The original documents are located in Box 4, folder “Namen Case” of the Bradley H. Patterson Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE
WASHINGTON

September 29

Bobbie -

Briefs in Opposition to the petition for cert in Namen are due to the Supreme Court October 6. At that point, the papers are circulated to the Justices. Jerry thinks that any US amicus brief should be in that initial package to have proper impact. Anxious to have PB clearance on my memo.

[Handwritten note: Suitable for phone. Ready by 11/20.]
MEMORANDUM FOR THE SOLICITOR GENERAL

Subject: The Namen Case (Sup. Ct. No. 76-185)

In my capacity as charged by the President in his memorandum to the Cabinet of August 26, 1976 (copy attached), I have reviewed the letter from the Solicitor of the Department of the Interior to Assistant Attorney General Peter Taft. This letter asks the Department of Justice to support the Salish/Kootenai tribe's petition for a writ of certiorari in the above case.

The facts of the case, the issues of law therein, and the consequences of the 9th Circuit's decision, if not reversed by the Supreme Court, lead me respectfully to suggest to you that we should indeed support the petition.

This suggestion is reinforced by the position the White House and the Departments of Justice and Interior have well and consistently taken for the past six years: that as the trustee for Indian natural resources rights, the United States has the special obligation to speak up to defend these rights.

I would be glad to meet with you to discuss this question, although Solicitor Austin's letter and Mr. Baenen's brief together form a competent laying out of these issues.

This memorandum has the concurrence of the Counsel to the President.

cc: Mr. Austin
Mr. Taft
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BHPjr

cc: Mr. Austin
   Mr. Taft
I am today designating Bradley H. Patterson, Jr., of the White House Office to assist me in the area of American Indian affairs. It will be Mr. Patterson's specific responsibility to work with each of you to improve the coordination among the Federal agencies with programs that serve the Indian people.

It is important that you insure the effective delivery and efficient operation of Federal Indian programs and services. I request that priority attention be given to coordination of these efforts among the Departments and Agencies and within the Executive Office of the President.

In addition, I request you continue to insure that when Federal actions are planned which affect Indian communities, the responsible Indian leaders are consulted in the planning process.