

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

February 16, 1978

To: Members of the Maine Legislature
From: Joseph E. Brennan, Attorney General
Re: Indian Land Claims


My staff is in the process of preparing an analysis of the settlement proposal conveyed to us by the administration representatives last Friday. We are preparing a detailed financial and legal analysis and examining the various options available to the State and hope to have an extensive written report to the Governor and the Legislature in the near future.

I hope to meet with the Maine State Congressional delegation next week to discuss the case and the tribes' negotiating demands. I have had meetings with the Maine legislative leadership, the Governor and Senator Muskie in recent days to discuss the case. We all agreed that the appropriate course of conduct for the State is to carefully analyze these proposals before selecting a future course of action.

One thing ought to be emphasized lest it get lost in the recent flurry of discussion about these proposals. There have been no new adverse court decisions nor has any new historical or legal research been presented to us which we have not already discovered. My staff has continued the quiet and time-consuming process of preparing for litigation should that be necessary. The fact that the federal government proposes to implement a partial settlement with the Tribes and has delivered to us initial tribal demands to settle the remainder of the claim against private landowners and the State, does not mean that there has been some new dramatic development either in the law or in the research by any party. I hope the public was not misled into thinking that is the case.

At this point, our research is roughly nearing conclusion. We have working for us several historians and research assistants, including Dr. Ronald F. Banks of the University of Maine History Department, Professor Kinvin Wroth of the University of Maine School of Law, and Dr. Alvin Morrison of the State University of New York, all of

whom have been engaged by us to examine various aspects of the case and prepare reports for us. We have also consulted with several other experts, including Dr. Charles Ackerman of the University of New Brunswick, Dr. John Reid of New York University School of Law, Dr. Peter Marshall of the University of Manchester in England, and Dr. Robert Smith of the University of Maine History Department, an historian engaged by several large landowners who have permitted him to work in cooperation with us. I mention the names of these consultants so that the public will understand that the assertions that I have made about the case over the last several months have not been simply based upon my own personal opinion or the unsubstantiated views of any of the professional staff of this Department. We have gone about the case in a careful and scholarly manner, and I am wholly satisfied that the historical and legal arguments on which I predicate the State's case will prevail in litigation, should that be ultimately necessary.



JOSEPH E. BRENNAN
Attorney General

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