

The original documents are located in Box 3, folder “Jurisdiction Over Indian Lands (PL 280) - Patterson Letter” of the Bradley H. Patterson Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

August 30, 1976

Dear Mr. Wenke:

Thank you for your letters to the President expressing concern about his jurisdictional statement to American Indian leaders on July 16. It has been erroneously reported that President Ford supports legislation to give tribal governments criminal and civil jurisdiction over all people living on Indian reservations. This is inaccurate. The President does not support legislation to alter the present legal status of non-Indians residing within reservation boundaries.

In his statement to Indian leaders on July 16, President Ford indicated that he supported the concept of allowing certain Indian tribes (those which have been subject to State civil and criminal jurisdiction under provisions of Public Law 83-280 and related statutes) to decide by tribal resolution whether they wish to continue under State jurisdiction or return to Federal jurisdictional status. This resolution is subject to the approval or disapproval of the Secretary of the Interior under a clear set of reasonable guidelines.

Under this concept, a tribe by itself could initiate a request to the Secretary of the Interior for a return to Federal jurisdictional status. In reaching his decision on this request, the Secretary of the Interior would be required to consult with the U.S. Attorney General and with the governors of the appropriate States. Application would be limited to tribes in States which have exercised jurisdiction under P.L. 83-280 and related statutes.

The Departments of Justice and Interior are drafting legislation on this subject, and the Administration has asked the governors of 31 States for their views on the draft legislation. It is the President's



intention to continue consultations on the draft and to expand those consultations to include a wide range of interested groups, including representatives of non-Indians residing within reservation boundaries.

Sincerely,

Bradley H. Patterson, Jr.

Mr. Clark A. Wenke
President
Pender State Bank
Pender, Nebraska 68047

BHP:lrc
BHP-2



17
encl.

Pender State Bank

PENDER, NEBRASKA 68047 PHONE(402) 385-3063

July 29th, 1976

CLARK A. WENKE, President
R. R. SMITH, Executive Vice President
GARY R. CONDON, Vice President
KEVIN E. KIRBY, Agri. Representative
MAVIS BERG, Cashier
NINA RUGE, Assistant Cashier
LOIS SCHOCH, Assistant Cashier

DP
Gerald R. Ford
President of the United States
The White House
Washington, D. C.

Dear President Ford,

This is a follow up on my letter to you of July the 19th, 1976.

I enclose a copy of my original letter of July the 19th, a letter from Congressman Charles Thone, and a series of articles by Mary Kay Quinlan, a World Herald Bureau staff writer.

Ms. Quinlan's series of articles concerning the Indian retrocession are the best and most unbiased that I have ever had the opportunity to read and study. She very fairly states the case of the Indian and the Non-Indians. If you will take the time to read these article you will have an insight into the retrocession issue that perhaps has not been available to you. At least you will be able to view this situation with information from a source other than the American Indian Policy Review Commission.

I thank you in advance for your considerations of the Non-Indians in this very serious matter. We hope that you will represent the Non-Indian as well as the Indian.

I have lived on the Omaha-Winnebago Reservation in Thurston County, Nebraska for all of my 56 years.

Very Sincerely,



Clark A. Wenke
President

Copies to Senator Hruska & Curtis &
Congressman Thone.

17
encl

Pender State Bank

PENDER, NEBRASKA 68047 PHONE(402) 385-3063

July 19th, 1976

CLARK A. WENKE
President

DP

Gerald R. Ford
President of the United States
White House
Washington, D. C.

Dear President Ford,

I have just read your news release concerning a new law that you are seeking that will give Indian tribal councils criminal and civil jurisdiction over people living on Indian reservations. I enclose a clipping from the Omaha World Herald.

I happen to live in Thurston County, Nebraska which is made up entirely of the Omaha and Winnebago reservations.

The population of Thurston County is about 7,000, of which 65% are non-indian. The non-indians own virtually all of the business enterprises in Thurston County. They own approximately 65% of the farm lands in the county and rent and farm almost all of the indian owned land by virtue of leases from the Bureau of Indian affairs. Currently, the tribals lands are not on the tax rolls of the county. The lands owned by the indians and rented by the non-indians are taxed, but the taxes are paid by the renters of the land.

On some reservations, where the population is basically all indian your program might work and would not effect anyone but the indian population, but in Thurston County it would disenfranchise all of the non-indians in this county. It would be catastrophic to our communities, school districts, political sub-divisions and the county government.

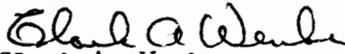
The Omaha tribe has had criminal retrocession for several years and has not been a success by any measure of legal and moral right.

The Nebraska legislature, in it's last secession, took up the subject of retrocession for the Nebraska Indian reservations and unanmously rejected it. I am sure that their ruling or decision was forwarded to Washington, D. C.. If not, a copy of their ruling can be obtained from the Clerk of the Nebraska Legislature in Lincoln, Nebraska.

It is inconceivable that the rights of the majority could be taken away and given to the minority. I have always believed that the laws of the villages, counties, states and the Federal government were equally fair and just for all. If they are not, then they should be changed for all citizens of the United States.

If the Indian tribal councils were to be given criminal and civil jurisdiction over the indians and non-indians in Thurston County, Nebraska, it is my opinion that there would, or will be a lot of blood spilled before the non-indians will give up their rights as American citizens.

Very Sincerely,


Clark A. Wenke
President

Pender State Bank

PENDER, NEBRASKA 68047 PHONE (402) 385-3063

July 19th, 1976

CLARK A. WENKE
President

Gerald R. Ford
President of the United States
White House
Washington, D. C.

Dear President Ford,

I have just read your news release concerning a new law that you are seeking that will give Indian tribal councils criminal and civil jurisdiction over people living on Indian reservations. I enclose a clipping from the Omaha World Herald.

I happen to live in Thurston County, Nebraska which is made up entirely of the Omaha and Winnebago reservations.

The population of Thurston County is about 7,000, of which 65% are non-Indian. The non-Indians own virtually all of the business enterprises in Thurston County. They own approximately 65% of the farm lands in the county and rent and farm almost all of the Indian owned land by virtue of leases from the Bureau of Indian Affairs. Currently, the Indian lands are not on the tax rolls of the county. The lands owned by the Indians and rented by the non-Indians are taxed, but the taxes are paid by the renters of the land.

On some reservations, where the population is basically all Indian your program might work and would not affect anyone but the Indian population, but in Thurston County it would disenfranchise all of the non-Indians in this county. It would be catastrophic to our communities, school districts, political subdivisions and the county government.

The Omaha tribe has had criminal retrocession for several years and has not been a success by any measure of legal and moral right.

The Nebraska legislature, in its last session, took up the subject of retrocession for the Nebraska Indian reservations and unanimously rejected it. I am sure that their ruling or decision was forwarded to Washington, D. C.. If not, a copy of their ruling can be obtained from the Clerk of the Nebraska Legislature in Lincoln, Nebraska.

It is inconceivable that the rights of the majority could be taken away and given to the minority. I have always believed that the laws of the villages, counties, states and the Federal government were equally fair and just for all. If they are not, then they should be changed for all citizens of the United States.

If the Indian tribal councils were to be given criminal and civil jurisdiction over the Indians and non-Indians in Thurston County, Nebraska, it is my opinion that there would, or will be a lot of blood spilled before the non-Indians will give up their rights as American citizens.

Very Sincerely,

Clark A. Wenke
Clark A. Wenke
President

Copy to - How - Shaska + Curti

File under - Ford

Ford Wants Indian Control For Those on Reservation

Washington (AP) — President Ford told Indian leaders Friday he soon will seek a new law that could give tribal governments criminal and civil jurisdiction over people living on Indian reservations.

Addressing about 200 American Indian leaders in the East Room, Ford said legislation being drafted would let the tribes determine whether they wanted to share jurisdiction with state or federal authorities or handle such matters themselves "effectively and within

adequate guidelines."

Some Indian leaders said in advance of the session that they suspected the President might be trying to use them for political purposes, particularly since the White House had invited them to wear traditional native costumes to the affair.

Ford's only other public activities of the day involved a business meeting and evening reception with visiting West German Chancellor Helmut Schmidt.



CHARLES THONE

1ST DISTRICT, NEBRASKA

1524 LONGWORTH HOUSE OFFICE BUILDING

HOUSE OF REPRESENTATIVES

WASHINGTON, D.C. 20515

COMMITTEES:
AGRICULTURE

SUBCOMMITTEES:
DEPARTMENT OPERATIONS,
INVESTIGATIONS AND OVERSIGHT
LIVESTOCK AND GRAINS

GOVERNMENT OPERATIONS

SUBCOMMITTEE:
GOVERNMENT ACTIVITIES AND
TRANSPORTATION

July 23, 1976

Clark A. Wenke
President
Pender State Bank
Pender, Nebraska 68047

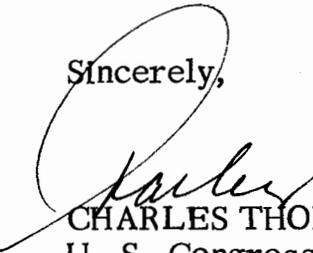
Dear Clark:

Thanks very much for sending me a copy of your letter to the President regarding the matter of retrocession. It was good of you to share your thoughts on this with me.

As you know, Clark, I do not support S. 2010, and will oppose whatever legislation might follow that would permit the Tribes to go into retrocession without the permission of the State. Frankly, the President and I just plain disagree on this matter.

Best wishes.

Sincerely,


CHARLES THONE
U. S. Congressman

CT/v



Indian Policy Called Two-Headed Monster

By Mary Kay Quinlan

WORLD-HERALD BUREAU.

Washington — The battlefields are courtrooms, Congress and cubbyholes of the federal bureaucracy instead of the parched plains.

But the struggle for control of Indian lands today is as real as it was a century ago.

At stake, both Indians and non-Indians agree, are funda-

child in need of a foster home should be placed?

If a non-Indian commits a crime on an Indian reservation, who has the authority to arrest him? The BIA police? A tribal policeman? The county sheriff?

Courts have answered some of the questions, but not all of them. And even the ones that have been more or less settled are far from clear.

Take law enforcement.

On Thurston County's Winnebago Reservation in Nebraska, and on reservations in several other states specified by Congress, the county sheriff can arrest Indians and non-Indians alike for alleged criminal activity, and the state criminal justice system handles the case.

But on the Omaha reservation adjacent to the Winnebago, and in most other states, that isn't the case.

If a county sheriff or an Indian policeman sees a person assaulting another person, the jurisdiction to which the assailant will be subject depends on whether he's an Indian, whether the victim is an Indian, and whether the incident takes place on or off Indian land.

"The rule of thumb is," a BIA law enforcement official started to explain in a confident voice. Then with a pause and a sigh, he added, "There's a gray area. It just all depends."

Both non-Indians who live and own property on the reservations and the Indians for whom the reservations were created seem tired of not having a "rule of thumb" to go by.

But their solutions to the problem are poles apart. And officials in Congress and the executive branch who are trying to find a middle ground seem uncertain whether there is one.

Next: Who owns the Reservation land?



First of five articles.

mental, constitutional rights that each side believes the other is going to take away.

Vacillations in the nation's Indian policy for at least a hundred years have resulted in a minefield of treaties, laws and court decisions that one non-Indian calls "a two-headed monster."

An Indian calls it a "mish-mash."

A Bureau of Indian Affairs (BIA) official calls it "a can of worms."

Everyone, it seems, thinks the situation is intolerable.

Partisans on both sides say the dilemma is being ignored by the people who could and should resolve it.

Both Indians and non-Indians argue about their views in philosophic and legal terms, but the problems are practical ones.

Who, for example, has first claim on precious western water and other natural resources?

Should tribal or state authorities decide where an Indian



Land on Reservation #2 Not Always Indians

By Mary Kay Quinlan

WORLD-HERALD BUREAU

Washington — Indian reservations are for Indians, right? Well, sort of.

They started out that way, but on some reservations, especially in the Midlands, non-Indians outnumber Indians as residents and landowners.

The fact that non-Indians live on Indian reservations is ignored or not understood by the public and news media in general, but particularly by "big city" newspapers, members of the Interstate Congress on Equal Rights and Responsibilities say.

The group is composed pri-



Congress believed then the Indians would become "civilized" if they were given parcels of land and taught to farm. So the reservations were carved into allotments for members of the tribes.

Though the status of reservation land falls into several categories, basically, non-Indian landowners entered the picture when some reservation land was opened for homesteading or when Indians sold their allotments to non-Indians.

There is controversy over the congressional intent behind certain acts dealing with Indian lands, but the prevailing legal view is that non-Indian ownership of Indian land did not affect the status of that land as part of the reservations.

Next: What self-determination means.



Second of five articles

marily of non-Indians from Midlands and Western states who are fighting the extension of Indian jurisdiction on reservations.

In Nebraska, according to testimony at Senate hearings by a staff member of the Legislature, land ownership on the Omaha and Winnebago Reservations in Thurston County breaks down like this: 4 per cent is owned by tribal governments; 13 per cent is owned by persons of Indian descent; 83 per cent is owned by non-Indians.

Population estimates show that 69 per cent of the county's population is non-Indian, while 19 per cent are Omaha Indians and 12 per cent are Winnebagos.

The checkerboard pattern of land ownership in Thurston County and Indian reservations in other states and even within some cities is the result of laws passed by Congress in the late 1800s and early 1900s.

The Struggle Now: Self-Determination

By Mary Kay Quinlan

WORLD-HERALD BUREAU

Washington — To the Indians, who are used to fighting proverbial life and death struggles, the battle this time is over the right to govern their own tribes, make their own mistakes, run their own lives.

That is the essence, they say, of the nation's current Indian policy of self-determination, enunciated in 1970 by then-President Richard Nixon and endorsed recently by President Ford.

The National Congress of American Indians two years ago proposed repealing a law that gives Nebraska and some other states jurisdiction on Indian reservations.

Unique Proposal

The proposal is unique, the Indian leaders say, because it is a major effort by Indians all over the country to reach consensus.

The foundation of the proposal, according to the Indian groups, is the right of tribes to be treated as governments.

They emphasize that the Constitution recognizes that right in its commerce clause. That clause gives Congress the responsibility to "regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

From the earliest days, the Indian leaders say, the tribes have been recognized as distinct political units.

Indians' right to exercise sovereignty over their lands has been upheld as a general legal principle since the early 1800s.

Special Relationship

Constitutional recognition of



Third of Five Articles

a special relationship between Indians and the federal government is something no other minority has, the Indians emphasize.

In other words, they say under the law Indians simply are not just another ethnic group. Nor are they an interest group, such as a property owners association, noted a staff member of the American Indian Policy Review Commission. That group was created by Congress to study the nation's Indian policies and make recommendations.

But non-Indians generally don't understand that, according to the Indians.

"There's an incredible lack of accurate legal and factual information concerning the constitutional status of Indian tribes," said Paul Alexander, staff member of a review commission task force studying jurisdiction issues.

Image of Savages

Suzan Harjo, communications director for the national Indian congress, said Indians find it "very difficult to change" the fact that "running through everybody's head is that John Wayne movie with a 'those people are savages' image."

Indians view control of land and people within their reservations as a reasonable goal that would eliminate much confusion.

Until recent years, when self-determination for Indians became the nation's policy, many attempts were made to terminate tribes and assimilate Indians into non-Indian society.

"The tenaciousness with which Indians maintain their identity must be pretty apparent by now," said Kirke Kickingbird, general counsel for the review commission.

Hope Policy Buried

Indians hope the old federal policy of terminating tribes has been buried for good.

But to effectively carry out self-determination, the Indians need land they can control. Indians and their supporters

said whose land the non-Indians argue that Indian control over them would subject them to government in which they couldn't participate. The Indians reply that it would be no different than for Americans who live in a foreign country.

The smallness of some Indian tribes is also not a reason to deny Indians the chance to choose state or federal jurisdiction, according to Indian spokesmen. OK for the land they own

Some towns smaller "No one would take away the right of Plains, Ga., to govern itself," Ms. Harjo said, noting that many towns have populations smaller than some Indian reservations.

As a practical matter, small tribes probably would cooperate with states on many functions of government and would negotiate with local commu-

nities on the details of jurisdiction in their areas, the Indian and their supporters said.

Chuck Trimble, executive director of the national Indian congress, said the current situation where some states must provide services on reservations to people who don't pay taxes "is unfair to the states."

Indians believe their exemption from state taxes is one of the reasons county authorities either ignore Indian needs for law enforcement or act brutally when they do come to the reservations. Trimble said. Why not pay?

Ms. Harjo added that one reason the non-Indians may want Indians to have jurisdiction over them is a "fear the Indians will treat non-Indians as bad as they've (non-Indian) treated Indians."

Practical Problems

Practical problems are mixed with theoretical ones in the Indians' fight for jurisdiction.

In some states, Ms. Harjo said, putting Indian children in non-Indian homes for foster care is a worry.

The Indians believe they are better able to decide what is best for the children than state welfare authorities.

Another major Indian concern is the use of natural resources on reservations — minerals, water, timber.

Tribes want to work on resource development since it will help their local economies, Trimble said. "But they want more say on development or the right not to develop" if exploitation of the resources would destroy the tribes' ways of life.

Court decisions in recent years have tended to uphold the Indians' jurisdiction claims.

Next: Jurisdiction quarrels

NON-INDIANS FEAR A LOSS OF RIGHTS

By Mary Kay Quinlan

WORLD-HERALD BUREAU

Washington — To the non-Indians involved in the land jurisdiction issue, the merits of their case are as clear as the lessons of 1776.

They talk about government with consent of the governed and no taxation without representation. The resolutions they draft echo the Declaration of Independence.

The debate has been percolating for years, but has become especially intense since Sen. Henry Jackson, D-Wash., introduced a bill last summer by request of the National Congress of American Indians (NCAI) that would repeal a law giving Nebraska and other states jurisdiction on Indian reservations.

The bill would allow the tribes to decide whether they want federal or state law enforcement and whether they will exercise tribal jurisdiction in civil and criminal matters as well. States would not have a veto over tribes' decisions.

Rights Upheld

A variety of court cases in recent years has upheld Indians' rights to enforce rules, such as their own reservation fishing and hunting regulations,



Fourth of five articles

against non-Indians as well as Indians. Tribes also have been increasingly aggressive in trying to expand their land holdings or restore old reservation boundaries.

Sen. Carl Curtis has a file more than two inches thick of complaints from other states indicates widespread concern throughout the West.

The jurisdictional conflict is potentially "a more important issue in the west than even energy development," said a former Wyoming resident whose family is involved in numerous court cases over jurisdiction questions.

The pressure non-Indians feel because of the Indians' efforts to expand their jurisdiction has led non-Indian groups in a dozen Midlands and Western states, including Nebraska, South Dakota and Wyoming, to organize the Interstate Congress for Equal Rights and Responsibilities.

3,000 Members

The South Dakota chapter reports a membership of 3,000 persons.

Tom Tobin, a Winner, S.D.,



Jackson

lawyer for the non-Indian group, said the non-Indians have been frustrated because few Washington officials seem willing to listen to the non-Indians' views.

The interstate organizational efforts began last February with a meeting in Salt Lake City, Utah.

Transcripts from that meeting and subsequent sessions provided by Tobin, and Nebraskans' letters to Curtis show recurring themes in the non-Indians' arguments.

There are differences of opinion on some details, but the non-Indians basically would prefer state jurisdiction for everyone. At the very least, they don't want Indians to have authority over non-Indians.

They say that if the tribes are given sole jurisdiction over the people and land on Indian reservations, which the tribes want, the non-Indians' constitutional rights to have a say in the form of government they live under will be destroyed.

Constitutional Rights

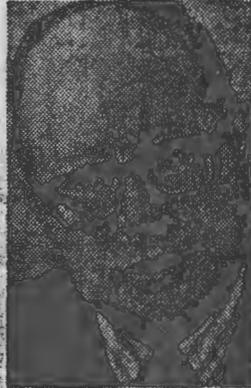
Constitutional rights, the non-Indians argue, must take precedence over Indian treaties, which came a hundred years after the Constitution was written.

One non-Indian living on a Nebraska reservation was so concerned about the possible impact of Indian jurisdiction that she asked Curtis if she was still an American citizen.

Another recurring argument is what the non-Indians view as the hypocrisy of one category of Americans receiving favorable treatment at the expense of others. Equal treatment under the law is a constitutional right, they point out.

One non-Indian in the interstate group challenged the inconsistency of spending money "back East" to force school integration, when "out here" the push is for segregation.

Curtis has told Nebraskans who have written to him that he thinks the proposal to eliminate state jurisdiction "is a bad bill" and that it would lead to



Curtis

"judicial chaos" because of checkerboard land holdings.

He said the bill would create a "law enforcement and court system in Indian country without providing administrative guidelines as well as criminal justice standards and goals which must be complied with."

Opposes Bill

Rep. Charles Thone of Lincoln, whose congressional district includes all the Nebraska reservations, said he also opposes the bill because "it's so inherently a matter for the state to decide."

Theory aside, practical problems form a large part of the non-Indians' complaints.

It galls them, for example, to see the amount of federal funds spent on the Indian reservations for things like health services, Indian education, job training and other development.

Many of the non-Indians say the federal money, their tax dollars, is being spent on people who don't do anything to help themselves.

But few of the non-Indians suggest that Indians have a comfortable life.

In fact, said one Wyoming man, who has tried to help his Indian neighbors develop business enterprises, the reservation is "a rural ghetto where life for the Indian under the BIA-tribal system, even with the expenditure of huge quantities of money, is terrible."

Practical problems also stem from the immunity of reservation Indians from state taxes.

No Tax Power

The State of Nebraska has jurisdiction on reservations in civil matters. But in a recent case brought by Indians, the U.S. Supreme Court ruled that the state did not have the power to impose taxes on income

earned by Indians on the reservation.

In a similar case, the court held that Minnesota did not have the right to levy property taxes on an Indian's mobile home.

Some Nebraskans have indicated they're annoyed that local services must be provided to people who aren't taxed.

One of the major practical problems with Indian jurisdiction, the non-Indians indicate, comes from their suspicion that the Indians simply could not do the job.

One Nebraskan told Curtis there was a fear that the vital functions of government — schools, law enforcement, fire protection — would fall apart if the Indians were given those responsibilities in part, because tribal governments often are split into factions.

Roughshod

Some non-Indians contend a tribe's controlling faction often runs roughshod over the rights and interests of fellow tribe members.

Working with tribal governments, said the former Wyoming resident whose family has tried to do so, "is like fighting an entrenched Tammany Hall. It hardly comes close to being government in our sense of the word."

The problems are getting worse, not better, non-Indian say.

And, as one Nebraskan asks Curtis: "How much more do we have to pay for the sins of our forefathers?"

Next: Jurisdiction agreements.



By Mary Kay Quinlan

WORLD-HERALD BUREAU.

Washington — The controversy over Indian jurisdiction "is one of the more important issues related to Indian affairs in this country today," said Dennis Ickes, deputy undersecretary of the Interior Department. "Everybody's confused about it. The tribes, the states, everybody," said Ickes, a native of Page, Neb.

Ickes and others in the Interior Department, the Bureau of Indian Affairs (BIA), Congress and the Indian and non-Indian communities are unanimous in viewing the problem as important.

But there's far less agreement on how to solve it.

To the Indians and some of their non-Indian supporters, the simple solution would be



The New Indian Battlegrounds

Last of Five Articles.

complete Indian jurisdiction over all land and people within the reservation boundaries, a solution non-Indians won't accept.

And to non-Indians, the simple solution would be complete state jurisdiction, which the Indians won't accept.

How?

So the problem becomes how to give the tribal governments their rightful jurisdiction on reservations and at the same time protect the constitutional rights of non-Indian citizens, several federal officials said.

The Interior Department and Justice Department are on record supporting the intent of the National Congress of American Indians' (NCAI) proposal that sets procedures for tribes in Nebraska and certain other states to reacquire jurisdiction that the states now exercise over civil and criminal matters.

But a draft proposal of an Interior Department bill states that the legislation "is not intended to address the question of whether tribal courts may exercise criminal jurisdiction over non-Indians accused of committing crimes in Indian territory."

Some Indians outside government and their supporters suggest that the jurisdictional conflicts would be eliminated if the non-Indians would just leave the reservations.

Land could be consolidated by purchasing it from non-Indians, which some tribes are already doing, and even by condemnation under the federal government's power of eminent domain, they said.

But executive branch officials and congressional staff members working on the problem say that isn't reasonable.

"We can't move in a direction that's going to dispossess people of their property," a BIA official said. "Property rights are very sacred in this country."

Two Sides

No matter how solid the Indians' legal arguments for their rights to exert authority on the reservations, the non-Indians, too, are on solid legal ground in their arguments for a right to have a voice in the governing process they live under, the government officials said.

"After all, that's what the Revolution was all about," one said.

On the other hand, he said,

"there's some merit" to the Indians' jurisdictional claims because of their special relationship with the federal government.

Tom Tobin, a Winner, S.D., lawyer for a group of non-Indians trying to make their views known, said the problem is one that should be solved by Congress, not by the courts, where most of the jurisdiction issues are being debated.

But congressional action means tough political decisions.

Chuck Trimble, NCAI executive director, said he believes the next session of Congress will pass the organization's bill, or one like it, that would repeal state jurisdiction.

Forrest Gerard, a Senate Interior Committee staff member, said that's a reasonable possibility if the Indian community can appeal to civil libertarian groups and church groups for support.

The non-Indians are aware of the political aspect of the problem, too.

Several persons attending an organizational meeting last February of the Interstate Congress on Equal Rights and Responsibilities noted that non-Indian landowners should push their congressmen and make jurisdiction matters an issue in campaigns.

'Parochial'

Indian issues don't get much attention in Congress because they are "so parochial in nature" and affect so few congressmen, said Rep. Charles Thone of Lincoln.



Thone

"Most people (in Congress) are not really concerned about Indian issues and I don't think they ever will be," said Sen. James Abourezk, D-S.D., chairman of the Senate Indian affairs subcommittee.

Unlike some others, Thone and Abourezk said the solutions to the Indian jurisdiction problems will require continued court action no matter what happens in Congress.

"A lot of it will have to be adjudicated," Thone said. "It's just so complex with all these treaties. There's no way you can legislate out of this morass."

"In the final analysis," Abourezk said, "Congress will have to act to iron out the political problems."

Hearing to Preface Farmland Squabble

A pre-trial hearing Aug. 6 in Sioux City will preface a legal battle for the ownership of more than 11,000 acres of Monona County, Iowa, farmland.

Indians from the Omaha reservation in Macy, Neb. moved onto some of the land and have been farming portions since April, 1975. A Department of Justice injunction prevented an Iowa district court from moving them from the land.

The trial will be held in Sioux City federal court. Court officials indicated it would begin some time this fall.

The Indians claim the land is part of an Omaha reservation created in 1854 on the Nebraska

side of the river. A flood in the 1920's changed the course of the Missouri and the disputed acres have since been on the Iowa side.

Iowa farmers and other non-Indians holding title claim their rights stem from abstracts drawn up in the first Iowa survey in 1846.

August 30, 1976

Dear Mr. and Mrs. Huff:

Thank you for your letter to the President expressing concern about his jurisdictional statement to American Indian leaders on July 16. It has been erroneously reported that President Ford supports legislation to give tribal governments criminal and civil jurisdiction over all people living on Indian reservations. This is inaccurate. The President does not support legislation to alter the present legal status of non-Indians residing within reservation boundaries.

In his statement to Indian leaders on July 16, President Ford indicated that he supported the concept of allowing certain Indian tribes (those which have been subject to State civil and criminal jurisdiction under provisions of Public Law 83-280 and related statutes) to decide by tribal resolution whether they wish to continue under State jurisdiction or return to Federal jurisdictional status. This resolution is subject to the approval or disapproval of the Secretary of the Interior under a clear set of reasonable guidelines.

Under this concept, a tribe by itself could initiate a request to the Secretary of the Interior for a return to Federal jurisdictional status. In reaching his decision on this request, the Secretary of the Interior would be required to consult with the U.S. Attorney General and with the governors of the appropriate States. Application would be limited to tribes in States which have exercised jurisdiction under P.L. 83-280 and related statutes.

The Departments of Justice and Interior are drafting legislation on this subject, and the Administration has asked the governors of 31 States for their views on the draft legislation. It is the President's

intention to continue consultations on the draft and to expand those consultations to include a wide range of interested groups, including representatives of non-Indians residing within reservation boundaries.

Sincerely,

Bradley H. Patterson, Jr.

Mr. and Mrs. Noel Huff
Box 385
Walthill, Nebraska 68067

BHP:lrc
BHP-2



Walthill, Nebraska
July 26, 1976

9
President Gerald Ford
Washington, D.C.

DP
Honorable President:

Our names are Noel Huff and Agnes Huff. We are writing about your proposal relative to self-determination for Indians. Our families came to Thurston County in 1910 and 1912 respectively. We were raised in this county, attended schools here, and worked the land that was bought by Non-Indians with their hard earned cash. We now own our home in Walthill on the Omaha Reservation which we purchased with our hard earned cash. We are law abiding citizens who pay taxes on our property for the upkeep of our town, school, and roads for the benefit of all including the Indians.

Why will you propose a new law which you and the tribal leaders will "write together" that will give the Indians jurisdiction over criminal and civil cases "within adequate guidelines" over Non-Indians? Do you understand that they already have jurisdiction over their own arrests on this and the adjoining Winnebago Reservation? You want them to be granted jurisdiction over criminal and civil cases of Non-Indians as well? How would your "adequate guidelines" be determined?

Are your worldly possessions a part of an Indian Reservation? If so or not, would you condone any group who wished to have the right to handle you and your possessions and eventually subdivide your state?

We sincerely hope that you will reconsider your intent on this matter and also do all you can to abolish the Retrocession Measure-2010. which would deprive us of our rights as citizens of Walthill, of Thurston County, and of Nebraska. Thank you for reading this.

Sincerely,

Noel Huff
Agnes Huff



Noel and Agnes Huff
Box 385
Walthill, Nebraska 68067



President Gerald Ford
United States President
White House
Washington, D. C.

August 30, 1976

Dear Mr. and Mrs. Detry:

Thank you for your letter to the President expressing concern about his jurisdictional statement to American Indian leaders on July 16. It has been erroneously reported that President Ford supports legislation to give tribal governments criminal and civil jurisdiction over all people living on Indian reservations. This is inaccurate. The President does not support legislation to alter the present legal status of non-Indians residing within reservation boundaries.

In his statement to Indian leaders on July 16, President Ford indicated that he supported the concept of allowing certain Indian tribes (those which have been subject to State civil and criminal jurisdiction under provisions of Public Law 93-280 and related statutes) to decide by tribal resolution whether they wish to continue under State jurisdiction or return to Federal jurisdictional status. This resolution is subject to the approval or disapproval of the Secretary of the Interior under a clear set of reasonable guidelines.

Under this concept, a tribe by itself could initiate a request to the Secretary of the Interior for a return to Federal jurisdictional status. In reaching his decision on this request, the Secretary of the Interior would be required to consult with the U.S. Attorney General and with the governors of the appropriate States. Application would be limited to tribes in States which have exercised jurisdiction under P.L. 93-280 and related statutes.

The Departments of Justice and Interior are drafting legislation on this subject, and the Administration has asked the governors of 31 States for their views on the draft legislation. It is the President's

intention to continue consultations on the draft and to expand those consultations to include a wide range of interested groups, including representatives of non-Indians residing within reservation boundaries.

Sincerely,

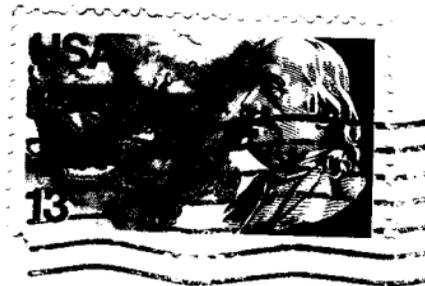
Bradley H. Patterson, Jr.

Mr. and Mrs. Norman L. Detry
Route 5
Hayward, Wisconsin 54843

BHP:lrc
BHP-2



Mr. & Mrs Norman L. Detry
R. 5, Hayward,
Wisconsin 54843



The President, Gerald S. Ford
The White House,
1600 Pennsylvania Ave.,
Washington, D.C. 20013

Two Unexpected Votes for Carter

New Tribal Power Asked

Washington, D.C. —AP— President Ford told Indian leaders Friday that he soon would seek a law that could give tribal governments criminal and civil jurisdiction over persons living on Indian reservations.

Addressing about 200 American Indians leaders in the East Room, Ford said the legislation now being drafted would let the tribes determine whether they wanted to share jurisdiction with state or federal authorities or handle such matters themselves.

Some Indian leaders said in advance of the session that they suspected the president might be trying to use them for political purposes, since the White House had invited them to wear traditional native costumes to the affair. Few of the Indians wore native garb, but Ford's speech seemed well received.

Mr. President ;

And I can safely say , the above news print has cost you ATLEAST , 8000 votes in Sawyer County , alone , and believe me , this is such Republican country , a Democrat does not even bother to ~~vote~~ run for any office in this County.

But when a President , who is suppose to represent All Of The People , can come out for one Group and be so biased , then I really don't care who gets in , as long as it is not this President.

I only hope this News reached every paper in the United States, because there are so many States that are affected by it. And believe me, this News item Will Sure Affect You !!!! I do believe , it is time Our Government takes a Long hard Look at it's Tax Payers , and how our rights are being violated.

Sincerely ,

Mr. & Mrs Norman L. Detry

Mr. & Mrs Norman L. Detry

August 30, 1976

Dear Miss McCleary:

Thank you for your letter to the President expressing concern about his jurisdictional statement to American Indian leaders on July 16. It has been erroneously reported that President Ford supports legislation to give tribal governments criminal and civil jurisdiction over all people living on Indian reservations. This is inaccurate. The President does not support legislation to alter the present legal status of non-Indians residing within reservation boundaries.

In his statement to Indian leaders on July 16, President Ford indicated that he supported the concept of allowing certain Indian tribes (those which have been subject to State civil and criminal jurisdiction under provisions of Public Law 83-280 and related statutes) to decide by tribal resolution whether they wish to continue under State jurisdiction or return to Federal jurisdictional status. This resolution is subject to the approval or disapproval of the Secretary of the Interior under a clear set of reasonable guidelines.

Under this concept, a tribe by itself could initiate a request to the Secretary of the Interior for a return to Federal jurisdictional status. In reaching his decision on this request, the Secretary of the Interior would be required to consult with the U.S. Attorney General and with the governors of the appropriate States. Application would be limited to tribes in States which have exercised jurisdiction under P.L. 83-280 and related statutes.

The Departments of Justice and Interior are drafting legislation on this subject, and the Administration has asked the governors of 31 States for their views on the draft legislation. It is the President's



intention to continue consultations on the draft and to expand those consultations to include a wide range of interested groups, including representatives of non-Indians residing within reservation boundaries.

Sincerely,

Bradley H. Patterson, Jr.

Miss Edythe T. McCleary
Vice Chairman
Big Horn County Republican
Central Committee
Box 317
Hardin, Montana 59034

BHP:lrc
BHP-2



10
Invitation

Box 317
Hardin, Mt. 59034

Dear President Ford:

How would you react, I wonder, if the Blacks in Washington, D.C., were told that they could be solely responsible for law and order within that area, and that any other citizen of the U.S. or elsewhere when living there or passing through would be strictly under their jurisdiction, could be tried and sentenced and punished accordingly, without any recourse?

C/S 2

Do you have any idea what your statement to the American Indians whom you invited to visit the Capitol (at taxpayer expense, I am sure), that they should have full control over law and order within their reservations, could mean to the other citizens of this country?

It would mean that anyone driving across the reservation on county or state or federal roads would be at the complete mercy of the Tribe involved. It would mean that even a person who owns deeded land on the reservation, which person might be of any race, would not be safe in their own home on that land.

Do you have any idea what such an arrangement would do to the already-touchy relationship between the races in the areas involved?

And don't ask our Senators and Representatives from Montana what the situation is like or what they think of your promise to the Indians. They are much too anxious to please the Indian voter to even look at the situation, let alone see it.

~~I invite you to visit Hardin, Montana, to see first-hand what kind of position a rancher on the reservation would be in if your promise is carried out. Or a citizen who has to drive through the reservation to get somewhere else. But since you probably do not have time to pay such a visit, perhaps you will at least read my letter and give it some thought.~~

Sincerely yours,

Edythe A. McCleary
Edythe A. McCleary, Vice Chairman
Big Horn Co. Republican Central Com.

cc: Congressman John Melcher
Senator Mike Mansfield
Senator Lee Metcalf



Box 317
Hardin, Mt. 59034



President Jerry Ford
White House
Washington, D.C.

August 30, 1976

Dear Mr. Frazey:

Thank you for your letter to the President expressing concern about his jurisdictional statement to American Indian leaders on July 16. It has been erroneously reported that President Ford supports legislation to give tribal governments criminal and civil jurisdiction over all people living on Indian reservations. This is inaccurate. The President does not support legislation to alter the present legal status of non-Indians residing within reservation boundaries.

In his statement to Indian leaders on July 16, President Ford indicated that he supported the concept of allowing certain Indian tribes (those which have been subject to State civil and criminal jurisdiction under provisions of Public Law 83-280 and related statutes) to decide by tribal resolution whether they wish to continue under State jurisdiction or return to Federal jurisdictional status. This resolution is subject to the approval or disapproval of the Secretary of the Interior under a clear set of reasonable guidelines.

Under this concept, a tribe by itself could initiate a request to the Secretary of the Interior for a return to Federal jurisdictional status. In reaching his decision on this request, the Secretary of the Interior would be required to consult with the U.S. Attorney General and with the governors of the appropriate States. Application would be limited to tribes in States which have exercised jurisdiction under P.L. 83-280 and related statutes.

The Departments of Justice and Interior are drafting legislation on this subject, and the Administration has asked the governors of 31 States for their views on the draft legislation. It is the President's

intention to continue consultations on the draft and to expand those consultations to include a wide range of interested groups, including representatives of non-Indians residing within reservation boundaries.

Sincerely,

Bradley H. Patterson, Jr.

Mr. Cloyd Frasey
Rural Route 1
Walthill, Nebraska 68067

BHP:lrc
BHP-2



7
cont re: Pres
meeting w/ Indians

Clayton Gray
P. R. # 1

Waltham, Mass.

July 28 - 1976

DP

Gerald Ford
President of the U. S.

Dear Sir;

I am terribly disturbed about the report in the Sioux City Journal dated July 17-76 (I quote) President Ford told Indian leaders he soon will seek a new law that could give tribal government criminal and civil jurisdiction over people living on Indian reservation (unquote)

I am disturbed because when there is about one third of the people in the county or reservation that are Indians, no one living here or away from here knows what will happen to our government.

If these people want

the responsibility of Criminal and Civil jurisdiction on the Spinebago reservation in Thurston County of Nebraska or any other reservation in any other state, they should get it through the same channels of government that we all live under, and that is through state and county government. This is the only way it would be right and just and fair for every body and by our Constitution of U. S. A.

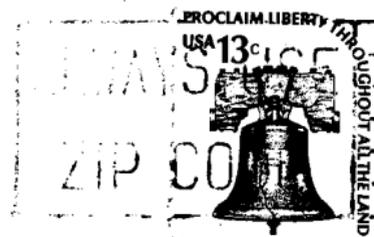
This is certainly not the time to be segregating, when we should be desegregating. It isn't the Indians alone that are causing this problem, we know, because we have lived on the reservation since World War I.

Sincerely yours
Clayton Tracey

Clayd Frazier

R.R.#1

Matthiel, Neb. 68067



President Gerald Ford
White House
Washington, D.C.
20000

August 30, 1976

Dear Mr. Dodge:

Thank you for your letter to the President expressing concern about his jurisdictional statement to American Indian leaders on July 16. It has been erroneously reported that President Ford supports legislation to give tribal governments criminal and civil jurisdiction over all people living on Indian reservations. This is inaccurate. The President does not support legislation to alter the present legal status of non-Indians residing within reservation boundaries.

In his statement to Indian leaders on July 16, President Ford indicated that he supported the concept of allowing certain Indian tribes (those which have been subject to State civil and criminal jurisdiction under provisions of Public Law 83-280 and related statutes) to decide by tribal resolution whether they wish to continue under State jurisdiction or return to Federal jurisdictional status. This resolution is subject to the approval or disapproval of the Secretary of the Interior under a clear set of reasonable guidelines.

Under this concept, a tribe by itself could initiate a request to the Secretary of the Interior for a return to Federal jurisdictional status. In reaching his decision on this request, the Secretary of the Interior would be required to consult with the U.S. Attorney General and with the governors of the appropriate States. Application would be limited to tribes in States which have exercised jurisdiction under P.L. 83-280 and related statutes.

The Departments of Justice and Interior are drafting legislation on this subject, and the Administration has asked the governors of 31 States for their views on the draft legislation. It is the President's



intention to continue consultations on the draft and to expand those consultations to include a wide range of interested groups, including representatives of non-Indians residing within reservation boundaries.

Sincerely,

Bradley H. Patterson, Jr.

Mr. Robert S. Dodge
Apartment 202
2319 South Goebbert Road
Arlington Heights, Illinois 60005

BHP:lrc
BHP-2



Mr. Robert S. Dodge
2319 S. Goebbert Road, apt #202
Arlington Heights, Ill. 60005
July 26, 1976

DP
Dear Mr. President.

encl The enclosed news clipping raises some questions I am certain you can answer.

With the ethnic group known as American Indians being given an option to exercise criminal and civil jurisdiction free of state and federal law, I suppose that their exercise of this jurisdiction will stop the use of state and federal tax dollars from the remaining U.S. citizens in their support.

Will this escape from the laws that we all suffer under be offered to other ethnic groups such as Europeans, Africans, South Americans, etc.?

Quite frankly, the more pronouncements you make about giving American possessions and jurisdiction away, possessions and jurisdictions that our forefathers fought and died for, the more attractive the candidacy of Governor Reagan becomes.

In fact, all my many relatives and friends are looking forward to a new occupant in the White House comes January 1977. An occupant who will fight to preserve this Union as our forefathers did under President Lincoln.

Very truly yours,
Robert S. Dodge



Indians to get new rights

WASHINGTON—President Ford told Indian leaders he soon will seek a law to give tribal governments criminal and civil jurisdiction over people living on Indian reservations. Addressing about 200 American Indian leaders in the East Room of the White House, Ford said the legislation being drafted would let the tribes determine whether they wanted to share jurisdiction with state or federal authorities or handle such matters themselves “effectively and within adequate guidelines.”

Mr. Robert S. Dodge
2319 S. Goebbert Rd., Apt 202
Arlington Heights, Ill. 60005



President G. Ford
White House
Washington, D.C.

August 30, 1976

Dear Miss Cochran:

Thank you for your letter to the President expressing concern about his jurisdictional statement to American Indian leaders on July 16. It has been erroneously reported that President Ford supports legislation to give tribal governments criminal and civil jurisdiction over all people living on Indian reservations. This is inaccurate. The President does not support legislation to alter the present legal status of non-Indians residing within reservation boundaries.

In his statement to Indian leaders on July 16, President Ford indicated that he supported the concept of allowing certain Indian tribes (those which have been subject to State civil and criminal jurisdiction under provisions of Public Law 93-280 and related statutes) to decide by tribal resolution whether they wish to continue under State jurisdiction or return to Federal jurisdictional status. This resolution is subject to the approval or disapproval of the Secretary of the Interior under a clear set of reasonable guidelines.

Under this concept, a tribe by itself could initiate a request to the Secretary of the Interior for a return to Federal jurisdictional status. In reaching his decision on this request, the Secretary of the Interior would be required to consult with the U.S. Attorney General and with the governors of the appropriate States. Application would be limited to tribes in States which have exercised jurisdiction under P.L. 93-280 and related statutes.

The Departments of Justice and Interior are drafting legislation on this subject, and the Administration has asked the governors of 31 States for their views on the draft legislation. It is the President's

intention to continue consultations on the draft and to expand those consultations to include a wide range of interested groups, including representatives of non-Indians residing within reservation boundaries.

Sincerely,

Bradley H. Patterson, Jr.

Miss Lucy Cochrane
Post Office Box 447
Big Arm, Montana 59910

BHP:lrc
BHP-2



P.O. Box 447
 Big Arm, Mont. 59910
 July 20, 1976

President Ford
 The White House
 Washington, D.C.

Dear President Ford,

C.S. - Your statement to the 200 Indians that they would have legislation giving them jurisdiction over people living on reservations is turning off voters who really wanted to support you — like myself — and will affect far more voters than there are Indians.

Here on the Flathead Indian Reservation where 85% of the population is non-Indian, such action will cause more polarization and could lead to outright trouble.

I have family relatives on the Tribal rolls here and they, like some 75% of this Tribe, have less than $\frac{1}{3}$ Indian blood. I call them "blond, blue-eyed, two-drop Indians" as they have more Irish blood than I do, whose great-grandmother's name was Bridget Kelly. Yet they have all the rights of the full-bloods.

And we didn't take this land from the Indians. Congress invited us here to buy the villa sites and to homestead and develop irrigation for the arid land, so Indians could enjoy the fruits of our forefathers' labor.

Please put some common sense into this present Federal Indian policy before our life savings are all gone in supporting these Indians, few of whom need any help now.

Sincerely,
 Lucy Cochrane



Lucy Cochrane
Box 447
Big Arm, Mont. 59910



President Ford
The White House
Washington, D.C.

August 30, 1976

Dear Mrs. Sievers:

Thank you for your letter to the President expressing concern about his jurisdictional statement to American Indian leaders on July 16. It has been erroneously reported that President Ford supports legislation to give tribal governments criminal and civil jurisdiction over all people living on Indian reservations. This is inaccurate. The President does not support legislation to alter the present legal status of non-Indians residing within reservation boundaries.

In his statement to Indian leaders on July 16, President Ford indicated that he supported the concept of allowing certain Indian tribes (those which have been subject to State civil and criminal jurisdiction under provisions of Public Law 83-280 and related statutes) to decide by tribal resolution whether they wish to continue under State jurisdiction or return to Federal jurisdictional status. This resolution is subject to the approval or disapproval of the Secretary of the Interior under a clear set of reasonable guidelines.

Under this concept, a tribe by itself could initiate a request to the Secretary of the Interior for a return to Federal jurisdictional status. In reaching his decision on this request, the Secretary of the Interior would be required to consult with the U.S. Attorney General and with the governors of the appropriate States. Application would be limited to tribes in States which have exercised jurisdiction under P.L. 83-280 and related statutes.

The Departments of Justice and Interior are drafting legislation on this subject, and the Administration has asked the governors of 31 States for their views on the draft legislation. It is the President's

intention to continue consultations on the draft and to expand those consultations to include a wide range of interested groups, including representatives of non-Indians residing within reservation boundaries.

Sincerely,

Bradley H. Patterson, Jr.

Mrs. E. R. Sievers
Skidoo Lane
East Shore
Polson, Montana 59860

BHP:lrc
BHP-2



ERASE LPS

ERASE PROTECTOR

REPRODUCTION

July 26, 1976

Hon. Gerald Ford,
President of The United States,
Washington, D.C.

Mr. President:

A news item in "The Glendale Courier" of July 22, 1976 stated, "The national wire service last week reported that President Ford told Indian leaders Friday he would soon seek a law that would give tribal governments criminal and civil jurisdiction over people living on Indian reservations."

It is our understanding that about 85% of the population residing within the Glendale reservation are non-Indians. In our opinion it is unjust that 15% of the population should have jurisdiction over the other 85%. Many here, including the writers, are retired people of moderate means, who have substantial portions of their savings invested in their homes hereabouts. We, as well as most of the other non-Indians of this area, are very concerned regarding the possibility of the kind of action referred to above. Our home was

purchased in good faith over 25 years ago. If the Indians are given criminal and civil jurisdiction over this area it would adversely affect living conditions. That would in turn cause a decline in property values. Probably many of us would find it necessary to dispose of our property here and move to another location.

We and many of our neighbors here have been supporters of your policies. If the action contemplated regarding Indian jurisdiction in this area is implemented we will feel it necessary to reassess our future political support.

Sincerely,
E. R. Sievers
Mrs. E. R. Sievers



E. R. Sievers
East Shore
Polson, Mont. 59860



*Honorable Gerald Ford,
President of the United States,
Washington
D.C.*

August 30, 1976

Dear Miss Brasch:

Thank you for your letter to the President expressing concern about his jurisdictional statement to American Indian leaders on July 16. It has been erroneously reported that President Ford supports legislation to give tribal governments criminal and civil jurisdiction over all people living on Indian reservations. This is inaccurate. The President does not support legislation to alter the present legal status of non-Indians residing within reservation boundaries.

In his statement to Indian leaders on July 16, President Ford indicated that he supported the concept of allowing certain Indian tribes (those which have been subject to State civil and criminal jurisdiction under provisions of Public Law 83-280 and related statutes) to decide by tribal resolution whether they wish to continue under State jurisdiction or return to Federal jurisdictional status. This resolution is subject to the approval or disapproval of the Secretary of the Interior under a clear set of reasonable guidelines.

Under this concept, a tribe by itself could initiate a request to the Secretary of the Interior for a return to Federal jurisdictional status. In reaching his decision on this request, the Secretary of the Interior would be required to consult with the U.S. Attorney General and with the governors of the appropriate States. Application would be limited to tribes in States which have exercised jurisdiction under P.L. 83-280 and related statutes.

The Departments of Justice and Interior are drafting legislation on this subject, and the Administration has asked the governors of 31 States for their views on the draft legislation. It is the President's

intention to continue consultations on the draft and to expand these consultations to include a wide range of interested groups, including representatives of non-Indians residing within reservation boundaries.

Sincerely,

Bradley H. Patterson, Jr.

Miss Shirley Brasch
Box 206
Bancroft, Nebraska 68004

BHP:lrc
BHP-2



8
Audience
(open)

GERALD R. FORD LIBRARY

July 26, 1976

c/s-2

SUBJECT: CONCERNING STATEMENT TO 200 INDIAN LEADERS
JULY 16, 1976, THAT YOU WILL SEEK A NEW
LAW THAT COULD GIVE TRIBAL GOVERNMENTS
CRIMINAL & CIVIL JURISDICTION OVER PEOPLE
LIVING ON INDIAN RESERVATIONS:

Dear President Ford:

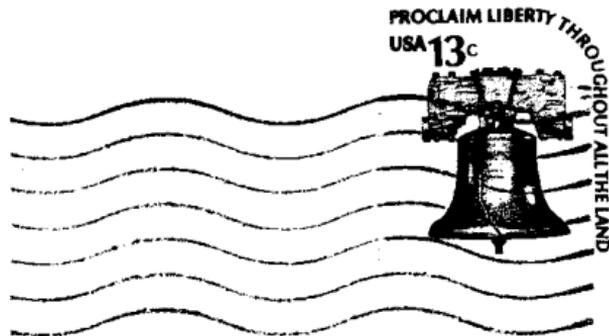
I am a Non-Indian living on what is considered the Omaha reservation of Thurston County, Nebr. The land I live on once belonged to the Indians which was allotted to them in 1882. They died and it went into Estate and was sold off to Non-Indians in 1909 by the heirs after going through court & all legal channels according to Federal Regulations. Some of this reservation was also opened up for Homesteading by the Federal Government.

Now the people of this area are faced with the threat hanging over their heads of losing everything including their voice in the government that governs them through legislation. You owe me the right to vote on who governs me to or have you forgotten. The Majority, working, tax paying people seem to be the forgotten. I object to having my State subdivided without its consent and all the other ramifications this type of legislation will do to me and our people.

If you really want to know how upset the Non-Indian (majority people) living here are about this I would like to request that you come to Thurston County and have an Audience with our people and hear the other side of the story. All you have to do is let me know when you want to meet with the people and I will arrange for facilities to accommodate the people of this county. Awaiting your reply. My phone No. is 402-863-2581 or my address is. . .

Sturley Brasch
Box 206
Lancaster, Neb. 68004

Box 206
Bancroft, Nebr. 68004



President Ford

WHITE HOUSE

Washington D. C.

20510

August 30, 1976

Dear Mr. and Mrs. Reynolds:

Thank you for your letter to the President expressing concern about his jurisdictional statement to American Indian leaders on July 16. It has been erroneously reported that President Ford supports legislation to give tribal governments criminal and civil jurisdiction over all people living on Indian reservations. This is inaccurate. The President does not support legislation to alter the present legal status of non-Indians residing within reservation boundaries.

In his statement to Indian leaders on July 16, President Ford indicated that he supported the concept of allowing certain Indian tribes (those which have been subject to State civil and criminal jurisdiction under provisions of Public Law 83-280 and related statutes) to decide by tribal resolution whether they wish to continue under State jurisdiction or return to Federal jurisdictional status. This resolution is subject to the approval or disapproval of the Secretary of the Interior under a clear set of reasonable guidelines.

Under this concept, a tribe by itself could initiate a request to the Secretary of the Interior for a return to Federal jurisdictional status. In reaching his decision on this request, the Secretary of the Interior would be required to consult with the U.S. Attorney General and with the governors of the appropriate States. Application would be limited to tribes in States which have exercised jurisdiction under P.L. 83-280 and related statutes.

The Departments of Justice and Interior are drafting legislation on this subject, and the Administration has asked the governors of 31 States for their views on the draft legislation. It is the President's

intention to continue consultations on the draft and to expand those consultations to include a wide range of interested groups, including representatives of non-Indians residing within reservation boundaries.

Sincerely,

Bradley H. Patterson, Jr.

Mr. and Mrs. James B. Reynolds
Box 123
Walthill, Nebraska 68067

BHP:lrc
BHP-2



Walthill, Nebraska
July 22, 1976

DF
The Honorable Gerald T. Ford
President of the United States
The White House
Washington, D. C. 20500

My Dear President Ford:

Our names are James B. & Kathryn F. Reynolds of Walthill, Nebraska. I am the Manager of the Iowa Electric Light & Power Company (Gas Division) in Walthill, Nebraska, and my wife works for USDA - Soil Conservation Service in Walthill, Nebraska.

We are land and home owners in Thurston County and we are very concerned about the situation in Thurston county with the Omaha and Winnebago Tribes. We have been born and reared in this community and have lived with the members of these tribes since our birth, and have some very good working relations with them.

Regret that you had to issue such a statement on Friday, 7/16/76 to the group of Indian leaders that you met with on said date. This will have a great affect on your election year and you have not gained any votes in this area by such an issue.

Watch your new chapters you propose to write on the issue with the Indian and the Federal Government. We are tax paying citizens. Our land was purchased from the Pilcher Family in 1916 and paid for in cash. We have a fee patent on said abstract to prove such. Now, how do you propose to give the reservation back to the Indians in Thurston County. They have been paid for every acre of land, supported by the U. S. Government on our tax monies, and protected by the Supreme Courts in every ruling and used lawyers that our also paid for with our money.

We strongly protest any of your "self-determination" actions on the grounds that you have forgotten your obligations to us. Our state can't be sub-divided without the consent of the State. You owe us the right as to who governs us, and we abide by the laws of our conty, state and country. We pay TAXES FOR THE PRIVILEGES WE RECEIVE, and can you say that for the Tribes in Thurston County. They are free of sales tax, State Income tax and others, but enjoy all the same rights that we pay so dearly for.

Mr. President - give this situation some thought -- listen to our Senators and Representatives that have been in Thurston County, and hear our Governor from Nebraska when he tells you like it is with the Indians and the problems of re-trocession and your free programs on Minority and employment in Nebraska.

Thank you for reading this and trust that you will hear our side of the situation and act accordingly.

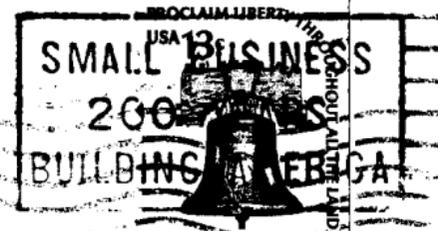
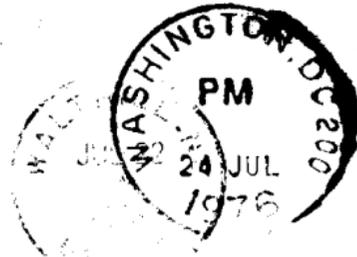
CC: To Senators and Representatives -1st Dist.

Sincerely,

James B. Reynolds
Kathryn F. Reynolds

MR & MRS J B REYNOLDS
WALTHILL NEBR
68067

Box 123



Office of the President
President Ford
White House
Washington, D. C. 20510

August 30, 1976

Dear Mr. Rockwell:

Thank you for your letter to the President expressing concern about his jurisdictional statement to American Indian leaders on July 16. It has been erroneously reported that President Ford supports legislation to give tribal governments criminal and civil jurisdiction over all people living on Indian reservations. This is inaccurate. The President does not support legislation to alter the present legal status of non-Indians residing within reservation boundaries.

In his statement to Indian leaders on July 16, President Ford indicated that he supported the concept of allowing certain Indian tribes (those which have been subject to State civil and criminal jurisdiction under provisions of Public Law 83-280 and related statutes) to decide by tribal resolution whether they wish to continue under State jurisdiction or return to Federal jurisdictional status. This resolution is subject to the approval or disapproval of the Secretary of the Interior under a clear set of reasonable guidelines.

Under this concept, a tribe by itself could initiate a request to the Secretary of the Interior for a return to Federal jurisdictional status. In reaching his decision on this request, the Secretary of the Interior would be required to consult with the U.S. Attorney General and with the governors of the appropriate States. Application would be limited to tribes in States which have exercised jurisdiction under P.L. 83-280 and related statutes.

The Departments of Justice and Interior are drafting legislation on this subject, and the Administration has asked the governors of 31 States for their views on the draft legislation. It is the President's

intention to continue consultations on the draft and to expand those consultations to include a wide range of interested groups, including representatives of non-Indians residing within reservation boundaries.

Sincerely,

Bradley H. Patterson, Jr.

Mr. F. Wayne Rockwell
President
Montanan's Opposing Discrimination
Post Office Box 673
Polson, Montana 59860

BHP:lrc
BHP-2



28

M. O. D.

Montanans Opposing Discrimination

DP
20 July 1976

President Gerald Ford
The White House
Washington, D.C.

Dear President Ford:

The undersigned has been directed to write you on behalf of Montanan's Opposing Discrimination protesting your decision to seek a law giving Tribal Governments civil and criminal jurisdiction over people living on Indian Reservations.

Briefly, Montanan's Opposing Discrimination was organized two years ago to protect the increasing encroachments of their constitutional rights by implementation of the present Federal Indian Policy. It consists of some 2,500 members living on or near the Flathead Indian Reservation in Montana. It has recently affiliated with the Interstate Congress for Equal Rights and Responsibilities. The latter is a regional coalition of similar organizations situated in 14 other Western States.

While the provisions of your proposed legislation may be extremely beneficial and necessary on some Reservations, its effect on the Flathead Reservation spell disaster. Therefore, we believe that laws pertaining to Indian policy should be enacted on a case by case basis to fit the particular Reservation affected.

As it relates to the Flathead Reservation, the present Federal Indian policy has done precisely what law is usually intended to prevent.

It has resulted in the polarization of the Reservation population. It has arbitrarily created two distinct classes of citizenship with distinct and opposing governments, (and, in most instances, opposing goals and philosophies), each competing for dominance within the identical territorial area. It has pitted neighbor against neighbor, alienating lifetime friendships. Indeed, even families are being torn apart by their members' allegiances to the respective competing governments.



President Gerald Ford
Page 2
20 July 1976

The Reservation is scarred by unsolved legal matters. American citizens, Tribal members and non-members alike, are being flagrantly denied basic constitutional rights. Discrimination, once almost eliminated is again running rampant.

Non-members are not alien intruders or trespassers. On the contrary, they are the dispensable pawns of their Federal Government; now being sacrificed despite the fact that they were invited, indeed urged, to settle, improve and make productive the idle lands of the Reservation. They appear to be the victims of what now seem to be their Federal congressional, administrative and judicial departments of government fraudulent representations that the lands they were settling and migrating to were within the "former" Flathead Indian Reservation.

The number of the victims of this patent fraud is demonstrated by the non-member resident population of approximately 14,000 compared with the some 2,500 Tribal member population.

Some sixty years ago these settlers in reliance upon Federal representations and under the direct authority and direction of Congress chartered and organized cities, towns, school districts and counties in conformance with Montana laws. These governments, through the assessment of taxes provided all the amenities and benefits of a civilized society. Nor did the non-member citizens ignore the rights of the Tribal member citizen neighbors. Indeed, they elected them to their governments' important elective posts and appointed them to offices in these governments despite the anomaly that Tribal members are not now responsible or answerable to those civil laws which they were enacting, administering and adjudicating.

Conversely, emerging Tribal government elective and appointive offices, including the judiciary are strictly limited to those having Tribal membership. More important, only Tribal members can be electors of those holding these offices.

In this atmosphere you have seen fit to lend the tremendous prestige of your office in proposing and encouraging the setting aside of long established local laws and have paved the way for the Tribal government to assume, by usurpation of State law, a new and entirely non-representative government over the beleaguered non-member.

Retrocession of P.L. 280 and implementation of legislation as recently proposed can only result in widespread civil disobedience coupled with a further deterioration of the citizens respect for law and order.

President Gerald Ford
Page 2
20 July 1976

Accordingly, on behalf of all freedom loving, law abiding and loyal citizens, I respectfully request that you reconsider your decision.

Respectfully yours,

F. Wayne Rockwell

F. Wayne Rockwell
President, Montanan's Opposing
Discrimination

FWR:whm



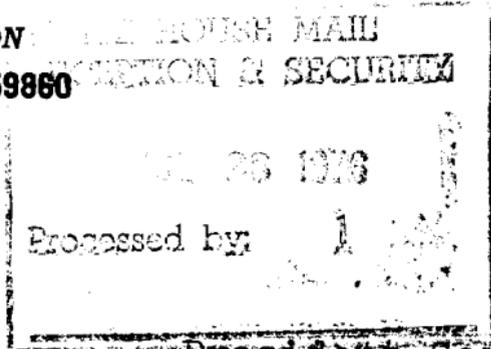
M. O. D.

MONTANANS OPPOSING DISCRIMINATION

P.O. Box 673

--

Polson, Montana 59860



President Gerald Ford

The White House

Washington D. C.

August 30, 1976

Dear Mr. Wells:

Thank you for your letter to the President expressing concern about his jurisdictional statement to American Indian leaders on July 16. It has been erroneously reported that President Ford supports legislation to give tribal governments criminal and civil jurisdiction over all people living on Indian reservations. This is inaccurate. The President does not support legislation to alter the present legal status of non-Indians residing within reservation boundaries.

In his statement to Indian leaders on July 16, President Ford indicated that he supported the concept of allowing certain Indian tribes (those which have been subject to State civil and criminal jurisdiction under provisions of Public Law 93-280 and related statutes) to decide by tribal resolution whether they wish to continue under State jurisdiction or return to Federal jurisdictional status. This resolution is subject to the approval or disapproval of the Secretary of the Interior under a clear set of reasonable guidelines.

Under this concept, a tribe by itself could initiate a request to the Secretary of the Interior for a return to Federal jurisdictional status. In reaching his decision on this request, the Secretary of the Interior would be required to consult with the U.S. Attorney General and with the governors of the appropriate States. Application would be limited to tribes in States which have exercised jurisdiction under P.L. 93-280 and related statutes.

The Departments of Justice and Interior are drafting legislation on this subject, and the Administration has asked the governors of 31 States for their views on the draft legislation. It is the President's

intention to continue consultations on the draft and to expand those consultations to include a wide range of interested groups, including representatives of non-Indians residing within reservation boundaries.

Sincerely,

Bradley H. Patterson, Jr.

Mr. George W. Wells
Commissioner
Sanders County
Thompson Falls, Montana 59873

BHP:lrc
BHP-2



17
Brad Patterson

WESLEY W. STEARNS, COMMISSIONER

HENRY L. GILL, COMMISSIONER

GEORGE W. WELLS, COMMISSIONER

DIXIE VAUGHT
CLERK & RECORDER

JUNE M. THAYER
TREASURER

PAUL J. FARLAN
ASSESSOR

JAMES L. PALMER
SUPT. OF SCHOOLS



WINIFRED I. VAN DERHOFF
CLERK DISTRICT COURT

ROBERT L. FLETCHER
ATTORNEY

A.H. CHENEY
SHERIFF

C.E. ROSDAHL
CORONER

THOMPSON FALLS, MONTANA

59873

August 13, 1976

The Honorable President of the U. S.
Capitol Bldg.
Washington, D. C.

Dear Sir;

Read you promise to the Indians Tribe control or jurisdiction over law and civil on Reservations.

You sure have no idea what you are opening up, are you trying to start another war with indians and whites?

We the white people have gave them everything now. If anything is done you should either buy the white man out on the reservations and put them on there own. The government has done them a great injustice by not making them responsible, you have give them everything there rights & my rights, this can not go on. So lets quit giving them anything except what the rest of us have, do away with this reservation nonsense, my god there has been 200 years gone by, let them face up to reality I imagine there is probably 99 per cent on Welfare now you want to give them jurisdiction over the whites, must be out of your pea picking mind. Did you ever live on a Reservation?

If you are looking for Votes, your sure going the wrong way most Indians don't vote and we are sure not going to if this happens.

Very truly yours,

George W. Wells, Commissioner
Sanders County

GW/ec

After Five Days Return To
SANDERS COUNTY
COMMISSIONERS
THOMPSON FALLS, MONTANA 59873



Welcome to
SANDERS COUNTY
MONTANA

The Honorable President of the U. S.
Capitol Bldg.
Washington, D. C.