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DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

May 27, 1976

May 26, 1976

Dr. Ted Marrs
Special Assistant
to the President
The White House
Washington, D. C. 20006

Dear Dr. Marrs:

This is in response to your memo of May 5, 1976, requesting information on the U.S. Department of Agriculture's (USDA) Indian policies for a forthcoming meeting with Indian leaders.

Our Department is committed to extending its delivery of benefits and services to qualified Indians and tribal groups. Our long range goals to achieve this are:

- . Increase the effectiveness of the Indian Desk.
- . Research and achieve changes in procedural, regulatory, and legislative obstacles to Indians' participation in USDA programs.
- . Participate fully with other Federal agencies to coordinate efforts in meeting common Indian goals.

Our short term goals are as follows:

- . Intensify the Indian Desk's communications with tribes and Indian groups through field visits related to specific problems.
- . Improve the effectiveness of the Special Task Force for American Indian Affairs in resolving barriers to American Indian program participation.
- . Devise a system of agency feedback on Indian contacts and program assistance.
- . Provide information or training, as needed, to field staff regarding the special status and problems of Indians and develop outreach programs to encourage Indian participation in USDA programs.



- . Assist agencies to increase Indian participation in training programs and employment.

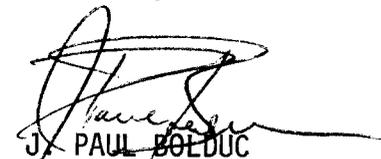
Recent significant accomplishments include the following:

- . The Indian Desk, established in 1974, has been strengthened by an Indian Supervisor and a staff of three.
- . The Indian Desk published and distributed a brochure, "USDA Programs of Interest to American Indians," which explains all assistance available through the Department.
- . The Farmers Home Administration (FmHA) has relaxed the requirement of a mortgage on land as collateral for a land acquisition loan and now accepts an income assignment. FmHA will also accept a 50-year lease as security for a housing loan.
- . The Department conducted eight surveys of seven Indian reservations and one inter-tribal council with follow-up visits to four of these in which many local significant achievements resulted.
- . Additional assistance by USDA agencies are regularly included in our White House Report.

The establishment of the Indian Desk itself is recognition of the special relationship of Federal agencies to Indian people. A real future goal is to promote this concept both organizationally and in program delivery in USDA. Methods will be considered for overcoming the critical lack of precise data on program participation by Indians.

I hope this information has provided a satisfactory background for you. If you have any additional questions, please do not hesitate to contact me.

Sincerely,


J. PAUL BOLDOC
Assistant Secretary
for Administration



UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE

WASHINGTON, DC 20250

September 10, 1976

Mr. Bradley H. Patterson, Jr.
The White House
Washington, D.C. 20500

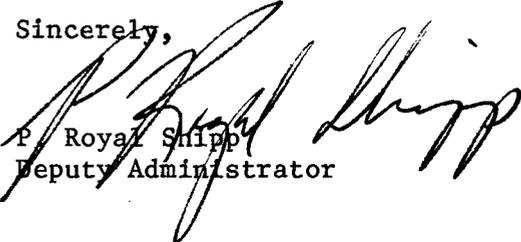
Dear Mr. Patterson:

This is in reply to your recent correspondence on behalf of
Mr. Wendell Chino, President, National Tribal Chairmen's
Association, Mescalero, New Mexico.

Mr. Richard L. Feltner, Assistant Secretary of Agriculture,
responded to an identical telegram from Mr. Chino on August 11,
1976. A copy of the letter is enclosed for your information.

Thank you for your interest in Child Nutrition Programs.

Sincerely,


P. Royal Shipp
Deputy Administrator

1 Enclosure



THE WHITE HOUSE

WASHINGTON

Dear Wendell:

It was a pleasure seeing you and Rita and your daughter the other day. Hope to repeat the visit out your way some time when schedule permits.

The President signed the memorandum about yours truly, and I enclose a copy of it.

Among Ted's papers I found your telegram of July 14 about school meals eligibility. I don't know the details of this, but I am going to find out and am asking the Administrator of Agriculture, Food and Nutrition Service, to check and write you directly with an answer to your question. I'll get a copy of his letter, too.

Cordially,

Bradley H. Patterson, Jr.

Mr. Wendell Chino
President, National Tribal Chairmen's Assn.
Mescalero Apache Tribal Council
PO Box 326
Mescalero, New Mexico 88340

✓ cc: The Administrator, Food and Nutrition Service
Department of Agriculture for direct reply
copy to Bradley Patterson, White House





DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

August 11, 1976

Mr. Wendell Chino
Chairman
Mescalero Apache Tribe
P. O. Box 176
Mescalero, New Mexico 88340

Dear Mr. Chino:

This letter is in response to your recent telegram regarding categorical certification of free meals for all Indian children.

You, no doubt, are aware that the current situation began in March, 1970, with USDA funds replacing Johnson-O'Malley funds for meals served to Indian children. This decision, made jointly by BIA and USDA, was intended to ensure that Indian children were treated in the same manner as all other children in school and to allow the Johnson-O'Malley funds to be used for other educational services.

The New Mexico State Department of Education believes that Indian school children have a right to receive free educational benefits on longstanding treaty rights. In this interpretation, the receipt of free meals/milk is considered to be one of these educational benefits. Herein lies the conflict. Based on the law, USDA cannot categorically certify any group of children to receive free meals/milk. As per the law, establishing eligibility for free or reduced price meals is based on an application indicating family size and income as prescribed in the Income Poverty Guidelines set forth by the Secretary of Agriculture. At this time, however, USDA and the New Mexico Department of Education have cooperatively agreed to propose a slight variation in the usual application procedure, which would require the approval of the parents and the Tribal Council prior to implementation.

In accordance with Part 245.6(c) of the enclosed regulations we are proposing that the parent may choose to personally complete and submit the application to the appropriate school/school district, or he may go directly to the Tribal Council to seek assistance in completing the application. This decision would be left to the parents. At this point, the Tribal Council would compile a list of those students who had come to them, attach individual family size and income data, and submit this information to the appropriate school/school district for an eligibility determination. Once a determination has been made, the parents would be notified of the action.



Mr. Wendell Chino

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As stated previously, this Department, at this time, has no latitude to approve categorical certification for any group of children. We do believe, however, that the above mentioned proposal represents a just and reasonable procedure which can be agreed upon by all concerned.

Sincerely,

RICHARD L. FELTNER
Assistant Secretary

Enclosure



White House
Washington

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PMS DR TED MARRS, SPECIAL ASSISTANT TO THE PRESIDENT

THE WHITE HOUSE

WASHINGTON DC

THE NEW MEXICO STATE DEPARTMENT OF EDUCATION HAS INFORMED ME THAT
INDIVIDUAL APPLICATIONS REFLECTING FAMILY FINANCIAL STATUS WILL
BE REQUIRED FROM EACH INDIAN STUDENT IN ORDER TO ESTABLISH ELIGIBIL

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FOR FREE AND REDUCED PRICE MEALS UNDER (CFR PART 245.6). THIS
IS A DEPARTURE FROM PAST PRACTICES WHICH HAS ALLOWED THE
TRIBAL CHAIRMAN TO CERTIFY INDIAN STUDENTS AS BEING ELIGIBLE
WITHOUT RESORRT TO THE INDIVIDUAL APPLICATION PROCESS. A
SIGNIFICANT NUMBER OF INDIAN CHILDREN WILL BE DEPRIVED OF NEEDED
NUTRITIONAL BENEFITS UNDER THE PROPOSED NEW PROCEDURE.



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6 IN VIEW OF THIS POLICY, WHICH WILL CREATE UNDUE HARDSHIP FOR
7 INDIAN FAMILIES, AND WHICH PRECLUDES EFFECTIVE NEGOTIATIONS WITH
8 THE NEW MEXICO STATE DEPARTMENT OF EDUCATION, WE REQUEST ONE YEAR
9 WAIVER OF THE INDIVIDUAL APPLICATION REQUIREMENT. YOUR ASSISTANCE
10 WITH SECRETARY OF AGRICULTURE REQUESTED. THIS WILL ALLOW THE
11 INDIAN TRIBES OF NEW MEXICO TO RESPOND ADEQUATELY TO THIS PERCEIVED
12 THREAT TO THE HISTORICAL RELATIONSHIP OF THE OBLIGATION OF
13 DELIVERY OF SERVICES TO INDIAN PEOPLE.

14 THIS ABERATION FROM THE STATED POLICY AND OBJECTIVES OF THE
15 FEDERAL GOVERNMENT CONCERNING ITS OBLIGATION TO THE INDIAN
16 PEOPLE CANNOT BE TOLERATED.

17 THE ESTABLISHED POLICY OF DEALING WITH INDIAN TRIBES AS A
18 UNIQUE PEOPLE WITHIN THE LARGER NATIONAL COMMUNITY HAS WITHSTOOD
19 REPEATED ATTACKS AND HAS BEEN VALIDATED BY NUMEROUS SUPREME
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6 COURT DECISIONS.

7 THEREFORE, ALL LEGAL IMPLICATIONS OF THIS UNILATERAL ALTERATION
8 OF THIS RELATIONSHIP WILL BE STUDIED AND A NEGOTIATION
9 STRATEGY FORMULATED.
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12 WENDELL CHINO, PRESIDENT, NATIONAL TRIBAL CHAIRMAN ASSOC
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