901 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.