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WILKINSON, CRAGUN & BARKER

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December 9, 1974

Mr. Norman Ross
Domestic Council
The White House
Washington, D.C. 20500

Dear Norm:

Thank you for taking time out of your busy schedule to meet with representatives of the Quinault Indian Tribe of Washington State on December 6, 1974.

I know how busy your schedule was on that date, so I am especially appreciative of your willingness to accommodate Mr. McMinds and his party.

Sincerely,

WILKINSON, CRAGUN & BARKER

S. Steven Karalekas
By: S. Steven Karalekas

c.c. Hon. Geoffrey C. Shepard
Assistant Director,
Domestic Council.



THE WHITE HOUSE
WASHINGTON

order

Date 2-7-75

TO: Mr. Norm Ross

File

FROM: DR. THEODORE C. MARRS

TM

For your signature _____

For your coordination _____

* For your information X

Per our conversation _____

Other:

*and comments.



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Quinault Tribal Council

POST OFFICE BOX 1118 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (206) 276-4446
QUINAUT RESOURCE DEVELOPMENT PROJECT (206) 276-4471

January 2, 1975

Dr. Ted Marr
The White House
Washington, D. C. 20500

Dear Dr. Marr:

As per our discussion on December 6, 1974, I'm incorporating the items you requested. Listed below is a list of the Northwest Indian Fisheries Commission three areas of concern. They are as follows:

1. Six hundred ninety thousand dollars (\$690,000) of White House and Congressional approved funds with Congressional legislation designating money to the Tumwater, Washington, office of the Fish and Wildlife Service for biological assistance to Indian Tribes in the States of Washington and Oregon. (I supplied you with the Northwest Indian Fish Commission position paper on this.)

People Contacted

1. Congressman Al Ullman's Assistant, Mr. Cox. Action Agreed On: He would discuss the matter with Julia B. Hansen's office and draft a letter to appropriate person (Mr. Morton) to loosen funding to the Fish and Wildlife Service Tumwater, Washington, office.
2. Congresswoman Julia B. Hansen's Assistant, Mr. Carlson. Action Agreed On: Mr. Carlson would be in touch with Mr. Cox for the purpose of drafting a letter to the appropriate Interior Department personnel (Mr. Morton).

New Development

Assistant Secretary of Interior Mr. Hughes is to make final decision after considerable paper exchange between the Bureau of Indian Affairs and the Fish and Wildlife Service. We are told that Assistant Secretary Hughes believes that the legislation provides for Indian use of money, however, Rogers B. Morton has made a commitment to the State of Washington for a portion of the money.

Internally, Assistant Secretary Hughes' Office has requested a solicitor's opinion regarding the legal intent of the authorizing legislation. The solicitor will not make an opinion because of the Secretary's commitments to the State of Washington Department of Game.



Dr. Ted Marr
Page 2
January 2, 1975

We are informed by our legal council that our legal case would be good to restrain the Secretary from disbursing funds to the States of Washington and Oregon. Therefore, our position is not as sound as it was when I was in your office if we have to take this kind of action.

2. The need to obtain a Justice Department decision to hire private counsel as an attorney of the United States in the Ninth Circuit Court Appeal of U. S. vs. Washington is an issue vitally important to the Northwest tribes because the private counsel we are seeking was the attorney for the United States in the U. S. District Court of Western Washington (U. S. vs. Washington) decision.

White House Person Contacted

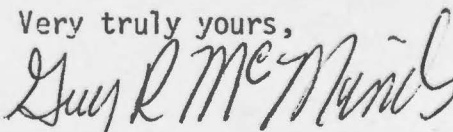
Norm Ross - Mr. Ross agreed to discuss the matter with Wally Johnson of the Justice Department. We are told that Wally Johnson turned down our request because he wants to handle the matter internally with his staff.

The truth of the matter is that the Justice Department has not satisfactorily monitored the decision nor are they satisfactorily fighting the appeal for the Washington tribes. Frankly, we are beginning to consider the action being taken just as serious as President Jackson's monument to Justice Marshall in the 1800's where he would not enforce a decision that was beneficial to the Cherokee Nation. You will remember that the Cherokees were removed to Oklahoma.

3. Enclosed is a draft Executive Order for the Northwest Indian Fish Commission that you requested. A copy of this draft was sent to Mr. Garment's office for processing and signature by the President (if he determined an Executive Order appropriate). We are concerned that this may have been forgotten in the recent transition. If it has, can you begin processing this matter.

Finally, I would like to invite you to the State of Washington to survey the status of the Indian fishery. Please inform me if you will be able to come.

Very truly yours,



Guy R. McMinds
Director

GRM:pc
Encl.

cc: Julia B. Hansen
Al Ullman



EXECUTIVE ORDER

NO. _____

September __, 1974; ____ F.R. ____

ESTABLISHING AND CHARTERING AN INDIAN FISHERIES COMMISSION (PACIFIC NORTHWEST)

WHEREAS the United States has entered into and maintained contracts with the several Indian Tribes, Bands, and Nations as are parties to the Treaties of Medicine Creek, Quinault, Point Elliott, Makah, and Point No Point, respectively, under which the separate Indian populations retained certain autonomous rights and authorities for governing their communities and for controlling the extensive fish resources secured to them; and

WHEREAS these Indian people uniformly own or possess a "right of taking fish", exclusively within the boundaries of their designated reservations, and "in common with all citizens" in their other customary tribal fishing areas, as reserved against relinquishment in the language of the several treaties; and

WHEREAS it is the declared policy of the United States "to help develop and utilize Indian resources, both physical and human, to a point where the Indians will fully exercise responsibility for the utilization and management of their own resources and where they will enjoy a standard of living from their own productive efforts comparable to that enjoyed by non-Indians"; and

WHEREAS there exist significant modern opportunities for fulfilling basic beneficent policy and program objectives for Indian people while satisfying the promising ideas, initiatives, plans and hopes of numerous Indian Tribes and communities; and



WHEREAS the separately held treaty rights and resources of these Indian Tribes are substantially interrelated for such reasons as major migratory fish resources are involved and being affected by actions of unrelated tribal entities at distance as well as by authorities of mixed jurisdictions in joint use areas, additional to the impact and diverse interests of non-Indian user groups and agencies operating under the responsibilities or claims of State, National, and Inter-national governmental bodies; and

WHEREAS the treaties leave the President with authority to implement their provisions in safeguarding the independent interests and established rights of the respective Indian Tribes, or to recognize common needs among the separate Indian communities in acting to advance their common welfare and unique opportunities:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:



Section 1. Establishment of Commission. There is hereby established the Indian Fisheries Commission of the Pacific Northwest (hereinafter referred to as the "Commission"). The Commission shall be subordinate to, and shall act as an inter-tribal governmental agency in behalf of, ~~organized federal~~ Indian Tribes under the respective Treaties of Medicine Creek, Quinault, Point Elliott, Makah, and Point No Point, whose recognized tribal governments are hereby granted charter and authorization to devise and adopt a Constitution and Bylaws providing for the organization and operation of the Commission. In the designation of any board or body of commissioners for the Commission, the Indian people possessing tribal fishing rights under each particular treaty shall be represented by at least one (1) commissioner for the combined area or tribes covered by that treaty.

(a) The Commission may exercise any power or authority possessed by any member Indian Tribe, or member treaty nation, to whatever extent such powers or authorities are assigned the Commission by the member tribes, collectively or individually, and assented to by any individual Indian Tribe affected by their exercise. Any member tribe, or combination of tribes, may contract with the Commission to permit it to exercise any assigned authorities, to provide any services, or to conduct any approved programs.

(b) The Commission is authorized, subject to direction from the tribes, to receive and expend funds from both public and private sources, and, accordingly, may seek authorizations and appropriations from the Congress in support of the functions of the Commission, or in support of the activities and programs of the member tribes, collectively or individually. The Commission is further authorized, consistent with any existing law, to contract with Federal agencies for the administration or delivery of any funds, programs, or services, which would otherwise be provided by such agencies to the same Indian tribes or people.



Section 2. Functions of the Commission. The Commission shall:

- (a) Formulate general Indian treaty fisheries policies and programs to promote, coordinate, or enhance the management and conservation practices of member Indian Tribes, and to generate broad utilization of the collective information and experience available through the combined Indian populations.
- (b) Assist in providing technical advice or training services from available or developed sources for member tribes as needed in their independent, coordinated, or cooperative fishery management efforts.
- (c) Aid in the gathering, exchange or dissemination of report, statistical or other information for use by the tribes, state and federal agencies, and international commissions, in the operation, regulation, or evaluation of their anadromous fish management programs and related activities.
- (d) Coordinate with tribal, state, federal and related agencies in the development of program plans or priorities, budgeting processes, conduct of fish harvests, maintenance or rehabilitation of fish resources, and in the development of future public policies for the care and utilization of these resources, while representing the specific Indian interests in such matters.
- (e) Assist in public information and education projects, including any meetings or exchanges with non-Indian commercial or sportsfishery interests and user groups, for minimizing conflicts and developing good will in attitudes, and for addressing the environmental, ecological, and conservation concerns of the Indian and general public.
- (f) Assist the member tribes in planning or programming for fisheries related industries or economic enterprises, management related job structures, and the training or education of qualified industrial, technical or professional personnel from among the Indian population for advancing tribal objectives.
- (g) Recommend amendments to this Order, or other acts which may be taken under 25 U.S.C. 9, for effecting or furthering the purposes of this Order.

LD.R. FORD

Section 3. Establishment of Planning Council. There is hereby established, for purposes of advancing the efforts and objectives of the Commission, a federal Indian Fisheries Policy and Planning Council (hereinafter referred to as the "Planning Council"). The Planning Council shall have membership as follows: The Secretary of the Interior who shall be the chairman of the Planning Council, and the two Assistant Interior Secretaries having primary administrative responsibilities for each the subject matter of Indian Affairs and of Fish and Wildlife; the Assistant Secretary of Commerce having primary administrative responsibility over the National Marine Fisheries Service; the Assistant Secretary of State having primary administrative responsibility for international fisheries policies and problems; the Associate Director of the Office of Management and Budget having primary responsibility over budget matters relating to Indian people and programs; and five commissioners from the Commission as shall represent it and each Indian treaty area included under the Commission.

Section 4. Compensation and per diem. Members of the Planning Council who are officers of the Federal government shall receive no additional compensation by reason of this order. Other members of the Planning Council shall be entitled to receive compensation and travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the government service employed intermittently (5 U.S.C. §§ 3109, 5703).

Section 5. Assistance to the Council and Commission. (a) Each Federal department and agency represented on the Planning Council shall furnish such necessary assistance to the Planning Council and to the Commission as may be authorized by section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C., 691), or other law. The Department of the Interior shall furnish necessary administrative services for the Planning Council.



(b) Any staff of the Planning Council which may be necessary, shall be assigned by the departments and agencies represented on the Planning Council, and may be detailed or assigned as necessary to work for designated periods with the staff of the Commission.

(c) The chairmen of each the Planning Council and the Commission shall periodically submit timely reports and budget recommendations to the Director, Office of Management and Budget (OMB) as appropriate (86 Stat. 770).

Section 6. Meetings. The Planning Council shall meet on the call of the chairman and at least once semi-annually. The Commission shall meet at times prescribed in its Constitution and Bylaws.

RICHARD M. NIXON,
President

THE WHITE HOUSE

September __, 1974.

