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July 1, 1974

Dear Bill:

Knowing of NTCA's considerable current interest in the defense and preservation of Indian cultural life, I thought you would like a copy of a bill the President signed recently which certainly has a bearing on that subject.

Cordially,

Bradley H. Patterson, Jr.

Mr. William Youpee
Executive Director
National Tribal Chairmen's Association
1701 Pennsylvania Avenue, N.W.
Suite 406
Washington, D.C. 20006



Enclosure (we sent Public Law 93-291, 93rd Congress, S. 514,
May 24, 1974)

July 2, 1974

Dear Mrs. Klein:

I appreciated the opportunity to talk at length with you and Mr. Crawford yesterday and to hear your views about the problems in ascertaining the outcome of the vote on the 13th Alaska Region under the Alaska Native Claims Act.

This is to confirm the advice I gave you on the telephone this morning (after talking with the responsible Interior and Justice officials). The course of action which I believe you should follow is to respond to the Court's invitation and submit to the Court promptly every piece of evidence in your possession which might substantiate your challenge to the latest computer print-out of the vote-outcome. You indicated to me that you have a good deal of such evidence; now is your chance in Court to make full use of it. Personally I don't think you should hold any of it back merely on any grounds that it might embarrass anyone; if there have been any mistakes or, worse yet, conceivably any manipulation or improprieties, these should all be brought out and substantiated if there is in fact evidence to support this.

Our position is to abide by the law strictly; if the vote-count is finally conclusively in favor of the new Region, it must be established; if it is not, it won't be, as I read Section 7(c).

Thank you again for giving me your views so candidly and I hope you will keep me informed as to how the Court suit comes along.

Sincerely yours,

Bradley H. Patterson, Jr.

Mrs. Helen Marie Klein
215 Loyola Drive
Millbae, California

bcc: Charles Soller, Interior (Solicitor's Office)
Mr. Pittle, Lands Division, Justice
Rita Hauser, New York
Commissioner Thompson



July 3, 1974

Dear Mr. Wright:

Thank you for writing to me on April 15 and for sending me copies of articles from the New York Times and other newspapers.

As Bradley Patterson of this office explained to you, my reply to your letter has been delayed since I have been abroad.

Your statement that changes are needed in the tax laws as they affect artists is supported by many authorities. As you know, several bills are now before the Congress relating to the tax consequences of charitable contributions by creative artists of their works. In addition to providing equitable treatment of artists who donate their own works to tax-exempt institutions, the legislation under consideration is directed, in many instances, to encouraging donations of art works and similar properties to museums, libraries, universities and other institutions. These donations, as you know, have apparently declined since the enactment of the 1969 Tax Reform Act.

The National Endowment for the Arts and its advisory body, the National Council on the Arts, are charged with primary responsibility for formulating the policies of the Federal government as they relate to the arts. To the best of my knowledge, the Chairman of the Endowment, Miss Nancy Hanks, has not as yet been asked to testify on pending tax legislation as it relates to American artists. However, the Counsel of the Endowment, Robert Wade, has kept in touch with Congressional developments. It may be that you will want to get in touch with Mr. Wade to determine which bills are scheduled for hearings. You might then write



to the appropriate Committee chairmen suggesting that the artists and spokesmen for artists be permitted to submit their views.

I have read with interest the articles which you sent to me. I should note that Endowment funds were not involved in the mural painted in the office of the D. C. Bicentennial Commission.

Thank you for your interest.

Sincerely,

Leonard Garment
Assistant to the President

Mr. Frank C. Wright, President
Council of American Artist Societies, Inc.
112 East 19th Street
New York, New York 10003



July 3, 1974

Dear Mr. Bad Wound:

This is in reply to your letter to the President dated June 5, 1974, which requested his assistance with regard to the killing of your son, James Bad Wound, Jr.

In examining the conviction of Albert Six Feathers, Jr. for the shooting of your son, I must inform you that the Federal Government is precluded from any additional prosecution of Albert Six Feathers, Jr. with respect to this incident. The Fifth Amendment of the United States Constitution prohibits any person from being placed in jeopardy twice for the same offense. As you know, Albert Six Feathers, Jr. plead guilty to involuntary manslaughter on July 27, 1973 and was sentenced to three years imprisonment with two-and-one-half years of that sentence suspended; provided that he serve six months actual time in confinement. In addition, Mr. Six Feathers was placed on probation for five years.

The decision by the United States Attorney's Office to dismiss the second-degree murder indictment after the federal district court accepted a guilty plea to the lesser charge of involuntary manslaughter was reached after evaluating all of the evidence in the case and determining what kind of prosecution the evidence would support. Apparently, in the best judgment of the United States Attorney's Office, the evidence did not strongly support a second degree murder conviction. Through negotiation, the United States was able to obtain the defendant's guilty plea to involuntary manslaughter.

As you must realize, a Federal prosecutor, in determining how to best deal with a criminal case, must weigh many variables, including the nature of the evidence, the reliability of witnesses and the credibility to a jury, the possible sentences which could be imposed by the court on different charges, the general background



and reputation of the accused and the victim, and many other factors. In the instance of Albert Six Feathers, Jr., the Federal prosecutor determined that under the circumstances a guilty plea to involuntary manslaughter was preferable to trial of a second degree murder charge in which the jury might acquit the accused or where the court might exercise its discretion to impose a minimum sentence, even if a conviction resulted. The maximum prison term for involuntary manslaughter is three years; the term for second degree murder is for any term of year up to life imprisonment. It is conceivable that a conviction for second degree murder would not have resulted in a sentence any greater than the maximum term for involuntary manslaughter.

This matter, concerning your son's death, was also thoroughly reviewed by the Office of Indian Rights of the Civil Rights Division to determine whether the United States Attorney's Office abused its prosecutive discretion in the matter. That Office concluded that the prosecutor acted within the limits of his discretion.

Because no further judicial or administration action is possible with respect to your complaint, I can only add my sympathy for the loss of your son and assure you of my continued efforts to secure equal justice under the law for Native Americans.

Sincerely,

Bradley H. Patterson, Jr.

Mr. James Bad Wound
Allen, South Dakota 57714



July 5, 1974

Dear W. J.:

I appreciated getting your letter of the 13th and wanted to comment further especially in the light of a new development which will be of interest to you.

On June 7, quite coincidentally the day after we talked, the Acting Deputy Commissioner of Indian Affairs signed a response to the Chairman of the Senate Committee on Interior and Insular Affairs -- a response long in preparation. The subject is recognition policy.

As I read Mr. Butler's letter, (which I had not seen before now) I would conclude that tribes such as those in CENA who are seeking recognition should address themselves to the Secretary of the Interior or to the legislature, and not to the Courts which, according to Cohen, tend to regard recognition as a political rather than a juridical question.

Whether any tribes in CENA, heretofore not recognized by the Federal Government, fit the general standards which are quoted from Cohen on the last page of Mr. Butler's letter is of course something which you, they and the Secretary or their congressional representatives would have to consider.

I would assume you will want to pursue this matter informally with such responsible officers as Commissioner Thompson and Reid Chambers of the Solicitor's staff.

The Bureau's letter of June 7, and such discussions, would be more authoritative than the informal comments I made June 6.

Cordially,

Bradley H. Patterson, Jr.

Mr. W. J. Strickland
Executive Administrative Director
Coalition of Eastern Native Americans, Inc.
927 15th Street
Washington, D.C. 20005



July 5, 1974

Dear Mr. Meyer:

In reference to your letter to the National Council on Indian Opportunity of June 6, the NCIO was phased out at the end of the last Fiscal Year. NCIO News had not been published for some time.

I am sure you have a readership at Amerika Haus interested in American Indian affairs and I will send your note to Commissioner Thompson of the Bureau of Indian Affairs so that Amerika Haus will be included on the list of any publications of BIA. Meanwhile I enclose a couple of items which will be of interest to readers concerned with American Indians.

We expect that other internal and external mechanisms will take NCIO's place but are discussing this matter with the leaders of the American Indian community before we create new machinery affecting their interests.

Cordially,

Bradley H. Patterson, Jr.

Mr. James L. Meyer, Director
America House
c/o AmConGen
APO New York 09154



Enclosures

bcc: Morrie Thompson (the enclosures we sent were the following:
Incoming ltr sent Civil Rights Digest (Fall 1973)
President's 1970 Message
President's statements on Havasupai and Indian
Financing Act
Mr. Leonard Garment's Albuquerque speech

July 5, 1974

Dear Jim:

Fay Karson of BookTape Productions, Inc. has informed my office about the issue which has arisen between her and VOA over whether her BookTape materials could be used by VOA in making its own new States Salutes tapes. She is appealing to you on this score.

I don't want to get into this issue, especially since it involves technical and research judgments, but wanted you to know about it and trust that you will review the matter with your usual acuteness.

Cordially,

Leonard Garment
Assistant to the President

Mr. Jim Keogh, Director
USIA
1776 Pennsylvania Avenue, N.W.
Washington, D. C. 20547



July 5, 1974

HARRIS

Dear LaDonna:

I appreciate having the opportunity to talk with you and George Crossland the other day and want to thank you and George for the thoughtful and challenging letter of the 24th.

This will serve as an interim response to the points in your letter which I propose to follow up with a more detailed answer incorporating comments from Commissioner Thompson and Frank Zarb.

(1) I am very much "from Missouri" on your first point. I believe that Assistant Secretary level officials with whom this office has direct contact in Indian Affairs are committed to carrying out the principles of the President's Message. Morrie Thompson, Frank Zarb, Bill Kolberg, Stan Thomas, Sheldon Lubar, Bill Blunt, Stan Pottinger, Harry Sachse -- I can't even name them all -- are all officers who are sensitive to Indian concerns and who have taken initiatives toward having the President's Indian policies observed and implemented. That doesn't mean an automatic reaction that everything any Indian spokesman asks for is justified, but it does mean a commitment to look seriously at proposals made by responsible Indian leaders.

There are monitoring procedures, not only in this office, but also in OMB and BIA, to hear complaints about program implementation, and to ask questions in the Executive Branch to find out if the bureaucracy is not performing. This office has played this role frequently in the past five years (a recent example, the Critzer case). The conference you sponsored in April, the petition to the President, the questions and answers you and we put together in the interim, the dialogue between Indians and federal officials June 6 -- are another example of monitorship being called into action. Frank Zarb and Anne Ramsey, as you know, took particularly helpful initiatives with that June conference.



While Brad and I are here to continue that monitorship any time you or other Indian leaders want to call on us, I would recommend that a first approach should always be made by Indian leaders directly to the responsible Assistant Secretary in the Department affected; then let us know if such first discussions don't produce results.

(2) When the Administration sent up its Tribal Development Grant Act a year ago, I think it was on the assumption that the expert staff of EDA which has for several years taken the lead in this program within the Department of Commerce, would accompany the program to BIA, so the lack of expertise to which you refer would be thus corrected. I understand and appreciate the cogent point you have made that since the agenda and thrust of the Department of Commerce is toward economic development, responsibility for the Indian economic development program should more appropriately remain there. The other side of the coin, however, is that there is a need for coordination between resource rights protection, resource development financing and credit, and economic development. It was to strengthen the possibilities for such coordination that we proposed the new Grant Act in BIA, in effect a switchover from Commerce. I will ask Morrie Thompson to comment further on this matter; it seems at least quite conceivable that Interior generally and BIA in particular could be so strengthened by this new authority, by the EDA staff transferring, and by the new people who are coming on board in BIA, that your objections would be largely met. Let us see what Commissioner Thompson has to say about it.

(3) Your query here is very well taken; I agree with it. Economic development and manpower assistance should be planned together in such a manner that Indian young people will always have the option of business and professional opportunities on Reservations, and not see cityward migration as their only real alternative. If in the future you see instances where this principle is not being followed, let me know. But I also think that the size of our commitment to Indian economic development is going steadily upward: \$156.4 million spent in the last seven years by EDA, \$2.6 million in FY 1974 by OMB, the new Indian Financing Act signed and the FY 1975 Budget just amended to



provide for \$80,000,000 to implement it: these are not the whole nor the final answer but the trend-line they establish is far ahead of anything in Indian economic development in preceding years.

(4) Through an oversight, the group of answers for the June 6 conference did not include the answer from BIA on how, in administering any new economic development authorities, they would meet the point you raise here. That answer is:

"With or without the new Act, we believe that it is generally preferable for a tribe to develop its own resources and enterprises rather than leasing resources and facilities to others. Although we would so encourage tribes and provide them with whatever assistance we can, the tribes must make the decision whether to 'do it themselves', go joint venture, or even to lease. Subject to comments of the tribes, we may include a priority to the granting of funds to tribes who are going to 'do it themselves.' "

(5) Not being any expert on irrigation projects, I will ask Morris Thompson, on behalf of the Department of the Interior, to comment on your fifth point. I do know that both Interior and Justice, like ourselves, are committed to protect Indian natural resources rights; our joint role in the briefs for the US v Washington decision should be remembered if any confirmation is needed. But you are right when you point out that geologic and hydrologic studies are the sources of the data needed for the future protection especially of water rights; I will ask Commissioner Thompson to comment further on his assessment of Interior's entire program on this front.

(6) As Brad and I explained when we met, the Administration is quite prepared to consider proposing to Congress the establishment of an independent agency for Indian affairs (outside of both the Department of the Interior and of the Executive Office of the President) but only if Indian leaders from all the responsible Indian organizations really express a clear interest in this option. We would want opinions from NTCA and NCAI before we made any moves in that direction;



absent an Indian leadership consensus, such a move by us would result in our being charged with undercutting BIA and probably with being "terminationist" to boot.

If AIO, NTCA and NCAI all asked us, I think we, OMB and BIA would probably be willing to help work up the outline of an option paper on this matter for discussion in the Indian community, but the whole move must be a matter of Indian initiative, and genuinely so.

In closing, I want to associate myself with what you and George were pointing out to us about the whole Indian natural resources picture: the likelihood that growing national pressure for the exploitation of all our energy resources could, if pushed headlong, adversely impact on Indian rights. The task we face is, it seems to me, difficult but solvable: to reconcile resource development needs with Indian economic development needs, with Indian cultural and environmental protection, and with the strengthening of Indian tribal government.

Even here, there are good signs; the advent of Martin Seneca as the BIA's senior officer for trust responsibilities, the drafting of NARF's new paper "Declaration of Indian Rights to the Natural Resources in the Northern Great Plains States" and NTCA's new contract with the American Indian Bar Association for studies of Indian natural resources rights protection.

We will work cooperatively with all these initiatives, and with you, in achieving that reconciliation which I described above. I hope you will share these exchanges of letters with Chuck Trimble and Bill Youpee.

With warm personal regards to you and George,

Sincerely,



Leonard Garment
Assistant to the President

Mrs. LaDonna Harris
President, AIO Action Council
1820 Jefferson Place
Washington, D. C.

cc: Morris Thompson
Bill Blunt *Commerce*

Frank Zarb
Kent Frizzell

July 8, 1974

Dear Mr. Shober:

Thank you for your gracious note of the 3rd.

It was a pleasure for me, also, to speak to the Brookings group; yours was the tenth of a series. It is good, I believe, for us in government to face an exchange of dialogue and questions from such interested and experienced persons as yourself and the group of which you were a member.

It would be a genuine pleasure to visit with you at Hahnemann, and I will put your letter close by in case a trip comes up which could include Philadelphia.

Cordially,

Bradley H. Patterson, Jr.

Mr. Wharton Shober
The Hahnemann Medical College &
Hospital of Philadelphia
230 North Broad Street
Philadelphia, Pennsylvania 19102



CF

July 9, 1974

Dear Ms. Lafky:

Carl Stoiber has forwarded to me your letter of May 27 and the resolution of the La Crosse County Democratic Party.

We have a completely open mind about the possibility of giving the Bureau of Indian Affairs an independent agency status, but I would urge your good friends and fellow citizens of La Crosse County to check that resolution and, even more, the other two which you have endorsed, with either of the responsible national Indian organizations: the National Tribal Chairman's Association or the National Congress of American Indians. The sentiments expressed about the Indian Reorganization Act, for instance, are not at all representative of responsible, bipartisan, progressive Indian leadership thinking -- and it is these progressive leaders with whom we should all work most closely and to whose views we should give the most weight.

Sincerely,

Bradley H. Patterson, Jr.

Ms. Ann L. Lafky
1107 Caledonia Street
La Crosse, Wisconsin 54601



July 9, 1974

MEMORANDUM FOR:

NORMAN ROSS

FROM:

LEONARD GARMENT
ASSISTANT TO THE PRESIDENT

SUBJECT:

Domestic Council Committee
on Indian Affairs

As you suggested, Brad has consulted with John Whitaker and Frank Carlucci about the formation of this Subcommittee.

John concurs orally and Frank in writing (attached) with the proposed draft memorandum for your signature which would establish the Council Subcommittee. So do I.

Frank Zarb is away until Friday; OMB concurs in the establishment of the Subcommittee but in Frank's absence has not had a chance to come up with any comments on the draft memorandum.

Bill Casselman, as you know, supports the establishment of the Subcommittee; he is away today and if he has any comments on the memorandum of establishment, Brad expects to hear from him tomorrow morning.

Recognizing that the Indian community needs a full and clear explanation of what we are doing (and what we are not doing), Brad has drafted a letter which I recommend Ken also sign when he signs the memorandum to Cabinet officers. The letter is on the long side, but it is essential to send this kind of communication around widely; otherwise the whole action is likely to be ~~this~~ understood.

Brad has delivered a copy of the draft letter to Casselman's office and if you would need a formal clearance of it with Whitaker or others, let Brad know.





THE UNDER SECRETARY OF HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

JUL 8 1974

MEMORANDUM FOR BRAD PATTERSON

I have reviewed your May 30 draft memorandum concerning the National Council on Indian Opportunity and concur in the recommendation to establish a Domestic Council Committee on Indian Affairs.

I am looking forward to this Department's active participation in the work of this very important committee.

A handwritten signature in dark ink, appearing to read "Frank Carlucci", is written over the typed name.

Frank Carlucci
Under Secretary



DRAFT

MEMORANDUM FOR:

THE VICE PRESIDENT
SECRETARY OF DEFENSE
ATTORNEY GENERAL
SECRETARY OF THE INTERIOR
SECRETARY OF AGRICULTURE
SECRETARY OF COMMERCE
SECRETARY OF LABOR
SECRETARY OF HEALTH, EDUCATION
AND WELFARE
SECRETARY OF HOUSING AND URBAN
DEVELOPMENT
DIRECTOR OF THE OFFICE OF
MANAGEMENT AND BUDGET
ADMINISTRATOR, SMALL BUSINESS
ADMINISTRATION

FROM:

KENNETH R. COLE, Jr.
ASSISTANT TO THE PRESIDENT FOR
DOMESTIC AFFAIRS

SUBJECT:

Domestic Council Committee on Indian
Affairs

The President has directed that a new Domestic Council Committee on Indian Affairs be established, to fulfill the internal policy coordination function heretofore assigned to the National Council on Indian Opportunity. The Secretaries of Interior and of Health, Education and Welfare are hereby designated Co-Chairmen. The members of the Committee are as follows:

Attorney General
Secretary of the Interior
Secretary of Agriculture
Secretary of Commerce
Secretary of Labor
Secretary of Health, Education and Welfare
Secretary of Housing and Urban Development
Director of the Office of Management and Budget

The Heads of other Departments and Agencies with programs involving American Indians may be invited as ad hoc members for specific questions.



The Committee is charged with (a) examining policy questions which may arise in the implementation of the President's Message of July 8, 1970, including such questions as the scope of tribal sovereignty, eligibility for federal recognition, criteria for restoration or conveyance of lands into trust, effect and application of the Indian Civil Rights Act and meeting the special needs of urban and non-federally-recognized Indians; (b) ensuring coordination among federal agency programs which affect Indians (regardless of where they live), and (c) ~~as a result of (a) or (b)~~, developing recommendations for ~~any additional~~ legislative or administrative initiatives which the President should take in these or related areas.

It is important, of course, that prior to their internal deliberations within the Committee, members actively seek the advice and views of affected Indian groups and their leadership. Until such time as the Indian leadership develops other consultative mechanisms, Committee members should consult with the National Tribal Chairmans' Association and with the National Congress of American Indians on matters affecting federally-recognized tribes and with NCAI, the Coalition of Eastern Native Americans and other constituent-based organizations on matters affecting urban and non-federally-recognized Indians.

cc: Secretary of the Treasury
Secretary of Transportation
Counsellor Dean Burch
Administrator, Environmental Protection Agency
Administrator, General Services Administration



DRAFT LETTER

7-9-74

Dear Mr. Tonasket
Governor Lewis

Ever since his Message of July 8, 1970, the President has had a personal interest and commitment in changing the past direction of Indian policy and in making available to Indian people new opportunities and new resources. Besides his legislative program, the President has supported measures across the board in his Executive Branch to defend Indian natural resources rights, to restore lands wrongfully taken in the past, to ensure that Indian tribal governments are included in such new programs as the manpower act, and to support tribal self-determination.

Measures and actions of this sort, however, are not a one-shot affair, but represent a continuing process: of examining problems and issues, of reviewing alternative options thoughtfully. New issues are always arising, and the judgment and resources of several agencies, including but going beyond the Departments of the Interior and Health, Education and Welfare, are called upon,

Looking at these issues and developing positions about them for the President, not only requires program leadership on the part of the various agencies and but especially requires coordination among those agencies, since Indian people are not well served if one Department's policies negates what another is supporting.



~~within the Executive Branch it has long been the President's~~

~~preference to have the responsible agencies brought together at~~
Taking the lead in trying to ensure coordination in
policy development have been the Vice President's office,

Leonard Garment's office, and the Office of Management and
Budget.

The Vice President's contribution has in the past been
through the National Council on Indian Opportunity, a combined
Cabinet Committee and Indian leadership advisory group set up by the
previous President. The Indian members of the advisory group,
and the NCIO staff devoted a great deal of attention and time to
the matters before them and for this they have earned the respect
and appreciation of us all. But as a Cabinet Committee, dealing
with the kinds of Interagency problems I referred to earlier, the
NCIO really did not function.

Mr. Garment and Mr. Patterson have filled this program
monitorship and coordination role on an ad hoc basis.

OMB, especially in recent months under Mr. Zarb's
leadership, has made substantial contributions toward ensuring
that the Executive Branch agencies work together in implementing
the President's Indian program.

But all these efforts can be improved. For policy development
within the Executive Branch it has long been the President's
preference to have the responsible agencies brought together at

their senior levels. He does this at his level through the Domestic Council, of which Cabinet officers are the members and the Vice President is Vice Chairman. To permit concentration on certain particular areas of domestic policy development, the President has directed the establishment of some _____ Domestic Council subcommittees, such as those on Privacy, Environmental Resources, Community Development, Health Insurance, Income Security and Drug Abuse.

A Domestic Council staff officer works with each of these subcommittees and from the Departments, their Heads and appropriate Assistant Secretaries form their membership.

It is in order to strengthen our capacity to handle Indian policy matters and in order to maintain and accelerate the momentum begun by the President in this area four years ago, that the President has today decided to form a new Domestic Council Subcommittee on Indian Affairs. I enclose a copy of the memorandum which I have signed at his direction.

As my memorandum states, there will be two co-Chairmen of this new Subcommittee: Secretary Morton and Secretary Weinberger. At the working level will be Assistant Secretaries such as, for example, Commissioner of Indian Affairs Morris Thompson.



The Domestic Council staff officer who will be assisting this new Subcommittee will be

[insert a couple of sentences about this officer and his experience/qualifications in Indian affairs]

I wish to stress one final point. The Domestic Council and its Subcommittees of course are "in-house" bodies, made up only of Cabinet Officers and their policy assistants. But whether the subject is Health Insurance ^{or} Indian Affairs, those same Cabinet and Sub-Cabinet officers cannot participate usefully or wisely in Domestic Council or Subcommittee meetings unless and until they themselves have carried on wide-ranging consultation with responsible non-governmental groups which in turn represent thousands of affected and interested citizens.

A few months ago, Vice President Ford, in explaining why the NCIO was going to be phased out, proposed for Indian consideration, the establishment of two new Indian consultative groups, one from the leadership of the federally-recognized tribes and one from the leadership of the non-federally-recognized Indian groups. As I understand it, the Indian community has had some doubts about the advisability of establishing one or both of these new consultative bodies. In view of these doubts, we propose to defer any such move until you and your associates give us more definitive -- and hopefully

agreed -- views. Pending that time, you will note the instructions I have included to the Cabinet Departments in the final paragraph of the attached memorandum.

I apologize for the length of this letter but wanted you and the members of your organization to have a personal word from me about this new Subcommittee and to have the commitment which I make to you again: the members of this Subcommittee will be seeking out Indian advice from you and your colleagues and will draw upon that advice and counsel as together we keep on in the direction the President has pointed: to improve the life of Indian people of this nation.

Sincerely,

Kenneth R. Cole, Jr.
Assistant to the President
for Domestic Affairs



Enclosure: Memorandum for Cabinet Officers

cc: LaDonna Harris, AIO
American Indian Press Association
Addressees of the Memorandum for Cabinet Members

July 8, 1974

Dear Mr. Castle:

Thank you for your kind note of the 1st. It was a pleasure for me, also, to speak to the Brookings group; yours was the tenth of a series. It is good for us in government to face an exchange of dialogue and questions from such interested and experienced persons as your group.

I appreciate knowing about your interest and obvious capabilities in the computer science field and will keep this information on tap in case it fits with a requirement which comes to my attention.

Cordially,

Bradley H. Patterson, Jr.

Mr. J. C. Castle, General Manager
General Electric Company
401 N. Washington Street
Rockville, Maryland 20850



July 10, 1974

MEMORANDUM FOR: JERRY JONES
FROM: BRAD PATTERSON
SUBJECT: Storage File Boxes

Would you please send two (2) storage file boxes to room 182 OEOB. We have quite a few files to be sent to Central Files for storage.



July 10, 1974

Dear Mrs. Fontaine:

We have received your letter requesting assistance in returning the body of your brother, Frank Clear, to the burial plot arranged for by your father in Waynesboro, Virginia.

I regret to inform you that there is no provision under law which permits the federal government to pay for the retransport of a body to a final resting place following its original interment. The only exception to this policy is the case in which the individual dies while a patient at a Veteran's hospital. In such an instance a body may be disinterred, retransported, and reburied at the family's request.

May I offer condolences to you and your family in this situation.

Sincerely,

Bradley H. Patterson, Jr.

Mrs. Richard Fontaine
844 Woodson Avenue
Waynesboro, Virginia 29980

(File to Dennis Ickes, DOJ)



CF

July 10, 1974

Dear Mrs. Hadkarni:

I am in receipt of your enclosed request for a transcript from the National Council on Indian Opportunity.

The Council has recently been phased out of existence, to be replaced by a similar body in the near future. Its records have been sent to the National Archives.

I suggest that you contact the National Archives of the United States to obtain the transcript requested. I hope that this will be of assistance to you, and are returning the green card in case you need to re-use it.

Sincerely,

Bradley H. Patterson, Jr.

Mrs. Meena Nadkarni
Head, Acquisitions Department
York University Law Library
4700 Keele Street
Downsview, Ontario, Canada

Government Documents
M3J 2R5



July 12, 1974

MEMORANDUM FOR:

TOM KOROLOGOS

FROM:

LEONARD GARMENT

SUBJECT:

H.R. 10337 in the Senate
(the Navajo-Hopi Bill)

Frank Zarb and I would appreciate it if you would get an estimate for us of the way the Senate is likely to go on this House-passed bill.

The bill will authorize the District Court in Arizona to partition the lands to which a Court has said the Navajos and Hopis have a "joint undivided and equal interest" -- to make a legal division of the land.

This will mean that the Secretary of the Interior will have physically to move some (not known how many, in the end) die-hard Navajo families who have lived their lives in that area. It could be a very sad scene.

Senator Abourezk has come up with an alternative approach embodied in Section 306 of S. 3724: to permit life-long Navajo residents to live out the rest of their lives there before the land is transferred to the Hopis, and proportionately less for those more recent residents. A more humane approach.

John Whitaker feels, however, that the prospect of the deferred land transfer implicit in the Abourezk alternative will worsen the tensions between Navajo and Hopi, and violence could also occur if the Congress takes this option.

In the House, Steiger, Haley, Regula, Owens, Roncalio and Rhodes favor the partition-and-move approach in H.R. 10337; in the Senate



it is reported that Goldwater and Fannin favor this also, even at the risk of losing Navajo political support.

Peter MacDonald, a Presidential supporter (he rode in the Inaugural Parade) is of course very much opposed to H.R. 10337; he is coming to Washington a week from today.

(After we get your estimate, Frank and I plan to invite Rog Morton, John Whitaker and possibly some Justice officials to make a final review of this situation, whereupon we will send a report letter to the Senate Interior Committee which has requested it prior to upcoming hearings.)

cc: Frank Zarb



July 15, 1974

Dear Mr. Obadele,

Thank you for your letter of June 26th.

I have ascertained that there are several officers here in the Department of Housing and Urban Development who are thoroughly familiar with the terms and requirements of the New Communities Act and who will be glad to meet with you and your colleagues of the Mississippi and National Black Assemblies. May I suggest you telephone Mr. David Nimmer, the Director of the Regional Liaison Office of the New Communities Administration for an appointment. He can be reached at 202-755-7894.

I am suggesting to him that when your meeting is arranged, he also invite a representative of the Department of Agriculture who can answer any questions you may have about the Rural Development Act.

Sincerely,

Leonard Garment
Assistant to the President

Mr. Imari Abubakari Obadele, I
Post Office Box 465
Jackson, Mississippi 39205

bcc with incoming correspondence to:

Mr. David Nimmer, NCA/HUD



HUD

July 15, 1974

Dear Mr. Obadele,

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I have ascertained that there are several officers here in the Department of Housing and Urban Development who are thoroughly familiar with the terms and requirements of the New Communities Act and who will be glad to meet with you and your colleagues of the Mississippi and National Black Assemblies. May I suggest you telephone Mr. David Nimmer, the Director of the Regional Liaison Office of the New Communities Administration for an appointment. He can be reached at 202-755-7894.

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Post Office Box 465
Jackson, Mississippi 39205

bcc with incoming correspondence to:

Mr. David Nimmer, NCA/HUD



THE WHITE HOUSE
WASHINGTON

Freeway

Dave Hummer
Dir Reg Liaison
office
N.C. Hwy
H&D



202-755-7894

THE WHITE HOUSE
WASHINGTON

July 12

LG:

Even this is a way-out outfit, my own feeling is that we should at least respond with a willingness to answer their questions.

HUD agrees (I have talked with Mr. Nimmer); at first they and I had suggested a gent in Atlanta with ~~whom~~ this group could meet, but HUD prefers to have them come to Washington.

OK

Brad

July 15, 1974

Silberman

Dear Larry:

This is to raise with you personally an area of issues which deserves more attention than either of us has been giving it: litigation and appellate strategy in Indian claims cases.

The Indian Claims Commission, as you know, is the judicial body which is the court of first resort in these cases. The Commission was established by the Congress to "hear and determine" claims against the United States on a very wide range of grounds: "law", "equity", "fraud, duress, unconscionable consideration, mutual or unilateral mistake", and "claims based upon fair and honorable dealings". The intent of the Congress was to have these claims examined, judged, paid and finished with expeditiously and under more liberal than usual criteria. But that is not what has happened.

611 cases have been docketed; some 200 are still pending, and the Commission goes out of business in another three years with the Court of Claims inheriting whatever is left. 194 of the Commission's cases have been appealed to the Court of Claims, 32 by the Government, 26 in cross-appeal, and of course each appeal adds some 12-18 months to the adjudication period.

Upon some inquiry, I find that the Department of Justice's Indian Claims section is very diligent in defending the government's legal and financial interests in these cases, but rarely consults the Commissioner of Indian Affairs in this process, or the Solicitor of the Department of the Interior, in reviewing its litigating and its appellate options. Instead of an instrument for resolving these questions promptly, the Commission is being used as a battleground for technicians and the frequent appeals to the Court of Claims are dragging out the whole process.



A case in point of watershed dimensions is pending right now before Bob Bork -- the famous Sioux case involving violation of the Treaty of 1868. The Commission has determined a judgment amount but a recommendation has been made to appeal the "5th Amendment Taking" issue to the Court of Claims. We apparently are going to allege that a Court of Claims decision of 1942, (before the passage of the Claims Act) finished the matter when it in effect blessed the violation -- by the Congress -- of the Treaty of 1868 on the theory that Congress has plenary powers to do so.

From various points of view -- equity, "fair and honorable dealings", sanctity of treaties, the purpose of the Claims Act itself -- this particular appeal and others like it should, I believe, be reviewed, especially in light of the President's own declaration on Indian affairs of July 8, 1970.

Perhaps an informal consultative process could be instituted whereby Justice regularly touches base with the Commissioner or the Solicitor at Interior (who represent the United States' interest as trustee for the Indians) and arranges for an exchange of views about appellate strategy in this and similar claims cases.

Actually my hope is that the general principle could be adhered to of not appealing Claims Commission judgments and decisions unless the Solicitor General considers that an egregious mistake has been made. Otherwise we may be in this claims business for another decade -- to the detriment of the Commission, the Court of Claims, the Indians and ourselves and contrary to the intent of Congress.

I understand that under Jon Rose's direction you have a re-examination underway of Departmental structures and policies in the Indian area; you might add this area of issues to that agenda (with the note, however, that there is a deadline of August 12 for the Sioux appeal decision itself). When your internal exercise is at the right stage, I would be interested in hearing how it is coming along.

Best,

Leonard Garment

Mr. Larry Silberman
Deputy Attorney General
Department of Justice
Washington, D. C.

cc: Mr. Bob Bork
Mr. Wallace Johnson

bcc: Stan Pottinger
Kent Frizzell
Morris Thompson



July 15, 1974

MEMORANDUM FOR:

PHOTO OFFICE

FROM:

LEONARD GARMENT

SUBJECT:

Prints of negative

I would appreciate it if you would make five (5) prints of the attached negative number 14 which is of myself and Professor Wright (5"x8").

A number of staff people have requested a copy.

Many thanks for your cooperation!



July 15, 1974

Dear Mr. Riblet:

Thank you for your letter of June 24 and for your gracious and encouraging remarks. I have access to a copy of the tape so don't need additional copies but I appreciate your courtesy in offering one.

We have done a great deal of work in Indian affairs in the past five years and while we have not solved all the problems Indians have, the pace of economic, educational and political strengthening of Indian life and government is considerably advanced over the years in the recent past.

I am glad to have the materials about Mr. Hornstein and will bring them to the attention of Mr. Emory Johnson of the Indian Health Service in case there may be an opening in IHS for which Mr. Hornstein might be qualified and interested.

Sincerely,

Leonard Garment
Assistant to the President



Mr. Don Riblet
D142 Crossings
Glassboro, New Jersey 08028

bcc: Emory Johnson (with incoming letter and personal qualifications statement for Mr. Hornstein)

July 16, 1974

Dear Art:

Thank you for your note about your interesting plan for the F Street houses. I hope it comes to pass.

Sincerely,

Leonard Garment

Mr. Arthur F. Sampson
Administrator
General Services Administration
Washington, D.C. 20405



Bcc: Nancy Hanks
Dana Mead

July 17, 1974

TO: KATHY JENSEN

FROM: LEN GARMENT

SUBJECT: LOG NO. 423-~~8~~ Annual Report on Special
International Exhibitions for FY '73

I have no objection to forwarding the subject report to the Congress.



CF
July 18, 1974

Dear Stuart:

I received your notice about the seminar on submarginal lands on the 21st. I won't be able to be with you but want you to be sure to send me a copy of any resolutions, conclusions, or staff papers you develop, since we are very much interested in getting NCAI advice as we here try to sort out some of these lands questions.

Sincerely,

Bradley H. Patterson, Jr.

Mr. Stuart Jamieson
Director of Economic Development
National Congress of American Indians
Suite 312
1346 Connecticut Avenue, N.W.
Washington, D.C. 20036



bcc: Martin Seneca (BIA)

July 19, 1974

Dear Ms. Margan:

I have received your resume for application for a position with the National Council on Indian Opportunity.

The Council has recently been phased out of existence, with its duties as a Cabinet Committee planned to be assumed by another body. I would therefore suggest that you contact the Commissioner of the Bureau of Indian Affairs and resubmit your resume, which is enclosed.

The Bureau is now under excellent new leadership and I am sure they would be interested in your capabilities, although their appointments are subject to the Indian preference statutes.

If I can be of any further assistance, please contact me.

Sincerely,



Bradley H. Patterson, Jr.

714
Ms. Michelle Joy Margan
14 Village Road
Oradell, New Jersey 07649

July 19, 1974

MEMORANDUM FOR: MORRIS THOMPSON

FROM: BRADLEY H. PATTERSON, Jr.

SUBJECT: Civil Rights Commission
1973 Southwest Report

I know this is a year old or more, but think that it would be very fitting as symbolic of your new leadership if you would respond to the Commission with comments on those recommendations which pertain to the Bureau, and comments insofar as you can make them on the other recommendations made (pages 57 and 58) which involve matters of which you have knowledge.

Not a request, Morrie, but a suggestion; the Civil Rights Commission now has new leadership, too.



July 19, 1974

MEMORANDUM TO:

BENJAMIN STEIN

FROM:

BRADLEY H. PATTERSON, Jr.

SUBJECT:

Tour and lecture for 40 high
school students

Today arrangements were made with Joyce Adams to reserve the Family Theater on August 13 from 9:30 a.m. to 10:30 a.m. -- for your presentation -- and after your lecture the B'Nai B'Rith group will join the public tour of the White House. (This will be a duplicate of the arrangements made for a similar group last year.)

Would you obtain a list of the students and send it to the East Wing Reception Room?

cc: Joyce Adams



July 19, 1974

Dear Mrs. Fain:

I have received your resume for application for a position with the National Council on Indian Opportunity,

The Council has recently been phased out of existence, with its duties as a Cabinet Committee planned to be assumed by another body. I would therefore suggest that you contact the personnel division of the Bureau of Indian Affairs and resubmit your resume, which is enclosed.

In looking over your resume it would appear that you have an extensive background in human resources related areas. I am certain that the BIA would be happy to consider your application, although positions there are subject to Indian preference.

Sincerely,

Bradley H. Patterson, Jr.



Mrs. Janet L. Fain
3300 Military Road N.W.
Washington, D.C. 20015

July 19, 1974

MEMORANDUM TO:

CHUCK LICHENSTEIN

FROM:

LEONARD GARMENT

SUBJECT:

Navajo-Hopi Bill -- Discussion
with Chairman MacDonald

Knowing what is probably Dean's home-state interest in this matter, I wanted you to know that on the 16th Brad and I met with Navajo Chairman Peter MacDonald at his request. He brought two of his attorneys with him and our session was one of my simply listening to Peter's exposition of the Navajo side of the controversy. Recognizing Peter's official capacity as the Chairman of the nation's largest tribe, I would always accord him an opportunity to be heard. (I would do the same with the Hopis if they asked.)

Our substantive position on the bill has been hammered out with John Whitaker, Commissioner Thompson and Frank Zarb and is, basically, to support the Steiger-Owens bill but with some amendments which we will suggest to give maximum incentives to early (rather than last-ditch) moving away by the affected Navajo people and to specify a two-year breathing period in which Interior will develop a plan of relocation.

We asked Tom Korologos to give us an estimate about Senate sentiment re this House-passed bill, and find that both sides of the aisle are pretty much in sympathy with the Steiger-Owens approach, including the entire Arizona delegation. I am aware that Senator Goldwater is strongly backing H.R. 10337.

bcc: Norm Ross

Bill Timmons



July 19, 1974

Dear Arthur:

Per our conversation...and with my deep
appreciation for your time and graciousness.

Sincerely,

Bradley H. Patterson, Jr.

Honorable Arthur S. Flemming
Commissioner on Aging
Mary Switzer Building
Department of Health, Education & Welfare
Washington, D. C.

Enclosures



July 23, 1974

Dear Mr. Roessel:

I have reviewed the various proposals of regulations dealing with the Johnson-O'Malley Act and I have found nothing to substantiate your belief that any Indian group other than those which are "federally recognized" will be eligible for funding.

As you may know, three sets of regulations have been proposed at this time. They are 1) the original proposal submitted by Commissioner Thompson on January 2, 1974, as published in the Federal Register of January 14, 1974; 2) the proposal submitted by a coalition of Indian groups, commonly known as the "Red Regs", published on February 23, 1974; and 3) a revised federal proposal submitted on June 26, 1974.



The eligibility sections in all three proposals make it clear that only "federally recognized" tribes, bands or groups of Indians are eligible for Johnson-O'Malley funding. Proposal 1 defines "Indian" as "an individual who is a member of a tribe, band, or other organized group of Indians, including Alaska natives, which is recognized by the Secretary of the Interior as being eligible for Federal Services." Section 33.2 of this proposal states "Contracts may be entered into...for the education of Indian children of 1/4 or more degree Indian blood, unless excepted by law..."

The "Red Regs" define "Indian" identically with the original federal proposal. Section 33.2 of the "Red Regs" states "Contracts may be entered into for the education of Indian children...", again emphasizing the term "Indian" as defined.

The most recent proposal also defines "Indian" identically with the original proposal, and then states in Section 33.2(a) that the funds are to be used for the Education of Indian children.

Therefore, I think I can assure you that according to the three proposals of which I am aware, there is nothing to indicate that any persons other than "Indians" who are recognized by the Secretary of the Interior as being eligible for federal services will be eligible for Johnson-O'Malley funding.

It was good to be with you a few weeks ago!

Cordially,

Bradley H. Patterson, Jr.

Mr. Robert A. Roessel, Jr.
Superintendent of Schools
Chinle Public Schools
Box 587
Chinle, Arizona 86503



bcc: Mr. Clennon Sockey (BIA)

July 24, 1974

Dear Peter:

It was a pleasure to meet with you last week to discuss the settlement of the Navajo-Hopi joint land use area dispute. I was happy to have the opportunity to get a first-hand description of the situation from the Navajo point of view.

Please understand that whatever the final outcome of the dispute may be, the White House fully understands your position. The Administration wishes to see the conflict solved in the manner which will cause as few hardships as possible to all concerned, while at the same time reaching a solution which is fair to all concerned. You can be assured that your views were relayed to all those in the Administration who have considered this matter and that they were taken into account.

Again, thank you for meeting with me. If I can be of assistance in the future, please let me know.

Sincerely,

Leonard Garment
Assistant to the President



Mr. Peter MacDonald
Chairman, Navajo Nation
Window Rock, Arizona 86515

July 26, 1974

MEMORANDUM FOR: THE PHOTO OFFICE

FROM: BRADLEY H. PATTERSON, Jr.

SUBJECT: Request for 35 millimeter slides

It will be most helpful in a presentation being arranged for the Cabinet if we could receive a 35 millimeter slide of the Roosevelt Room and the Press Conference Room (room 450 in the EOB).

Specifications:

1. Color.
2. The room be empty.
3. The picture be horizontal.
4. Bracket the exposure.
5. A picture (print) is not required but a 35 millimeter slide of each room is needed.



Please send the slides to Room 182 if possible by Tuesday, July 30 midafternoon (or call ext. 2657 and we will come over and pick them up when ready).

Thank you for your cooperation in this matter.

July 26, 1974

MEMORANDUM FOR:

THE VICE PRESIDENT

FROM:

LEONARD GARMENT
ASSISTANT TO THE PRESIDENT

SUBJECT:

National Urban League --
Additional Background

You will be the League's luncheon speaker next Monday.

Sometime during that occasion, it is likely that the Urban League's Executive Director, Vernon Jordan, will bring up with you his concern that federal contracts with the National Urban League have fallen off. (He brought this up with me at a lunch recently and his associate followed it up with a letter -- Tab A).

The high point for the Urban League came in December of 1970 when the President and his domestic Cabinet Officers met with Whitney Young and his Urban League colleagues. It was a most cordial and productive meeting: they discussed the unique ways in which the Urban League could assist the Federal Government, by contact, in operating and evaluating certain of our human resources programs. At the end the President directed the Departments to review all these possibilities. Whitney met the press afterwards (Tab B). The Departments went to work and over \$21 million worth of contracts were identified and committed to the Urban League. Whitney and the President talked on the telephone a month later to review progress.

In the years since, as the letter in Tab A reminds us, the contracting has fallen off -- and the League is asking us to help get it back on track.

There are good reasons why some of the contract money has shrunk. Manpower contracts have gone from \$12 million to \$5 million largely



because our new approach is special revenue-sharing where local jurisdictions make their own decisions about signing manpower contracts with local League affiliates, rather than the money coming from Washington on a national basis to the League as a national organization.

But with other agencies, the explanation is not as clear.

I wanted you to know that I have promised Vernon to make a review of the specifics which he and his colleague Ron Brown have given me and will be in touch with him again when I have some answers.

If asked, you should reaffirm this promise.

Vernon might go further and ask you to convene the same kind of meeting which the President had in December of 1970. If so, I recommend you promise to review that option carefully but not make a firm commitment at this time until we have had more of a chance to (a) complete this review (b) talk with each other and (c) talk with the affected Departments.

In any event, it is clear -- as Brown's letter shows -- that given the size of the decline in Federal support, there is a distinct danger to the life or at least to the vitality of one of the country's most important minority institutions. And this is a serious matter.



July 29, 1974

MEMORANDUM FOR: ANNE ARMSTRONG

FROM: LEONARD GARMENT

SUBJECT: Bicentennial Press
Project

I wanted to be sure that you saw Aram Bakshian's memorandum of July 11. I would hope that you would give John Warner your endorsement of this idea; it is certainly consistent with the other major media project he is working on.



July 29, 1974

Dear Carl:

As you leave the Department of Justice to pursue further graduate studies in England, I want to tell you personally how much it will be our loss that you go.

In federal courtrooms, on Reservations, and as Head of the new Office of Indian Rights, you have been a pioneer in strengthening the President's policy of more effectively ensuring justice for Indian people. Neither the Department of Justice nor the Federal Government will be the same again for your having been here as our colleague.

I want to congratulate you on your past outstanding work confident that ahead of you lies a splendid and constructive career.

Sincerely,

Leonard Garment
Assistant to the President

Mr. Carl Stoiber
Office of Indian Rights
Department of Justice
Washington, D. C.

cc: The Attorney General



July 29, 1974

MEMORANDUM FOR:

THE VICE PRESIDENT

FROM:

LEONARD GARMENT
ASSISTANT TO THE PRESIDENT

SUBJECT:

White House briefing for the
Cabinet on the Federal Design
Improvement Program

As indicated in attachment A, I have invited the Cabinet officers and their designated Agency Liaison officers to the White House on July 31 at 10:00 a.m. for a 45 minute briefing on the Federal Design Improvement Program.

This four-part program, which was initiated by the President in May 1972, has made significant progress in the last two years. The briefing will provide an opportunity to review this progress with the Cabinet members and to enlist the involvement of their agencies to keep the program's momentum.

The Federal Government is the nation's largest client of design services. The President has stated that he believes the Government has an important and critical role in encouraging design excellence in Federal buildings, offices, publications and graphics. The Federal Design Improvement Program's objectives are to: 1) make Federal administrators more aware of how to use design as a management tool; 2) improve the selection procedures of architects for Federal buildings; 3) improve the graphic design of Federal publications; and 4) recruit talented design professionals to Federal service.

I hope you will be able to attend all or part of this briefing to learn more about substantial contributions Federal agencies are making to design excellence.



A schedule proposal has already gone to the President, and I hope that he will be able to attend a portion of the briefing.

I am enclosing a folder containing information relevant to the July 31 briefing. Of particular interest to you will be a progress report of the Design Program's accomplishments from Nancy Hanks, Chairman of the National Endowment for the Arts (the agency the President has asked to coordinate the program).

If your schedule should be committed for Wednesday morning, an alternate occasion for your joining us would be 2:30 p. m. that same day, when Agency Heads will receive the same briefing in Room 450 of the Executive Office Building. A word from you would of course be extremely helpful to this worthwhile effort.



July 29, 1974

MEMORANDUM FOR: JOHN WARNER

FROM: LEONARD GARMENT
ASSISTANT TO THE
PRESIDENT

SUBJECT: Meeting with Oscar Cohen

Oscar Cohen is the Director of the National Programs Department of B'nai B'rith at the Headquarters in New York. He has discussed an idea he has for the Bicentennial with some of your staff in New York and would like at this time to come to Washington to discuss it further with you. It involves preparation of a film on how America has attracted people into our country from all over the world.

Oscar would like very much to meet with you on August 5, 6, 14, 15 or 16. If August 5 could be chosen, Dave Brody, the principal B'nai B'rith Washington representative would also attend.

I hope your schedule would permit an August 5 meeting with Mr. Cohen and suggest your office be in direct touch with Mr. Brody here in Washington; his telephone is EX3-5288.

