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The Department of the Interior has recommended against proposed legislation which would narrow the jurisdiction of the Indian Claims Commission over claims by Indian tribes against the United States which are based on original Indian title, it was announced today.

In a letter of June 25 to Senator James E. Murray, Chairman of the Senate Committee on Interior and Insular Affairs, Assistant Secretary Wesley A. D'Ewart gave four reasons for opposing the proposed amendment of the Indian Claims Commission Act of 1976.

“1. The jurisdiction of the Indian Claims Commission to adjudicate this category of claim has been fully litigated. After an exhaustive review of the issue, which was comprehensively briefed, the Court of Claims decided that Congress intended to give the Indian Claims Commission jurisdiction over this category of claim when it enacted the Indians Claims Commission Act in 1946, and the Supreme Court has declined to review that decision (Otoe and Missouri Tribe v. United States, 2 Ind. Cls. Comm. 335, aff’d.131 Ct. Cls, 593, cert. den. 350, U.S. 848). The scope of the 1946 Act is therefore settled.

“2. Many Indian tribes have incurred considerable expense in preparing their claims based upon original Indian title, and it would be construed by them to be a breach of faith to withdraw at this late date, ten years after the Indian Claims Commission Act was enacted, the jurisdiction of the Commission to adjudicate those claims.

“3. Although the sums claimed in the pending claims based upon original Indian title may be several billion dollars, as represented, previous experience clearly indicates actual liability will be only a fraction of the potential liability, and we believe that this consideration should not be the determining factor when considering the most practical method of hearing and disposing of the claims.

“4. The purpose of the Indian Claims Commission Act was to end the practice of passing special jurisdictional Acts on a tribe-by-tribe basis, and to provide for a final adjudication of all tribal claims. Claims based upon original Indian title have in the past been the subjects of special legislation, and if the Commission's jurisdiction were limited as now proposed Congress would be urged to return to that old and unsatisfactory system. That system is an expensive and inadequate method of dealing with the subject, and it lacks uniformity."

In an earlier report to Representative Clair Engle, Chairman of the House Committee on Interior and Insular Affairs, the Department recommended that the life of the Indian Claims Commission, which is scheduled to terminate April 10,1957 under existing law, be extended. Without recommending a specific termination date, the Department's report called attention to the fact that 750 of the 852 claims filed by tribes are still pending before the Commission and urged that, in fairness to the Indians who have filed the claims, it be given "adequate opportunity to finish its work”.