

Mr. Geoghegan
 Assistant Deputy Attorney General
 Room 4208

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May 26, 1961

SIGNED AND MAILED

MAY 29 1961

LANDS DIVISION

Dr. D. R. Penn
 Chairman, Department of
 History
 Georgetown University
 Washington 7, D. C.

Dear Professor Penn:

In 1946 the United States Congress passed the Indian Claims Commission Act. This is a unique piece of legislation designed to finally and expeditiously settle all just and equitable Indian tribal claims against the United States. In addition to traditional legal relief, the Act prescribed standards heretofore unknown in American jurisprudence authorizing recovery by Indian tribes on "claims based upon fair and honorable dealings that are not recognized by any existing rule of law or equity". A broader mandate to do full justice has rarely been given.

These claims are litigated before the Indian Claims Commission, which sits in Washington but holds hearings in various parts of the Country where the tribes or lands involved are found. The protection of the United States' interests is lodged in the Lands Division of the Department of Justice. The Act has imposed upon the attorneys handling these cases, both for the Indians and for the Government, a most incredible job of historical research.

Four hundred fifty-nine cases brought by different Indian tribes are pending. The total claims cover more than 75% of the land area of the first 48 States. Separate claims involve the State of Alaska. Preparation and defense of the cases is a tremendous challenge to the imagination, ingenuity and industry of the persons working on the evidence. As is true of every endeavor in primary historical research, attorneys responsible for these cases are left

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largely to their own devices. Though interwoven with anthropological, ethnological and other fields of learning, history is the primary substance in the preparation of most of these law suits. Attorneys preparing these cases must know how to find, correlate, and weigh all relevant facts on such matters as negotiation of the Greenville Treaty of 1795, and scores of other Indian treaties; the location of the different Indian tribes on various dates; the lands, if any, the tribes exclusively used and occupied on those dates; the period of time for which they had exclusively used and occupied those lands theretofore; and the value of those lands as of those dates.

An example of the type of research involved is the exhaustive study we had made concerning the history of the Six Nations with particular reference to their lands and their dealings with Great Britain, the Proprietary of William Penn, the States of Pennsylvania and New York. These are real challenges in primary historical research and the attorneys handling the cases need the assistance of persons skilled in that trade to fully develop the evidence.

The Indian Claims Section of this Division, which handles these cases, is headed by an Oklahoman named Ralph A. Barney. Mr. Barney is a nationally recognized expert on the American Indian, their tribes and history. The 20-odd lawyers on his staff, in my opinion, have a greater accumulation of knowledge of many specifics of the American Indian than any group anywhere. They have lived an invaluable experience in Americana and have the potential to make very substantial contributions to our written history.

In the expedition of the work of the Indian Claims Commission to come, we need several graduate students in American history to perform historical research under the supervision of the attorneys handling these cases. These persons should be particularly interested in working in the history of the American Indian, and primarily in areas North of the Ohio and West of the Mississippi Rivers. They would have to live in the Washington area, but may be called upon to perform research in various parts of the country. They would be employed at starting salaries of about \$6,000.00 per year.

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We believe this work offers a fine opportunity for competent, resourceful, and interested young historians. If you have any students, or know of any historians, you feel are qualified for this type of research, and that you would be willing to recommend for this task, I would appreciate your discussing this matter with those persons, and if they are interested advise me of their names and qualifications. We would follow this up with a personal interview, looking forward to their employment. Your assistance in this matter is very much appreciated.

Sincerely,

Ramsey Clark