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Public Law 93-580  
93rd Congress, S. J. Res. 133  
January 2, 1975

## Joint Resolution

To provide for the establishment of the American Indian Policy Review Commission.

### CONGRESSIONAL FINDINGS

The Congress, after careful review of the Federal Government's historical and special legal relationship with American Indian people, finds that—

25 USC 174  
note.

(a) the policy implementing this relationship has shifted and changed with changing administrations and passing years, without apparent rational design and without a consistent goal to achieve Indian self-sufficiency;

(b) there has been no general comprehensive review of conduct of Indian affairs by the United States nor a coherent investigation of the many problems and issues involved in the conduct of Indian affairs since the 1928 Meriam Report conducted by the Institute for Government Research; and

(c) in carrying out its responsibilities under its plenary power over Indian affairs, it is imperative that the Congress now cause such a comprehensive review of Indian affairs to be conducted.

### DECLARATION OF PURPOSE

Congress declares that it is timely and essential to conduct a comprehensive review of the historical and legal developments underlying the Indians' unique relationship with the Federal Government in order to determine the nature and scope of necessary revisions in the formulation of policies and programs for the benefit of Indians.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—*

(a) In order to carry out the purposes described in the preamble hereof and as further set out herein, there is hereby created the American Indian Policy Review Commission, hereinafter referred to as the "Commission".

(b) The Commission shall be composed of eleven members, as follows:

(1) three Members of the Senate appointed by the President pro tempore of the Senate, two from the majority party and one from the minority party;

(2) three Members of the House of Representatives appointed by the Speaker of the House of Representatives, two from the majority party and one from the minority party; and

(3) five Indian members as provided in subsection (c) of this section.

(c) At its organization meeting, the members of the Commission appointed pursuant to section (b) (1) and (b) (2) of this section shall elect from among their members a Chairman and a Vice Chairman. Immediately thereafter, such members shall select, by majority vote, five Indian members of the Commission from the Indian community, as follows:

(1) three members shall be selected from Indian tribes that are recognized by the Federal Government;

(2) one member shall be selected to represent urban Indians; and

(3) one member shall be selected who is a member of an Indian group not recognized by the Federal Government.

American Indian Policy Review Commission. Establishment 25 USC 174 note. Membership.

88 STAT. 1910.  
88 STAT. 1911



None of the Indian members shall be employees of the Federal Government concurrently with their term of service on the Commission nor shall there be more than one member from any one Indian tribe.

Vacancies.

(d) Vacancies in the membership of the Commission shall not affect the power of the remaining members to execute the functions of the Commission and shall be filled in the same manner as in the case of the original appointment.

(e) Six members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings: *Provided*, That at least one congressional member must be present at any Commission hearing.

(f) Members of the Congress who are members of the Commission shall serve without any compensation other than that received for their services as Members of Congress, but they may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Commission.

(g) The Indian members of the Commission shall receive compensation for each day such members are engaged in the actual performance of duties vested in the Commission at a daily rate not to exceed the daily equivalent of the maximum annual compensation that may be paid to employees of the United States Senate generally. Each such member may be reimbursed for travel expenses, including per diem in lieu of subsistence.

Investigation  
and study.  
25 USC 174  
note.

SEC. 2. It shall be the duty of the Commission to make a comprehensive investigation and study of Indian affairs and the scope of such duty shall include, but shall not be limited to—

(1) a study and analysis of the Constitution, treaties, statutes, judicial interpretations, and Executive orders to determine the attributes of the unique relationship between the Federal Government and Indian tribes and the land and other resources they possess;

(2) a review of the policies, practices, and structure of the Federal agencies charged with protecting Indian resources and providing services to Indians: *Provided*, That such review shall include a management study of the Bureau of Indian Affairs utilizing experts from the public and private sector;

(3) an examination of the statutes and procedures for granting Federal recognition and extending services to Indian communities and individuals;

(4) the collection and compilation of data necessary to understand the extent of Indian needs which presently exist or will exist in the near future;

(5) an exploration of the feasibility of alternative elective bodies which could fully represent Indians at the national level of Government to provide Indians with maximum participation in policy formation and program development;

(6) a consideration of alternative methods to strengthen tribal government so that the tribes might fully represent their members and, at the same time, guarantee the fundamental rights of individual Indians; and

(7) the recommendation of such modification of existing laws, procedures, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy and declaration of purposes as set out above.

88 STAT. 1911

88 STAT. 1912

## POWERS OF THE COMMISSION

SEC. 3. (a) The Commission or, on authorization of the Commission, any committee of two or more members is authorized, for the purposes of carrying out the provisions of this resolution, to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Commission may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Commission unless a majority of the Commission assent. Upon the authorization of the Commission subpoenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or the Commission, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Commission or any member thereof may administer oaths or affirmations to witnesses.

25 USC 174  
note.

(b) The provisions of sections 192 through 194, inclusive, of title 2, United States Code, shall apply in the case of any failure of any witness to comply with any subpoena when summoned under this section.

(c) The Commission is authorized to secure from any department, agency, or instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this resolution and each such department, agency, or instrumentality is authorized and directed to furnish such information to the Commission and to conduct such studies and surveys as may be requested by the Chairman or the Vice Chairman when acting as Chairman.

(d) If the Commission requires of any witness or of any Government agency the production of any materials which have theretofore been submitted to a Government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held in confidence by the Commission.

Confidential  
materials.

## INVESTIGATING TASK FORCES

SEC. 4. (a) As soon as practicable after the organization of the Commission, the Commission shall, for the purpose of gathering facts and other information necessary to carry out its responsibilities pursuant to section 2 of this resolution, appoint investigating task forces to be composed of three persons, a majority of whom shall be of Indian descent. Such task forces shall be appointed and directed to make preliminary investigations and studies in the various areas of Indian affairs, including, but not limited to—

25 USC 174  
note.

- (1) trust responsibility and Federal-Indian relationship, including treaty review;
- (2) tribal government;
- (3) Federal administration and structure of Indian affairs;
- (4) Federal, State, and tribal jurisdiction;
- (5) Indian education;
- (6) Indian health;
- (7) reservation development;
- (8) urban, rural nonreservation, terminated, and nonfederally recognized Indians; and
- (9) Indian law revision, consolidation, and codification.

88 STAT. 1912  
88 STAT. 1913



(b)(i) Such task forces shall have such powers and authorities, in carrying out their responsibilities, as shall be conferred upon them by the Commission, except that they shall have no power to issue subpoenas or to administer oaths or affirmations: *Provided*, That they may call upon the Commission or any committee thereof, in the Commission's discretion, to assist them in securing any testimony, materials, documents, or other information necessary for their investigation and study.

(ii) The Commission shall require each task force to provide written quarterly reports to the Commission on the progress of the task force and, in the discretion of the Commission, an oral presentation of such report. In order to insure the correlation of data in the final report and recommendations of the Commission, the Director of the Commission shall coordinate the independent efforts of the task force groups.

(c) The Commission may fix the compensation of the members of such task forces at a rate not to exceed the daily equivalent of the highest rate of annual compensation that may be paid to employees of the United States Senate generally.

(d) The Commission shall, pursuant to section 6, insure that the task forces are provided with adequate staff support in addition to that authorized under section 6(a), to carry out the projects assigned to them.

(e) Each task force appointed by the Commission shall, within one year from the date of the appointment of its members, submit to the Commission its final report of investigation and study together with recommendations thereon.

#### REPORT OF THE COMMISSION

25 USC 174  
note.  
Report, sub-  
mittal to  
President  
of the  
Senate and  
Speaker of  
the House.

SEC. 5. (a) Upon the report of the task forces made pursuant to section 4 hereof, the Commission shall review and compile such reports, together with its independent findings, into a final report. Within six months after the reports of the investigating task forces, the Commission shall submit its final report, together with recommendations thereon, to the President of the Senate and the Speaker of the House of Representatives. The Commission shall cease to exist six months after submission of said final report but not later than June 30, 1977. All records and papers of the Commission shall thereupon be delivered to the Administrator of the General Services Administration for deposit in the Archives of the United States.

(b) Any recommendation of the Commission involving the enactment of legislation shall be referred by the President of the Senate or the Speaker of the House of Representatives to the appropriate standing committee of the Senate and House of Representatives, respectively, and such committees shall make a report thereon to the respective house within two years of such referral.

80 STAT. 1913  
88 STAT. 1914

#### COMMISSION STAFF

25 USC 174  
note.

SEC. 6. (a) The Commission may by record vote of a majority of the Commission members, appoint a Director of the Commission, a General Counsel, one professional staff member, and three clerical assistants. The Commission shall prescribe the duties and responsibilities of such staff members and fix their compensation at per annum gross rates not in excess of the per annum rates of compensation prescribed for employees of standing committees of the Senate.

(b) In carrying out any of its functions under this resolution, the Commission is authorized to utilize the services, information, facili-

ties, and personnel of the Executive departments and agencies of the Government, and to procure the temporary or intermittent services of experts or consultants or organizations thereof by contract at rates of compensation not in excess of the daily equivalent of the highest per annum rate of compensation that may be paid to employees of the Senate generally.

SEC. 7. There is hereby authorized to be appropriated a sum not to exceed \$2,500,000 to carry out the provisions of this resolution. Until such time as funds are appropriated pursuant to this section, salaries and expenses of the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman. To the extent that any payments are made from the contingent fund of the Senate prior to the time appropriation is made, such payments shall be chargeable against the maximum amount authorized herein.

Appropriation.  
25 USC 174  
note.

Approved January 2, 1975.

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LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1420 accompanying H.J.Res. 1117 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 93-594 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD:

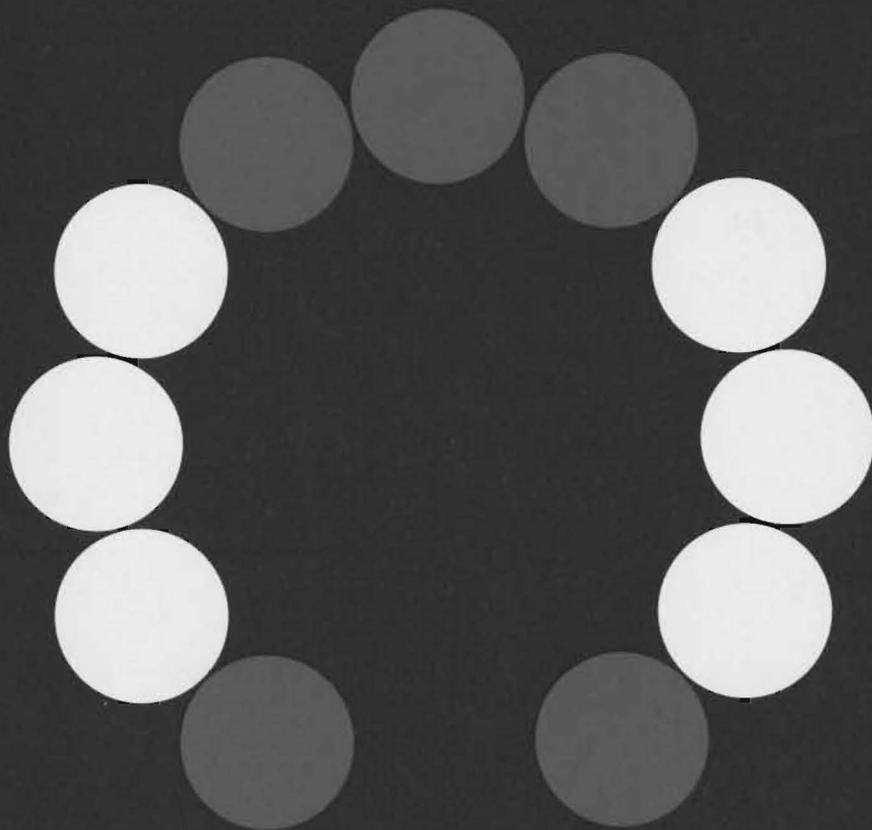
Vol. 119 (1973): Dec. 5, considered and passed Senate.

Vol. 120 (1974): Nov. 19, considered and passed House, amended, in lieu of H.J.Res. 1117.

Dec. 16, Senate concurred in House amendment with an amendment.

Dec. 18, House concurred in Senate amendments to House amendments.





Interim Report.

**American Indian  
Policy Review  
Commission**

Honorable James Abourezk  
United States Senate  
1105 Dirksen Building  
Washington, D.C. 20510

Honorable Lloyd Meeds  
House of Representatives  
2352 Rayburn Building  
Washington, D.C. 20515

Gentlemen:

The Task Forces of the American Indian Policy Review Commission are now in their final quarter and developing conclusions and formulating recommendations for both Executive and Legislative action. This is an appropriate time to report on our responsibility to fulfill the Congressional mandate of PL 93-580.

This interim report outlines the highlights of the review to date, including the investigations, research, special projects, budget, administration and progress of the Commission. During the remainder of the life of the Commission, the staff will continue to develop a substantive report under the direction of Congress and the Indian people. We will also continue to set an example in accountability by reporting our activities while they are in progress. The final report will satisfy Congressional commitment and Indian expectations.

We believe that this interim report will answer many questions being asked about our progress by both Indians and the Congress alike.

Very truly yours,



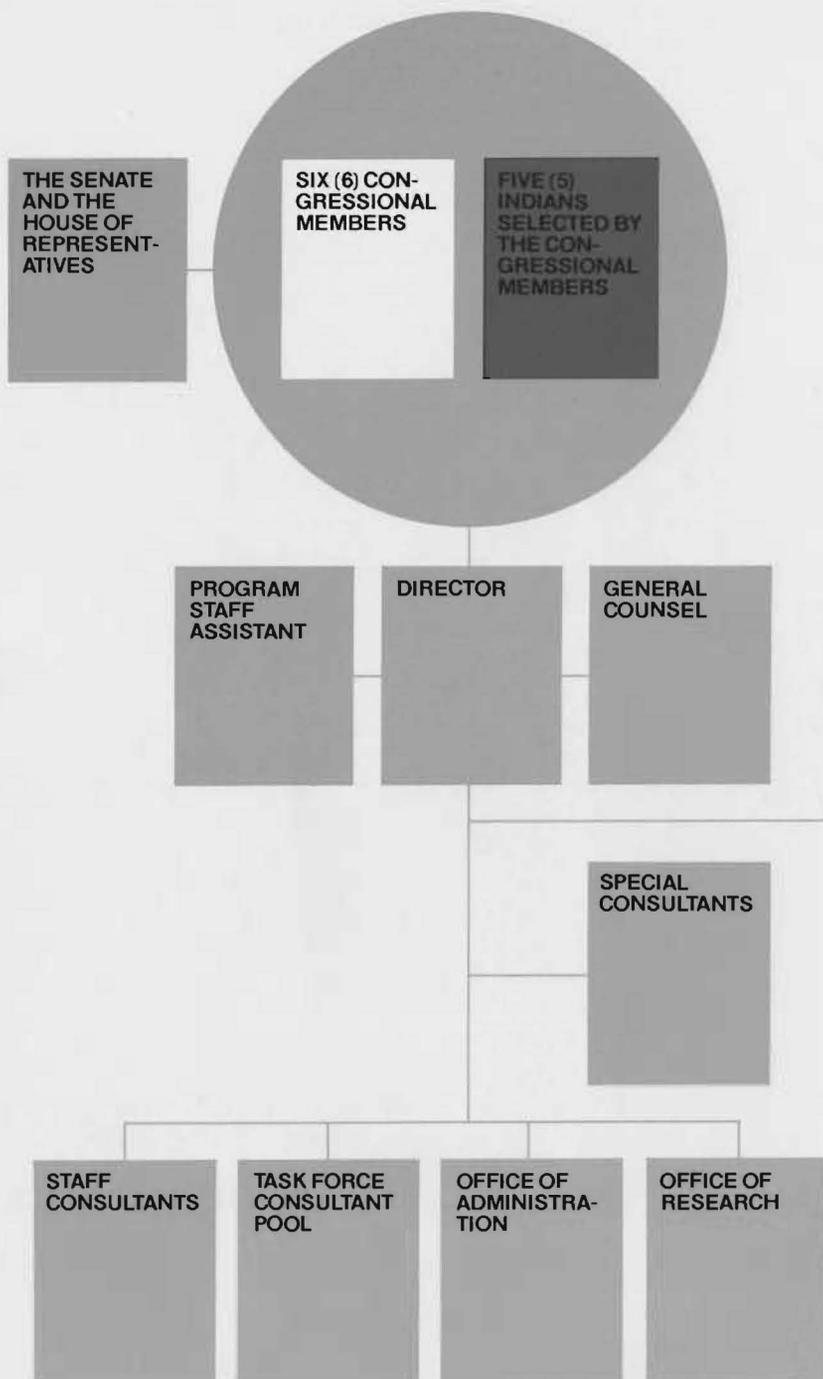
Ernest L. Stevens  
Director



## To the commissioners:

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July 1976

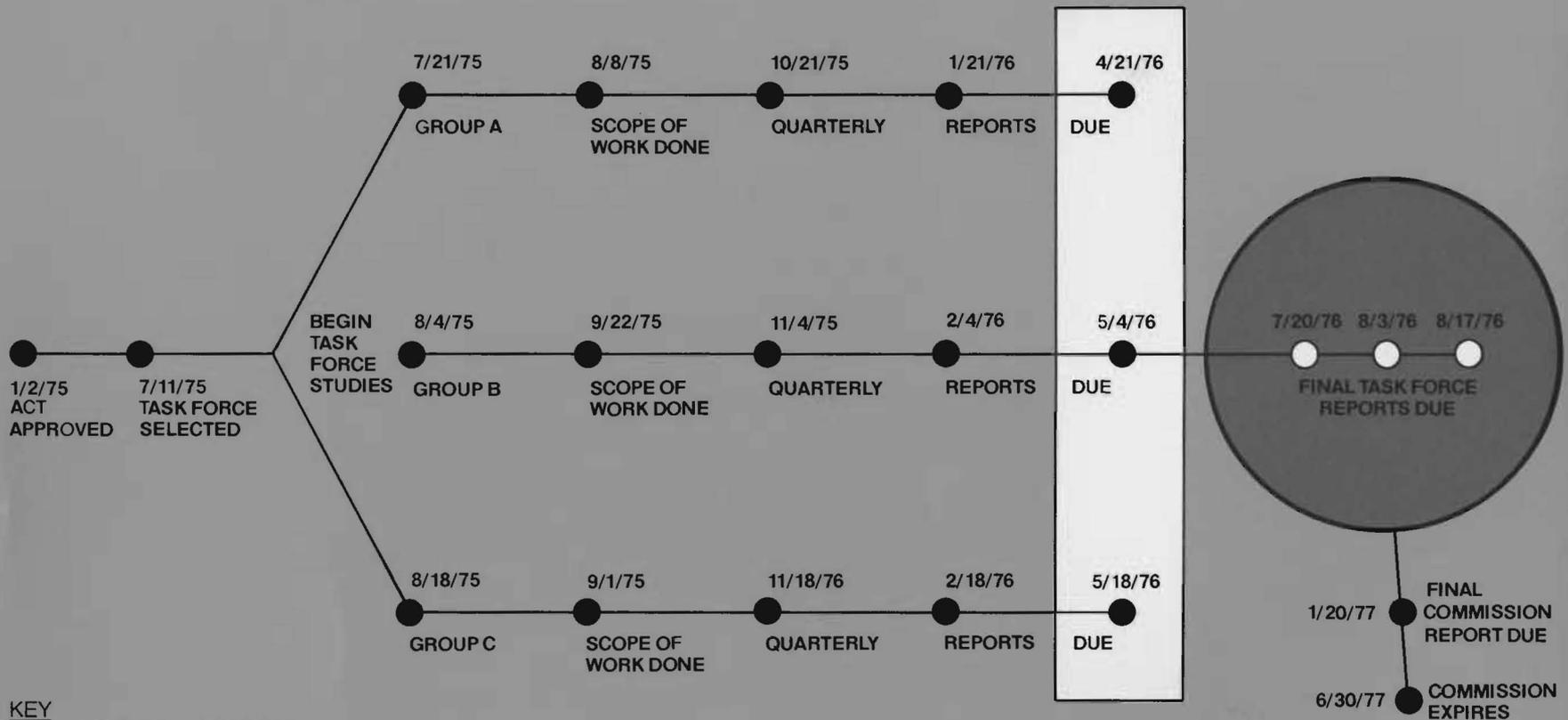


- TASK FORCE 1: TRUST RESPONSIBILITY AND THE FEDERAL-INDIAN RELATIONSHIP INCLUDING TREATY
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# Organization.

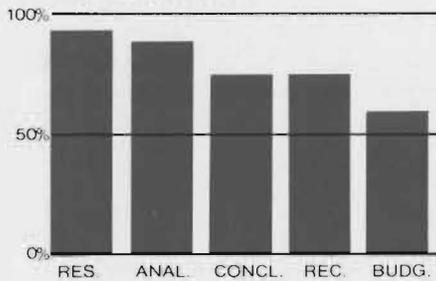
# The schedule.



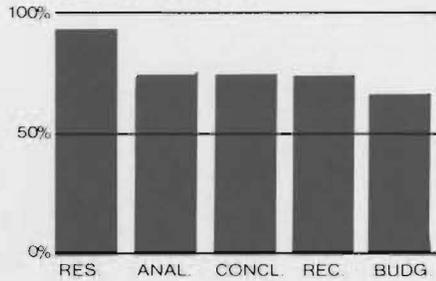
**KEY**

Group A: Task Forces 1,2,3,4  
 Group B: Task Forces 6,7,11  
 Group C: Task Forces 5,8,9,10

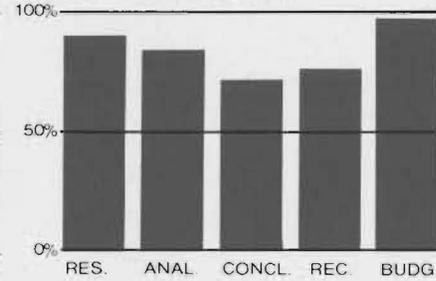
**TASK FORCE 1: FEDERAL INDIAN RELATIONSHIP**



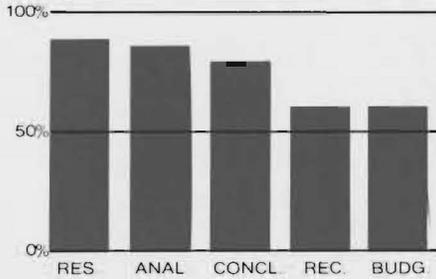
**TASK FORCE 2: TRIBAL GOVERNMENT**



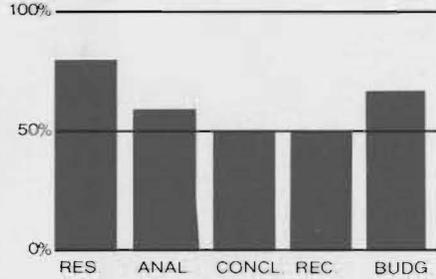
**TASK FORCE 3: FED. ADMIN./ BIA MANAGEMENT REVIEW**



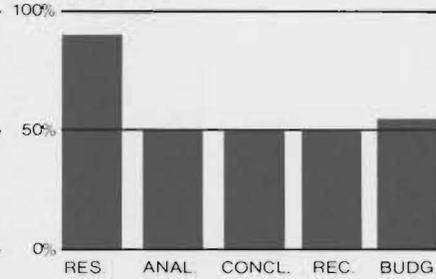
**TASK FORCE 4: FEDERAL, STATE & TRIBAL JURISDICTION**



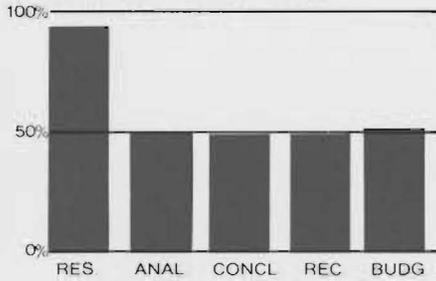
**TASK FORCE 5: INDIAN EDUCATION**



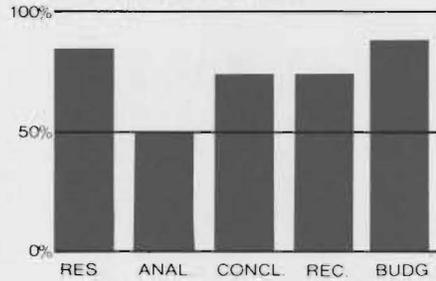
**TASK FORCE 6: INDIAN HEALTH**



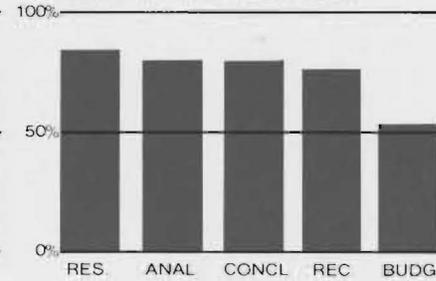
**TASK FORCE 7: RESERVATION RESOURCE DEV. & PROTECTION**



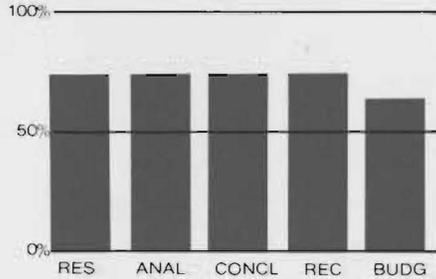
**TASK FORCE 8: URBAN & RURAL NON-RESERVATION**



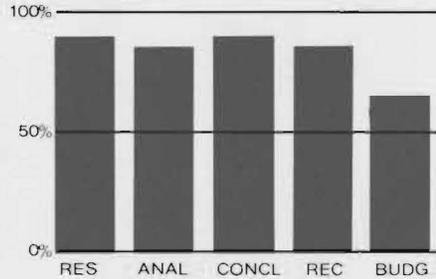
**TASK FORCE 9: INDIAN LAW REVISION, CONSOLIDATION & CODIFICATION**



**TASK FORCE 10: TERMINATED & NON-FEDERALLY RECOGNIZED**



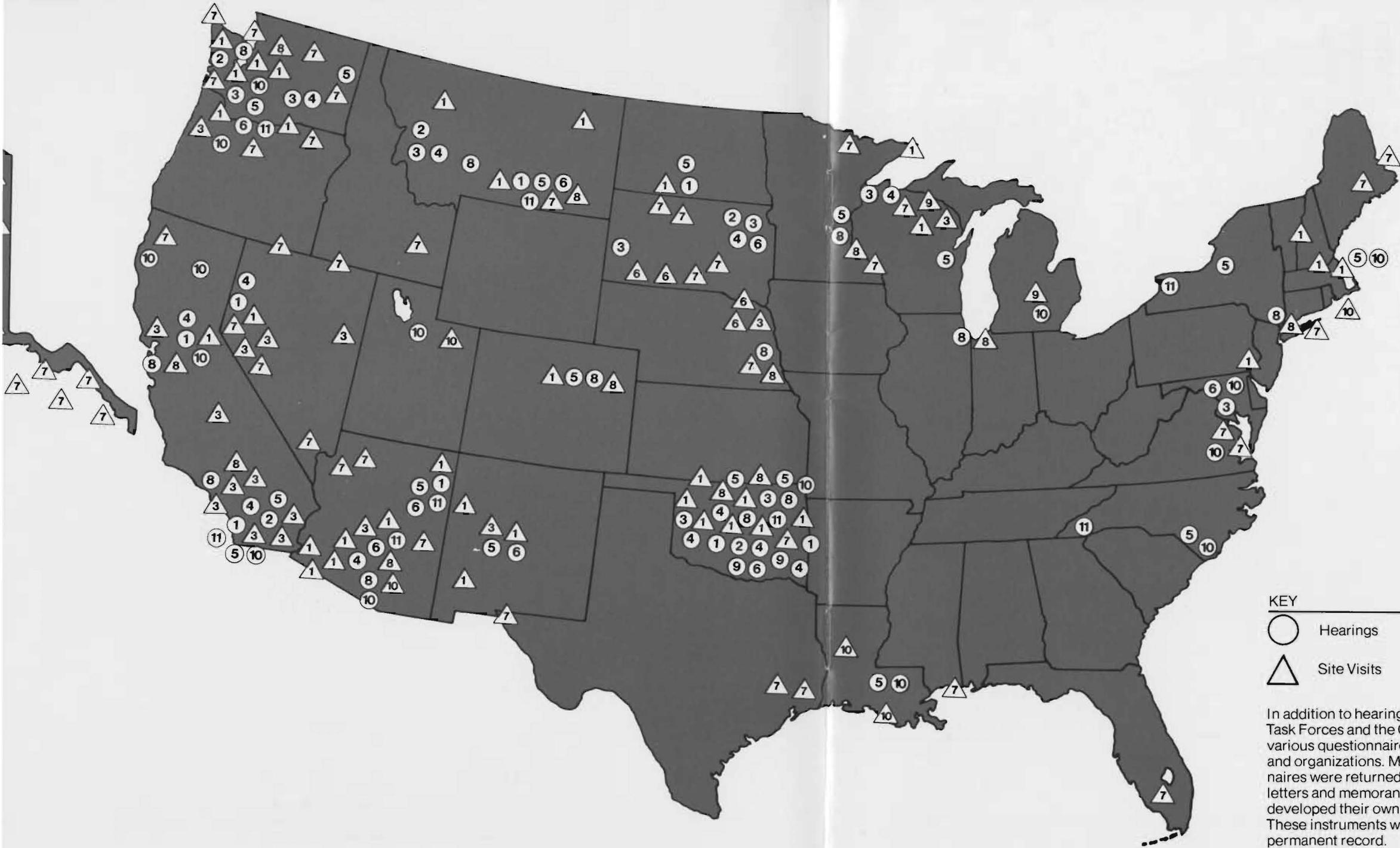
**TASK FORCE 11: ALCOHOLISM & DRUG ABUSE**



**KEY TO ABBREVIATIONS:**  
 RES. — RESEARCH  
 ANAL. — ANALYSIS  
 CONCL. — CONCLUSIONS  
 REC. — RECOMMENDATIONS  
 BUDG. — BUDGET EXPENDED

Where we are.





## Major events.

KEY

- Hearings
- △ Site Visits

In addition to hearings and site visits the Task Forces and the Commission Staff sent various questionnaires to all Indian Groups and organizations. Many of these questionnaires were returned, as well as hundreds of letters and memoranda. Several tribes have developed their own commission reports. These instruments will be a part of the permanent record.

# Expenditures.

	ESTIMATED							TOTAL
	Mar. 1- June 30, 1975	July 1- Sept. 30, 1975	Oct. 1- Dec. 31, 1975	Jan 1- Mar. 31, 1976	Apr. 1- May 31, 1976	June 1- Sept. 30, 1976	Oct. 1- 1976 June 30, 1977	
<b>1</b> TRUST RESPONSIBILITY AND THE FEDERAL-INDIAN RELATIONSHIP INCLUDING TREATY	—	9,145	14,537	27,525	20,528	28,473	—	100,208
<b>2</b> TRIBAL GOVERNMENT	—	15,737	14,807	35,466	24,239	21,193	—	111,442
<b>3</b> FEDERAL ADMINISTRATION AND THE STRUCTURE OF INDIAN AFFAIRS	—	17,622	16,341	49,442	48,453	11,167	—	143,025
<b>4</b> FEDERAL, STATE AND TRIBAL JURISDICTION	—	6,925	11,536	37,886	37,057	18,329	—	111,733
<b>5</b> INDIAN EDUCATION	—	2,103	23,197	32,941	27,622	38,779	—	124,642
<b>6</b> INDIAN HEALTH	—	3,674	5,745	20,780	31,848	18,053	—	80,100
<b>7</b> RESERVATION DEVELOPMENT AND RESOURCE PROTECTION	—	6,283	15,659	23,634	27,232	37,865	—	110,673
<b>8</b> URBAN AND RURAL NON-RESERVATION INDIANS	—	11,608	25,879	41,547	28,603	2,223	—	109,875
<b>9</b> INDIAN LAW REVISION, CONSOLIDATION AND CODIFICATION	—	10,520	13,604	22,360	18,180	34,669	—	99,333
<b>10</b> TERMINATED AND NON-FEDERALLY RECOGNIZED INDIANS	—	10,260	16,905	28,039	37,036	28,295	—	120,535
<b>11</b> INDIAN ALCOHOL AND DRUG ABUSE	—	6,880	13,612	21,680	14,919	19,234	—	76,325
TOTAL, TASK FORCES	—	100,757	171,822	341,300	315,717	258,295	—	1,187,891
COMMISSION—CORE STAFF	51,084	97,584	131,955	209,342	294,903	264,203	263,000	1,312,071
TOTAL	51,084	198,341	303,777	550,642	610,620	522,498	263,000	2,499,962*

\*Does not equal \$2.5 million authorization due to round-off in 1977 FY request

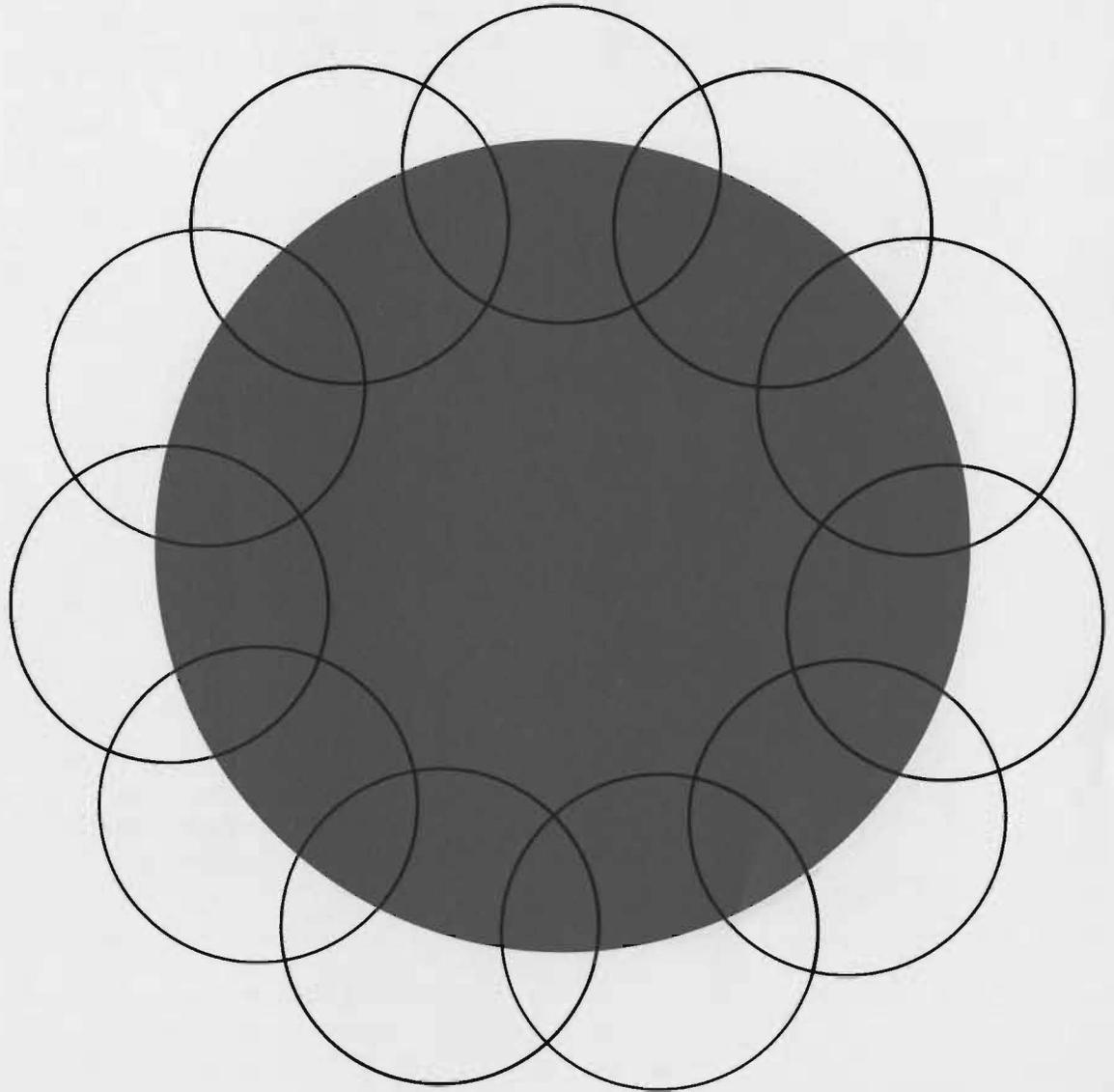
## How it works.

The Commission divided Indian concerns into eleven areas of investigation, called Task Forces. Each Task Force then designed its scope of work to insure complete coverage of all important aspects of Indian life. The intent was to avoid duplication, but from the beginning we chose the probability of duplication over exclusion.

Task Force results at midpoint in the life of the Commission indicate that this was an appropriate decision. Where overlap occurs, it serves to emphasize Indian priorities and the depth of feeling on some issues. Although the scope of our mission was limited by time and funds, we feel that our problems have surfaced in many ways, and the final report to the Commission will reflect these views. It will also reflect the high quality of the investigators and their dedication to the cause.

We convened frequent conferences to provide a forum for dissent and agreement, and at times these sessions may have appeared to outsiders as useless meanderings. This, however, is the "Indian Way," and we are now confident that the vigor of our heritage will come through in our final report to the Commission.

The eleven circles in the graph represent the task forces. The red circle might represent any one of the task forces and illustrates how the interaction and interdependency of each task force works.



## Preliminary Task Force reports.

# 1 TRUST RESPONSIBILITY AND FEDERAL— INDIAN RELATIONSHIP

### Statement:

Indian tribes are sovereign people; we have territorial rights which are upheld by treaty with the United States. "Dormancy" in a trust relationship does not extinguish that trust.

### Support:

1. The Department of the Interior and the BIA have not fulfilled the Trust responsibility invested in them by Congress.
2. The following special reports also serve as support:
  - Hunting and Fishing .
  - Forest Resources Management .
  - Demographic Studies .
  - California and Oklahoma Indians.
  - Use of 1812 and 1834 Authorities.

### Recommendations:

1. Create a Department of Indian Relations and Community Reconstruction providing us with access to the President and Congress.

The Department will be at Cabinet-level and administered by a Secretary of Indian Affairs and regulated by an Indian Board of Control.

The Board will be appointed by the President from nominations by our people.

The Secretary and Board of Control will administer Indian Affairs through ten regional councils.

American Indian Regional Councils will have voting members selected by tribes.

The Councils will make budget, staffing and personnel recommendations to the Indian Relations Department.

2. Legislate an "American Indian Trust Responsibilities Act" to confront the implications of the United States/Indian trust relationship.
3. Establish a permanent American Indian Research and Development Institute with satellite units in key Indian areas.

# 2 TRIBAL GOVERNMENT

### Statement:

We have the right of political existence and self-government for our nations in perpetuity.

### Support (Special Report):

Land Use and Resources Regulation—Historical Review.

### Recommendations:

1. Congress must reaffirm our rights to govern.
2. Tribes must reassert their rights to self-government, including authority over allotments, fee lands, and non-Indians, as well as the right to negotiate with states on all matters.
3. The positive elements of the IRA (i.e., preference, tax immunities) should be extended to all non-IRA tribes.
4. Eligibility requirements of tribes for federal programs must reinforce the powers and responsibilities of tribal governments through direct congressional funding, and without incorporation under state laws.
5. The *Self-Determination Act* should include a minimum level of funding over 5 to 10 years. Although Sec. 104 of PL 638 provides monies for developing *administrative* mechanisms, the need for contracting, legal and technical assistance is equally essential. The funding formula should be *based on need*, not population, to allow full participation by small tribes.

# 3 FEDERAL ADMINISTRATION AND THE STRUCTURE OF INDIAN AFFAIRS

### Statement:

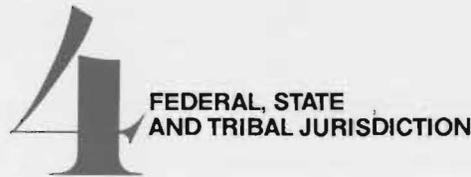
Indians must have the right of self-government without restriction.

### Support (Special Reports):

Historical Policies and Priorities: 1900-1975.  
Legal and Structural Analysis of a new Independent Indian Agency.  
Analysis of Interior/BIA Relations with Congressional Subcommittees on Indian Affairs and Appropriations.  
Federal Agency Budget Process and Tribal Participation.  
BIA Management Study.

### Recommendations:

1. Congress must establish an independent legal authority to protect our rights and property.
2. Congress should enact legislation affirming that the federal government is the trustee with responsibility to preserve, protect and guarantee our rights and property without regulating the lives of our people.
3. Tribal membership must be determined by the tribal government and service must be provided to individuals on any tribal lands recognized by tribal governing bodies.
4. We must have a direct way to obtain immediate attention to complaints and claims. Congress should create an Executive Oversight Office of Indian Affairs accountable directly to a Congressional Committee for Indian Affairs.
5. Congress must finance and support Indian tribal governance on a sustained basis. Appropriations must be made to inter-tribal associations at the regional and national level, based on membership and at the request of a majority of participating Indian nations and tribes.
6. Legislation which establishes our rights to participate in the legislative process as sovereign political entities must be enacted.
7. Direct funding by Congress is needed to strengthen tribal control over development priorities and reduce regulation of internal affairs by other governments.
8. All federal services and programs should be consolidated into an agency to avoid fragmentation.
9. Community Planning Offices must be established to integrate over-lapping federal programs to provide comprehensive development of technical capabilities and employment and training programs on a more economic and efficient basis.



### Statement:

Public Law 280 is a barrier to self-determination, and we lack appropriate jurisdiction over our lives and fates.

### Support:

1. Law enforcement services by states are inadequate within reservations.
2. States exercise unauthorized tax authority over reservations.
3. Zoning ordinances and local codes result in expensive litigation and interference with Indian development.
4. Jurisdiction over non-Indians on reservations is complicated by historical inconsistencies and opposing legal decisions.
5. Child placement policies of State Social Service Agencies have not been culturally sensitive and resulted in a significant loss of tribal population.
6. Laws governing hunting and fishing rights are inconsistent and complex.
7. Water rights are continually encroached upon by non-Indian governments.
8. PL 280, which transfers federal jurisdiction to state governments, does not eliminate the pre-existing jurisdiction of our tribes. Application of concurrent jurisdiction for resolving these issues is being explored.

The following special reports also serve as support:

Indian Child Welfare.  
Hunting and Fishing Jurisdiction.  
Tax Status of Indians.  
Water Rights.  
Lake Thunderbird Project.

### Recommendations:

1. Retrocession of PL 280 should be legislated including a plan supporting self-determination.
2. All laws concerning law enforcement, state taxation, zoning, child placement, hunting and

fishing rights, water rights, and jurisdiction must be assessed and reformed to serve the best interests of our people. Specific recommendations on each of these are being formulated.

3. Indian tribes, bands and individuals hold vast mineral and water resources. The jurisdiction of tribal use and development of land must be clarified.

4. Recommendations on management of non-taxable Indian lands and businesses are being formulated.

5. PL 280—which transfers federal jurisdiction to state governments—does not eliminate the pre-existing jurisdiction of our tribes. Applications of *concurrent jurisdiction* for resolving these issues are being developed.



### Statement:

The existing education system provides inadequate and inappropriate education to Indian people.

### Support:

The definition of Indian used by Federal agencies is arbitrary. This confuses and divides Indian people, program administrators and the Congress.

These special reports also serve as support:

State Policies in Finance.  
U.S. Office of Education.  
Perspectives on Education; Seven Indian Groups

### Recommendations:

1. A legislative policy statement reaffirming the government's obligation to assure educational services and opportunities to all our people.
2. Funds providing technical assistance and staff development at the community level for long-term educational development.
3. A comprehensive legislative package to insure adequate, qualitative educational services to

Indian people—including community control, creation of a financial base, and provisions for an agency to implement the legislation.

4. Legislative clarification to include all Indians as determined by the tribes in Federal education programs.

# 6

## INDIAN HEALTH

### Statement:

Health of Indian people is significantly below the United States population. Most federal, state and local agencies are unresponsive to our needs.

### Support (Special Reports):

Hearings Review.

Review of the Reservations Questionnaire

### Recommendations:

1. Establish a free Basic Health Care Guarantee for all our people to counter the existing "crisis" oriented health care system.
2. Establish a disease-prevention system.
3. Improve environmental health protection, mental health, nutrition, accident prevention, transportation and accessibility, social services, self-determination, training and technical assistance.
4. Create an Indian Agency, funded by Federal monies and operating on the cabinet level.
5. The tri-agency agreement between BIA, HUD and IHS in the area of environmental services is not functional and must be redesigned.
6. The Food Stamp Program must be improved to handle the problems of a lack of knowledge of money management and the high price of food on reservations.
7. USDA surplus commodities food program must be upgraded, and food quality must be improved.
8. A unique day care program must be established for women, infants, children and the elderly.
9. Preventive accident/safety programs need to be strengthened. The National Red Cross must

teach first aid and safety to our people as they do other Americans.

10. We must have guarantees of Medicare and Medicaid.

11. A National Mental Health Center must be set up to study our mental health problems.

12. We require management training to manage health care.

13. Legislation giving tribal authority over the IHS is essential.

14. Legislation creating an Indian health agency to specifically include Nutrition, Mental Health, Data collection and a training center for professionals and paraprofessionals must be enacted.



## RESERVATION DEVELOPMENT AND RESOURCE PROTECTION

### Statement:

Federal agencies do not have a strategy nor an evaluation system for development of our reservations and protection of our resources based on Indian goals and priorities.

### Support:

1. The BIA is concentrating on its trust responsibility of preserving our land, but it is neglecting to provide us with the necessary aid to develop our natural resources. Lack of BIA concern with development has resulted in the loss of \$40.5 million in authorization by Congress for Indian capital formation through the 1974 Indian Financing Act.
2. Our land base has been severely eroded by the lack of BIA land consolidation and acquisition policy. Only \$6 million has been obtained by the BIA out of \$84 million originally authorized by the 1934 Indian Reorganization Act for land purchase by Indians.
3. BIA Manpower Training Programs are deadends. The unemployed and unskilled are given minimum training, and there is no provision for employment once programs have ended. There are *no* programs to develop middle level business management.

4. Coordination among federal agencies responsible for our programs is inoperative. Each operates in a vacuum without effect.

5. We do not control economic development either on a Federal or Tribal level. Tribal governments are dependent on federal sources for funding and are not free to select programs which would best promote development. Many domestic assistance funds which could benefit us remain unused because we do not know how to obtain them.

6. The most valuable resources are leased to non-Indian contractors. Almost without exception, the leases were negotiated in ignorance and contain inequitable provisions.

7. State taxation of Indian resources represent a serious threat to our tribal economic development.

8. The Alaskan Native Claims Act presents special problems in implementation and impact on future control and development of these resources by Alaskan natives.

9. Five years after the passage of the Act, only 500,000 acres has been conveyed. At this rate of conveyance it will take the BLM 400 years to grant title to the land awarded by the act.

10. Present easement procedures allow the Secretary to take native land without compensation.

11. The real value of the Act's \$1 billion settlement has been reduced to an effective \$250 to \$300 million due to late payments, inflation and excessive legal fees.

12. Federal agencies have cut funding to Alaska because the natives are now "rich," even though this is expressly prohibited in the act.

13. The problem of Indian housing has reached a critical stage.

These Special Reports also serve as support:

- Economic Development Administration;
- Housing.
- Alternative Forms of Mineral Development.
- Implementation of Alaskan Native Claims Settlement Act.
- Impact of Alaskan Native Claims Settlement Act.
- Agriculture.

### Recommendations:

To remedy all these iniquities, a Development

Corporation, controlled by Indians, is proposed. This corporation, Federally funded, should be the result of creative innovation in Federal policy to correct the deficiencies and remove the barrier to Indian growth through economic development.

## 8 URBAN AND RURAL NON-RESERVATION INDIANS

### Statement:

The government has no clear cut sense of urban and rural non-reservation Indians and does not understand their problems and needs.

### Support (Special Projects):

Federal Resources.  
BIA Employment Assistance and  
Relocation Program.

### Recommendations:

1. The definition identifying an urban Indian must be restated by Congress and must provide uniformity and consistency.
2. The Federal Government must recognize off-reservation Indian communities; relationships must be clearly defined.
3. A standard for administering Federal grants must be established. Grants-in-aid must be channeled through Federal departments to off-reservation agencies.
4. Federal policy to encourage cooperation between urban and reservation communities must be clearly stated.
5. BIA and IHS policies must be clearly defined and strengthened to give urban Indians the same privileges as other Americans.
6. Indian census data collection for urban and rural non-reservation Indians must be improved to reflect the same accuracy as for other Americans.
7. Urban Indian centers—including employment, manpower, and housing—must be created by Congress.
8. Supplemental education for our urban and rural non-reservation children must be developed.

9. Urban Indian representation at the national level is essential.

10. There is a need for more urban-oriented poverty and low income assistance programs for our people.

11. Alcoholism among our people must be treated in a manner equivalent to that of other Americans.

## 9 LAW REVISION, CONSOLIDATION AND CODIFICATION

### Statement:

Laws concerning our people are so complicated, dispersed and contradictory that they are often unworkable.

### Support:

1. Although the bulk of the laws affecting Indians are located in Title 25 of the U.S. Code, many of these laws are scattered throughout the 50 titles of the Code.
2. In 1974, only 78 of 600 federal assistance programs were used by Federally Recognized Tribes, and only 39 by more than one tribe.
3. General Federal Regulatory Statutes do not recognize tribal governments and fail to distinguish between tribal property rights and Federal property rights.
4. If preference and other IRA benefits are accorded on the basis of tribal membership, those tribes which have a minimum blood quantum criteria for membership will be at a great disadvantage with regard to tribes which have no minimum blood quantum criteria.
5. The sovereign status of Indian tribes and governments in Oklahoma requires recognition and classification by the Federal and state governments.
6. The provision in 25 USC granting Indian Health Service benefits to non-Indian spouses of Indian men and not to the non-Indian spouses of Indian women is outdated.
7. The Bureau of Indian Affairs manual system (BIAM) does not comply with law, judicial decision

or internal agency regulations and is so poorly organized as to render it useless.

This special report also serves as support:

Attorney's Fees in Indian Litigation.

### Recommendations:

1. Consolidation of all statutes affecting Indians into a single volume or single title of the Code.
2. Inclusion of tribes in state-federal planning boards, which should become responsible for enforcement on reservations of general Federal Regulatory Statutes.
3. The IRA definition of "Indian" must be amended with regard to membership so as to insure some minimum criteria of "Indianness."
4. Legislation to clarify the status of Eastern Oklahoma tribes.
5. Legislation to insure our people's participation in federal domestic programs.
6. Legislation to correct health service benefits and to clarify BIAM.

## 10 TERMINATED AND NON-FEDERALLY RECOGNIZED TRIBES

### Statement:

Present laws do not appropriately include terminated and non-federally recognized tribes.

### Support (Special Reports):

Washington State Indians.  
Oregon Federated Tribes.  
New England and New York Indians.  
Termination.  
Federal Recognition.  
Participation in Advisory Councils:  
Case History—Maine.

### Recommendations:

An Indian housing authority must include all our people.  
Federal recognition when a tribe meets the prima facie requirements must be mandatory.  
All our people must have equal access to legal services as do other Americans.

Terminated tribes must have equitable access to programs and activities made available to other Indians and Americans.

# 11

## INDIAN ALCOHOL AND DRUG ABUSE

### Statement:

The major Indian health problem is alcoholism, and the United States has responsibility to help in this area.

### Support:

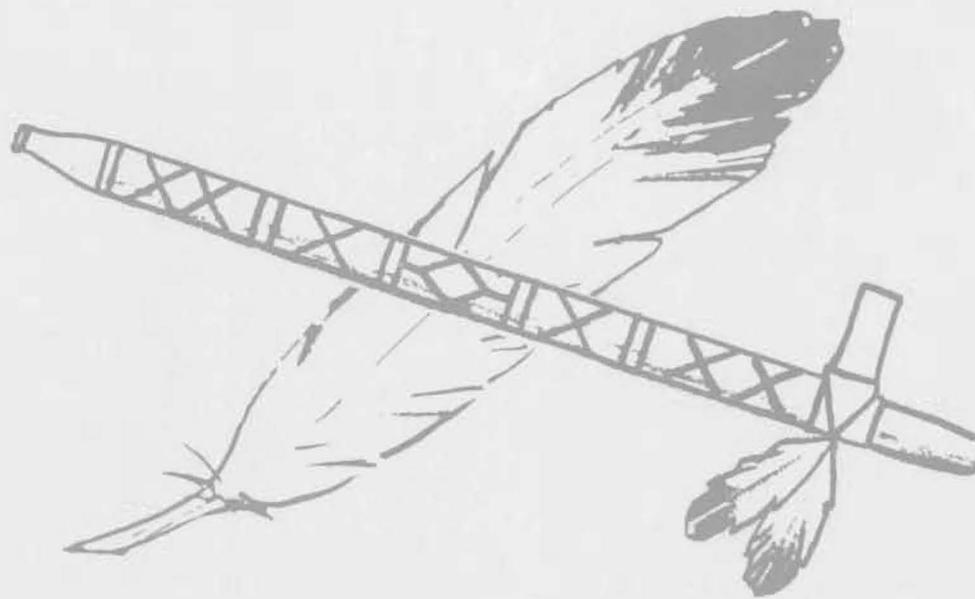
Present alcoholism and drug dependency programs are fragmented and are characterized by duplication, poor communication and confusion.

These special reports also serve as support:

- Fort Sill Indian School.
- Legislative Analysis.
- State Child Adoption Laws.
- Criminal Laws.

### Recommendations:

1. Provide funding to reduce alcoholism and drug abuse among Indians to equal that of other Americans, including priority to preventive measures and education.
2. Congress must create an Indian alcoholism and drug dependency program.
3. Tribal, city, state and federal justice systems must be redesigned to alleviate alcohol and drug abuse.
4. A cost/benefit analysis of Indian alcoholism and drug programs vs. other American programs is needed.
5. All Indian community programs must include alcohol and drug rehabilitation and prevention units.
6. Alcoholism should come under the purview of the IHS or a new Indian Health Agency, and all health education must include alcoholism and drug dependence.
7. Recommendations will be developed from a study of students at the Ft. Sill Indian School in Oklahoma.



# Background Papers.

In addition to the work of the Task Forces, it became apparent early in the review that special studies would be useful. A number of Background Papers have been prepared to elucidate the unique Indian perspective. Some of these are:

## **Independent Indian Agency**

This paper, which will suggest an alternative independent agency for Indian affairs, is in preparation. It will review the historical formulation of American Indian policy and will include a comprehensive tabulation of statutes and regulations.

## **Contracting**

A comprehensive review of federal, state and local contracting to tribal and individual contractors, that includes suggested changes and recommendations.

## **Specific Topics:**

Government rules for Indian contracting and procurement.

Government interpretation of the Buy Indian Act, the Indian Self-Determination Act, and others.

The value of contracts awarded to Indian-owned economic enterprises.

Technical assistance to Indian tribal organizations, contractors and grantees.

## **Budget Review—Federal Expenditures for Indians**

This is a two-phase review which identifies the

accumulations in trust funds. It will identify and value all Indian programs and trace the flow of funds earmarked for Indian peoples' goods and services such as:

- Each line item in the "Indian" budget.
- Division between Indian and non-Indian expenditures.
- Administrative costs for Indian staffing.
- Indian participation in budget processes.

## **Indian Policies and Practices**

Historical policies and practices from 1900 to 1975 will be reviewed and will include recommendations for the future such as:

- Retention and development of the land base.
- Reaffirmation and implementation of treaties, executive orders, and agreements.
- Assurances of civil rights.

## **The BIA Management Study**

The BIA Management Study team was selected from an elite group of people from the private sector and are at midpoint in this study. They are reviewing the BIA management system from an independent viewpoint, and will recommend changes in the organization, its systems, procedures and relationship to Indians.

## **Economic Development Conferences**

A group of papers by Indians presented at two economic development conferences were

recorded as part of the proceedings. They include case histories, philosophical and theoretical approaches as perceived by Indians, working with Indians, for Indians. The compendium will be a noteworthy addition to the literature on American Indian Development—1976.

## **Economic Development**

An alternative proposal for Economic Development which describes the Formation of an American Indian Trust Corporation. The paper proposes that Indians can be trained, funded and helped to move from an economy based on Grants to an economy based on their own free enterprise corporations.

## **General Papers**

These outline and propose new directions for the Federal Government on behalf of Indians and a challenge to Indians to grasp the hand of Congress on a new level of mutual respect, understanding and progress.

## **New Business Development**

Three papers outlining a procedure for the development of new businesses which will make an impact on American Indian future as well as a significant contribution to American Security and the Gross National Product. The projects are Jojoba, Guayule and Natural Gums from Alaskan Seaweed.

# Indians on the Commission Staff June 1976

## **Indian Commissioners**

John Borbridge, Tlingit-Haida  
Louis Bruce, Mohawk, Oglala Sioux  
Ada Deer, Menominee  
Adolph Dial, Lumbee  
Jake Whitecrow, Quapaw, Seneca-Cayuga

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Ernestine Ducheneaux, Salish and Kootenai  
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Dawn Oakes, Mohawk  
Chuck Peone, Wiyot  
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Toni Villagecenter, Sioux  
Annette Young, Navajo

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\*William Atcitty, Navajo  
Earl Barlow, Blackfeet  
James Bluestone, Hidatsa  
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Al Cayous, Apache-Cahvilla  
Michael Cox, Creek  
Sam Deloria, Sioux

John Echohawk, Pawnee  
Alfred Elgin, Pomo  
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Ray Geotting, Caddo  
George Hawkins, Southern Cheyenne  
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William Johnson, Umatilla  
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Steven LaBoeuff, Blackfeet  
Peter MacDonald, Navajo  
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\*Deceased

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**Designed, edited and produced by  
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Through courtesy of Union Carbide Corporation**

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October 3, 1976

Mr. Brad Patterson  
Special Assistant to the President  
The White House  
Washington, D. C.

Dear Mr. Patterson:

Enclosed are two copies of Task Force 3's Management  
Study Report on the U. S. Bureau of Indian Affairs.

Respectfully,



A. Hopkins



AMERICAN INDIAN POLICY REVIEW COMMISSION  
(PL 93-580)

Schedule of Activities

- o Task Force Reports Complete. . . . . September 3, 1976
- o B.I.A. Management Study Complete. . . . . September 10, 1976
- o B.I.A. Management Study Distributed to Congress and All Tribes. . . . . September 27, 1976
- o Task Force Reports, Certified and Printed for Distribution. . . . . October 1, 1976\*
- o Task Force Report Evaluation Period. . . . . September, October
- o Commission Formal Review of all Recommendations and Evaluation of Material. . Commission Direction for Final Report (Public Meeting). . . . . November 19-22, 1976
- o Commission Review and Discussion of First Draft of the Commission Final Report. . (Public Meeting). . . . . December 17-18, 1976
- o Commission Review of Final Draft and Acceptance. . (Public Meeting). . . . . January, 1977\*\*
- o Formal Submission of the Final Report to President of the Senate and Speaker of the House. . . . . February 18, 1977
- o Commission Report Distributed to All Tribes and Organizations. . . . . March 5, 1977
- o All Commission Records Delivered to Archives. . . . . June 14, 1977
- o End of A.I.P.R.C. Legislative Mandate. . . . . June 30, 1977
- o Commission Recommendations Requiring Legislative Action Referred To Standing Committees For Report No Later Than. . . . . February 17, 1979\*\*\*  
\* \* \* \* \*



\* All Task Force Reports, Special Reports and the BIA Management Study will be printed for distribution. Other copies will be available from GPO.

\*\* No date has been confirmed.

\*\*\* Pursuant to Section 5(b), PL 93-580...." Such committees shall make a report thereon to the respective house within two years of such referral."

BIA MANAGEMENT REVIEW PROCESS

- The AIPRC will review and possibly endorse all or part of the twenty-three recommendations contained in the report at their full Commission meeting on November 19, 1976.
- All Senators, Congressmen, federal Indian administrators, major Indian organizations, tribes, and key individuals will have an opportunity to review, evaluate and respond to the report since 1,000 copies will have been circulated. They have all been asked for their impressions. Indian organizations and tribes will have plenty of time to review, discuss, and make recommendations to Congress and the Executive Departments prior to any major change. A majority of the proposals are non-controversial however.
- The Commission will include additional considerations or alterations in its own Final Report, which will be presented to Congress on February 18, 1977. The recommendations related to BIA will be within the context of a total federal administration overhaul.
- The BIA recommendations, if implemented, could comprise a "transitional management phase" to the establishment of a new "super" agency if recommended and subsequently approved by Congress and/or the Executive Departments. If BIA remains in the Interior Department, then the management recommendations still should apply within the context of the establishment of a viable and efficient technical assistance and service agency for Indian people.



- The Congress, particularly the substantive Indian and budget subcommittees, will have time to consider their possible actions between now and the next session. For instance, Bureau of Indian Affairs reports on progress and evaluation have not been submitted to Congress for many years. The continuing inclination to inflate administration on the part of the bureaucracy is now subject to subcommittee oversight as part of the budget cycle. Additional oversight and even Congressional sanctions may be necessary to assure that explicit action is taken in a timely manner.
- The Executive Departments will have time to consider the merits of the recommendations and proposals; and, of course, OMB and the Interior Department could begin at any time since the entire implementation of the proposals is within the ordinary administrative discretion of these Departments.



# Abourezk

# news release

Senator James Abourezk (D. - S. Dak.)  
Senate Office Bldg.  
Washington, D.C. 20510

For further information contact:  
Allan Burke (202) 224-5842

FOR RELEASE: 11 a.m., Friday, Sept. 10, 1976

Statement by South Dakota Sen. Jim Abourezk  
Press Conference on Investigation of the Bureau of Indian Affairs

In proposing the establishment of the American Indian Policy Review Commission, I was seeking an approach to Indian affairs that dealt effectively with Indian problems and efficiently fulfilled Indian needs. Congress is looking for recommendations from which to legislate meaningful approaches to fulfill the present and future needs of Indian people.

This study of the management of the Bureau of Indian Affairs by this Commission will accomplish this and go far to meet the needs of efficiency, effectiveness and reasonable cost in the operation of the Bureau of Indian Affairs.

The changes called for in this report will radically restructure the Bureau of Indian Affairs and change the manner in which it deals with American Indians. The proposed restructuring would result in an estimated annual savings to the taxpayer of \$122 million and a one-time savings of about \$20 million.

This study touched on the need for changes and the inadequacies of the Bureau of Indian Affairs in the budget process, personnel administration, management information and organizational structure.

One of the major changes is the structure of the Bureau of Indian Affairs, with elimination of the 12 area or regional offices, placing increased authority at the local agency office which would mean increased accessibility for tribes to decisionmakers, and the establishment of six regional service centers to provide administrative support and technical assistance to the tribes. At the heart of these changes is consultation by the BIA with tribes and reliance of the BIA on tribal opinion and comprehensive tribal needs analyses and long-range plans to guide allocation of capital and human resources into strategic areas.

This will mean gains for the Congress in establishing a sound American Indian policy, gains for the American Indian tribes in program effectiveness, and gains for the American taxpayer in government efficiency.

\* \* \* \* \*



September 11, 1976

# Would Close Office in City

WASHINGTON (UPI) — A task force analyzing the Bureau of Indian Affairs concluded Friday almost every area of personnel management in the agency was "inadequate" and recommended a massive restructuring including closure of 12 BIA area offices.

(One of the 12 area offices recommended for closure was the Albuquerque office. Ron Esquerra, director of the Albuquerque office was not available for comment Friday evening and Southwest Field Representative Anthony Lincoln would not comment on the report except to say he had seen an earlier draft.)

The task force said a new organizational structure must be implemented to move decision-making closer to the tribal level.

The report by the American Indian Policy Review Commission task force, manned by 10 executives from private industry, envisioned an annual savings of \$122 million if the government adopts the recommendations.

The full AIPRC, created by Congress early in 1975, plans to issue a final overall report next February.

The BIA said Commissioner Morris Thompson was out of town traveling in Alaska with Interior Secretary Thomas Kleppe and there would be no immediate comment on the report.

Sen. James Abourezk, D-S.D., commission chairman, told a news conference adoption of the task force recommendations would "radically restructure" the BIA and change the manner in which it deals with American Indians.

Abourezk said the BIA now controls the daily life of American Indians. "Every tribal decision throughout the United States is subject to BIA veto, every decision," he said. "That has to stop and the Indians must make their own decisions.

Sen. Dewey Bartlett, R-Okla., whose amendment established the nine-week management task force study, also applauded the 59-page report, saying the BIA was "in great need of improved management and efficiency."

"There will be a real savings realized," Bartlett said of the recommendations. "There will be much more efficient use of personnel."

In its report, the task force concluded there was "a notable absence of managerial and organizational capacity throughout BIA."

"Decisions are made on a day to day basis with little long range planning," it added. "Communication among the organizational levels is poor, as are agency-tribe relationships."

The report said there was a "critical absence" of information essential to efficient administration; basic data was not available; and charts and directories were often out of date.

"Employee attitude and overall morale suffer dramatically as a result of these inadequacies," it said, adding "almost every area of personnel management in the bureau is inadequate."

The task force said its recommendations would permit elimination of the 12 area offices and the creation of six regional service centers, with a "major change" in responsibilities for service center managers.

Both Abourezk and Bartlett emphasized the function of the bureau should be more of a technical support nature.

The 12 current BIA area offices are located in Aberdeen S. D.; Albuquerque; Anadarko, Okla.; Billings, Mont.; Juneau, Alaska; Minneapolis; Muskogee, Okla.; Window Rock; Phoenix; Portland, Ore.; Sacramento, Calif., and Washington, D.C.

Neither the senators, nor task force officials, would speculate where the six regional service centers should be located.



# **The American Indian Policy Review Commission**

## What is the Commission?

It is a Joint Congressional Commission composed of congressmen and American Indians appointed by Congress to study the relationship between the Federal Government and American Indians. Recommendations of the Commission will be submitted for Congressional action.

## Why a Commission?

The Congress recognized that the relationship between the Government and Indians had deteriorated because government policy toward them had been reversed several times. Moreover, the last time the relationship had been reviewed was in 1928. This resulted in the Meriam Report. Congress now perceives that recommendations for legislation by Indians for Indians is timely and appropriate.

## When was the Commission created?

Public Law 93-580 was passed on January 2, 1975. The final Commission recommendations are to be made to the Congress by January, 1977.

## How is the Commission organized?

There are eleven Commissioners: five American Indians, three from the Senate, and three from the House of Representatives. Three American Indians are from Federally recognized tribes, one from non-Federally recognized tribes, and one from an urban area. These Commissioners appointed a staff—headed by the Director—and eleven task forces. Each of these task forces must report to the Commission by August, 1976.

- Task Force 1:** Trust Responsibility and the Federal-Indian Relationship, including Treaty Review
- Task Force 2:** Tribal Government
- Task Force 3:** Federal Administration and the Structure of Indian Affairs
- Task Force 4:** Federal, State and Tribal Jurisdiction
- Task Force 5:** Indian Education
- Task Force 6:** Indian Health
- Task Force 7:** Reservation Development
- Task Force 8:** Urban and Rural Non-Reservation Indians

- Task Force 9:** Indian Law Revision, Consolidation and Codification
- Task Force 10:** Terminated and Non-Federally Recognized Indians
- Task Force 11:** Alcohol and Drug Dependency

After the reports are submitted, the Commission will spend several months consolidating these reports to form the final Commission report.

## Who are the people?

### COMMISSIONERS:

From Federally-Recognized Tribes:

Ada Deer, Menominee, Wisconsin  
Jake Whitecrow, Quapaw-Seneca, Oklahoma  
John Borbridge, Tlingit, Alaska

From Non-Federally Recognized Tribes:

Adolph Dial, Lumbee, North Carolina

Urban Indians:

Louis Bruce, Mohawk-Sioux, New York

From the Senate:

James Abourezk, Chairman (Dem., S.D.)  
Lee Metcalf (Dem., Mont.)  
Mark Hatfield (Rep., Ore.)

From the House of Representatives:

Lloyd Meeds, Vice Chairman, (Dem., Wash.)  
Sam Steiger (Rep., Arizona)  
Sidney R. Yates (Dem., Ill.)

### STAFF:

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General Counsel—K. Kirke Kikingbird  
Professional Staff Assistant—Max Richtman

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John Echohawk  
Doug Nash
2. Wilbur Atcitty, Chairman  
Alan Parker  
Jerry Flute
3. Sam Deloria, Chairman  
Mel Tonasket  
Ray Goetting
4. Sherwin Broadhead, Chairman  
Judge William Roy Rhodes  
Matthew Calac

5. Helen Scheirbeck, Chairwoman  
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Luana Reys  
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7. Peter MacDonald, Chairman  
Ken Smith  
Phillip Martin
8. Al Elgin, Chairman  
Gail Thrope  
Edward Mouss
9. Pete Taylor, Chairman  
Yvonne Knight  
Browning Pipestem
10. Jojo Hunt, Chairwoman  
John Stevens  
Robert Bojorcas
11. Reuben Snake, Chairman  
Robert Moore  
George Hawkins

## **How is the Commission different?**

Through this Commission, American Indians for the first time have direct access to Congress in recommending legislation for Indians.

## **What does this mean to you?**

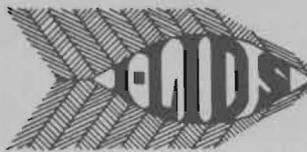
As an individual, a tribe or an organization concerned with American Indians' affairs, you can contribute by:

- \* submitting your own report, for the record, as part of the Commission report to Congress;
- \* working with one or several of the task forces in the development of their reports;
- \* testifying at Commission hearings held in your area;
- \* answering promptly any questionnaires or surveys.

The success of the Commission's work depends on *your* involvement. For further information, contact:

## **AMERICAN INDIAN POLICY REVIEW COMMISSION**

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INDIAN LEGAL INFORMATION DEVELOPMENT SERVICE

# LEGISLATIVE REVIEW

A Publication of  
THE INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW

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- ONAP** Evaluation standards used by the Office of Native American Programs (ONAP) to assess the effectiveness of ONAP programs were published in the *Federal Register* on July 2, 1975. The extent to which programs funded by ONAP conform to the new standards is a factor in ONAP's decision to renew or supplement financial assistance. Title VIII of the Headstart, Economic Opportunity, and Community Partnership Act of 1974 authorized ONAP to fund a variety of programs designed to meet the needs of Indians. (See *Review* Vol. 3, No. 8.)
- 
- Housing** Administration of HUD Region IX Indian housing programs has been consolidated in the San Francisco Regional Office. Previously, Indian housing programs within Region IX were administered jointly by the San Francisco and Los Angeles Area Offices. Region IX encompasses all tribes and reservations in Arizona, California, Nevada, New Mexico (except the Southern Ute and Ute Mountain Reservations in New Mexico); the Navajo Nation located in Utah; the Goshute Reservation located in Nevada and Utah; the Duck Valley Reservation located in Idaho and Nevada; and the Fort McDermitt Reservation located in Oregon and Nevada.
- 
- Education** Interim regulations implementing the Bilingual Education Act of 1968 were published in the *Federal Register* on June 24, 1975, by HEW's Office of Education. The Bilingual Education Act authorized financial assistance for programs designed to meet the special needs of persons with limited English speaking ability. The new regulations include definitions, criteria used in approving applications for assistance, and a list of the type of programs eligible for funding.
- 
- Headstart** All organizations administering Headstart programs must meet minimum performance standards formulated by the Office of Human Development, Department of Health, Education, and Welfare. Revised standards were published in the *Federal Register* on June 30, 1975, along with specific objectives of the Headstart program. The new standards are designed to ensure that Headstart programs will meet the needs of participating children. Authorization of the Headstart program was extended for three years by the Headstart, Economic Opportunity, and Community Partnership Act of 1974.
- 
- Community Action** The Community Services Administration was created by the Headstart, Economic Opportunity, and Community Partnership Act of 1974. As the successor agency to Office of Economic Opportunity, CSA will administer Community Action and Community Economic Development Programs. Regulations governing implementation of these programs were published in the *Federal Register* on June 26, 1975.



# AIPRC Appoints Task Force Members

## BACKGROUND

The American Indian Policy Review Commission was created on January 2, 1975 with the signing of S.J. Res. 133. The idea for this bill originated with Senator James Abourezk, Chairman of the Senate Subcommittee on Indian Affairs. The BIA takeover of 1972 and the Wounded Knee incident in 1973 dramatically pointed out the need for a serious evaluation of Indian affairs.

Senator Abourezk's bill called for the creation of a Congressional commission with Indian representation to do a two year study of federal Indian policy. Although lay persons have served before on Congressional commissions, this is the first time Indians have been asked to serve on a commission studying Federal Indian policy. S.J. Res. 133, introduced by Senator Abourezk, was passed in the Senate on December 5, 1973. The House began hearings on a similar bill introduced by Representative Meeds, Chairman of the House Subcommittee on Indian Affairs. The House adopted the language of the Senate bill and passed it on November 19, 1974. The President signed the bill on January 2, 1975, making it public law.

American Indian tribes and the Federal government have a unique relationship which has its roots in the Constitution. Federal policies implementing this relationship have varied over the years from armed conflict, peace-making diplomacy, assimilation, termination to self-determination. In short, the Federal government has had no consistent policy guiding their relationship to Indian tribes.

Although there have been many studies of Indian affairs through the years, few have resulted in constructive change in Federal policy. The last intensive study was done forty-seven years ago in 1928. At the invitation of the Department of the Interior, the Institute for Government Research compiled the Meriam Report, which documented Indian conditions. The report was shocking and helped foster an awareness of the need for Indian reforms in the early 1930's.

The American Indian Policy Review Commission differs from its predecessors in several ways. As mentioned earlier in the article, this is the first Congressional commission with Indian membership. This commission also has the power of subpoena, which means it can secure witnesses and obtain

materials from any department of the Executive Branch of the Federal government. Besides the power of subpoena, it is authorized to hold hearings. A third unique feature of the Commission is that its legislative recommendation will be referred to the appropriate Congressional standing committee forcing them to respond to the respective house within two years of the referral.

The newly formed Commission will conduct a comprehensive, systematic study of current conditions, past and present Federal policies and legal status and legal of American Indian tribes. According to the Act creating the Commission, this will be accomplished by eleven task forces with the following areas of responsibility: 1) Federal-Indian Relationship: Treaty Review and Trust Responsibility; 2) Tribal Government; 3) Federal Administration and the Structure of Indian Affairs; 4) Federal, State and Tribal Jurisdiction; 5) Indian Education; 6) Indian Health; 7) Reservation & Resource Development & Protection; 8) Urban & Rural Non-reservation Indians; 9) Indian Law Revision, Consolidation & Codification; 10) Terminated and Non-Federally Recognized Tribes; 11) Alcohol and Drug Abuse.

The Commission will begin by putting the unique status of Indian tribes into proper moral and legal perspective with regard to the United States Constitution and the nearly 400 treaties signed by tribes and the United States. Then they will evaluate the administrative practices which have ignored or distorted early promises to Indian people. Recommendations based on these studies will be transmitted to Congress for possible legislative action. Kirke Kickingbird, Counsel for the Commission, stated that AIPRC plans to present a factually based, well-reasoned report without resort to sensationalism.

In the past many issues such as the economy and the energy crisis, have seemed to be more pressing to Congress than the growing discontent of the Indian community. According to Kickingbird, between January, 1977 when the Commission report is compiled and June, 1977, the date of the Commission's termination, Commission members will visit members of Congress to explain the report. These meetings will help to establish a higher priority for Indian legislation and emphasize the need for change.

## COMMISSION AND TASK FORCE MEMBERS

It was resolved by Congress that the Commission should be composed of eleven members: three members of the Senate appointed by the President pro tempore, three members of the House of Representatives appointed by the Speaker, and five Indian members. Of the five Indian members, there should be three from tribes recognized by the Federal government, one from an Indian group not recognized by the Federal government, and one representing urban Indians. The Commission was authorized to appoint a Director of the Commission, a General Counsel, a professional staff person and clerical and supportive staff.

Congressional members of the Commission are Senators James Abourezk (D-S.Dak.), Chairman, Lee Metcalf (D-Mont.) and Mark Hatfield (R-Ore.) and Representatives Lloyd Meeds (R-Wash.), Sidney Yates (D-Ill.) and Sam Steiger (R-Ariz.). Congressman Meeds is Vice-Chairman. All are members of Congressional subcommittees on Indian affairs, except Rep. Sidney Yates who is Chairman of the subcommittee of the House Appropriations Committee which deals with funds for the Interior Department.

The following is a brief profile of the Indian Commission members. Representing the federally recognized tribes are Ada Deer, Jake Whitecrow and John Borbridge. Ms. Deer is Chairperson of the Menominee Restoration Committee and is considered the single most important force behind the success of the Menominee Restoration Act which returned the tribe to Federal trust status in 1973. The Menominee Restoration Committee is drawing up a tribal constitution and plans to hold tribal elections in the near future.

Jake Whitecrow is director of the Inter-Tribal Council of Northeastern Oklahoma, which represents the Eastern Shawnee, Seneca-Cayuga, Wyandot, Quapaw, Ottawa, Peoria, Miami and Modoc. Previously he served on the Muskogee Area Indian Advisory Health Board. Mr. Whitecrow is a member of the Quapaw and Seneca-Cayuga Tribes, both federally recognized. He is a former Quapaw Tribal Chairman and has served on that tribe's business committee since 1953.

John Borbridge is the head of Sealaska, one of twelve regional Native corporations established under the Alaskan Native Claims Act. He is a member of the executive committee of the Rural Affairs Commission of Alaska and is a member of the financial advisory board of the American Indian National Bank. He also served as president of the Tlingit-Haida Central Committee.

Representing the urban Indians is Louis R. Bruce, BIA Commissioner from 1969 to 1972. A Mohawk and Oglala Sioux, Bruce aided in the formation of the Coalition of Eastern Native Americans (CENA) of which he currently is finance director. He has also been active in the development of the National Congress of American Indians, the National Tribal Chairman's Association and the American Indian National Bank.

The fifth Indian Commissioner is Adolph Dial, a Lumbee Indian from North Carolina, who represents the non-federally recognized tribes. He is chairman of the American Indian Studies Department of Pembroke State University, a member of the Board of Directors of the American Indian Historical Society and a member of the American Indian Advisory Council of HEW's Office for Civil Rights. Dial co-authored the recently published *The Only Land I Know: A History of the Lumbee Indians*.

Ernie Stevens of the Oneida tribe of Wisconsin, was appointed Director of the Commission on March 12, 1975. He has served as First Vice President of NCAI, Director of Economic Development for the BIA and in the recent past as president of American Indian Consultants, Inc.

Counsel for the Commission also appointed on March 12, 1975, is Kirke Kickingbird, member of the Kiowa Tribe and graduate of the University of Oklahoma School of Law. He is a member of the Board of Directors of the American Indian Lawyers Association and Chairman of the Federal Bar Association's Indian Law Committee. Formerly he was a member of the executive staff of the Bureau of Indian Affairs and Executive Director of the Institute for the Development of Indian Law.

The third professional staff person, Max Richtman, was recently appointed on June 13, 1975. He is a graduate of Harvard University and of the Georgetown Law School in Washington, D.C. Previous to this appointment with the Commission he served for two years as a legislative assistant for Congressman Sidney Yates, member of the House Appropriations Committee. Richtman is a member of the Washington, D.C. Bar Association.

Eleven task forces have been appointed by the Commission. The task forces, each composed of three specialists, a majority of whom are of Indian descent, will perform the real core of investigative work, melding local with national perspectives. Some will work out of the Commission's Washington, D.C. office, but many members will remain

in their home area in order to provide local input. Each task force must submit a final report to the Commission one year from the date of the appointment of its members. The Commission, after comparing the findings of the task force reports with its own independent findings, will submit a final report with recommended legislation to Congress, no later than June 30, 1977.

#### NTCA VS. THE COMMISSION

On May 20, 1975, the National Tribal Chairmen's Association (NTCA) filed suit against the Commission in United States District Court for the District of Columbia in an attempt to bring its work to a halt. NTCA, a non-profit organization composed of elected leaders of certain federally recognized tribes, was formed to represent member tribes in their dealings with the Federal government.

As the legal basis of the suit, NTCA claims that the Act creating the Commission is unconstitutional because the method of electing Indian Commission members provided for in the Act violates the U.S. Constitution. In addition to this contention, NTCA argues that the work of the Commission should be stopped because NTCA is not adequately represented on the Commission. NTCA claims that it is unable to carry out its purposes without adequate representation on the Commission. At the heart of the suit is NTCA's claim that the Commission is not representative of "federally recognized, land based tribes."

While the suit has received support from a few segments of the Indian community, several member tribes of NTCA have publicly opposed the suit. Regarding the legal and factual basis of the suit, attorneys familiar with the case say that NTCA's allegations are simply without factual and legal merit. For example, the claim that NTCA is not adequately represented on the Commission is simply untrue, as Commission member John Borbridge is a member of NTCA and the Quapaw and Seneca-Cayuga tribes, of which Commission member Jake Whitecrow is a member, are represented in NTCA. Richmond Allan, Commissioner Borbridge's attorney, characterized the suit as "just plain silly."

Following is a list of task force members and their addresses. Readers may want to contact these persons about special concerns relating to task force topics or other relevant areas of interest.

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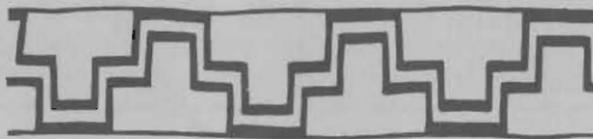
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#### Legislative Status Report

**S. 522 INDIAN HEALTH PROGRAMS:** To implement federal responsibility for the care and education of Indian people by improving federal Indian health programs— By Senator Fanin, February 3, 1975.

To Senate Interior Committee  
To Subcommittee on Indian Affairs  
Passed Senate May 16, 1975  
To House Subcommittee on Indian Affairs  
Hearing held with H.R. 2525

**S. 1328 REACQUISITION OF CRIMINAL AND CIVIL JURISDICTION:** To provide for the reacquisition of jurisdiction of jurisdiction by Indian tribes and the U.S. over criminal offenses and civil matters in Indian country— By Senator Abourezk, March 26, 1975.

To Senate Subcommittee on Indian Affairs  
Tabled

**S. 2010 INDIAN LAW ENFORCEMENT IMPROVEMENT:** To provide for the improvement of law enforcement and the determination of civil and criminal jurisdiction and law in Indian country — By Senator Jackson, June 25, 1975.

To Senate Interior Committee.

**S. 2129 INDIAN CRIMES ACT:** To provide for the definition and punishment of certain major crimes when committed by an Indian; in order to insure equal treatment for Indian and non-Indian offenders — By Senator Fannin, July 16, 1975.

To Senate Judiciary Committee.

**H.R. 2525-6 INDIAN HEALTH CARE:** To implement Federal responsibility for the care and educations of the Indian people by improving Federal Indian health programs and encouraging maximum participation of Indians in such programs — By Rep. Meeds, January 31, 1975.

To House Interior Committee  
To Subcommittee on Indian Affairs  
Hearings May 23, 24, 1975 in Gallup, N.M. and Talequah, OK.  
Hearings August 5, 1975 in Anchorage, Alaska

## Navajo Students Discover Careers

In recent years, as the drive for Indian self-determination has gained momentum, efforts to increase the number of Indian professionals have intensified. Many Indian people have come to realize that the skills of Indian professionals are a valuable asset in the fight to retain a distinct political and cultural existence. As a result of this increased interest in professional training, several tribes have initiated programs designed to encourage Indian young people to enter the professions.

To begin meeting the need for more Navajo professionals, the Navajo Community College at Tsaile Lake, Arizona, created the Kellogg-Navajo Internship Program. Funded by the Kellogg Foundation of Battle Creek, Michigan, and initiated at Chinle High School, Chinle, Arizona, the program provides an internship experience in selected professions for Navajo high school students.

Guy Gorman, President of the Board of Regents of Navajo Community College, explains the rationale for the program in these words, "Why is it, after being exposed to education for 100 years, we have only one Navajo medical doctor, three lawyers, and a handful of teachers? We still have to depend on non-Navajos to be our professionals. I think it's time we did something else." The intern program represents the Navajos' attempt to encourage their high school students to pursue professional careers by providing practical experiences with trained professionals.

The program is intended to broaden the student's knowledge about the professions, motivate students to enter college programs leading to professional careers, and provide guidance and counseling in selecting a career.

The program enjoys a wide popularity among Navajo high school students. In the 1973-1974 school year, over 250 students applied for the approximately 50 openings. Applications are carefully screened by the Project Counselor. The final selection is made by a committee composed of teachers, counselors, and professional educators. A Review and Selection Committee consisting of interns currently in the program also participates in the selection process.

Students are selected on the basis of the following criteria: (1) degree of Navajo ancestry; (2) grade point average; (3) letters of recommendation from teachers, and (4) attendance record.

#### IN-SCHOOL PROGRAM

During the school year, students work in an intern capacity for 16 hours a month, and receive pay at the rate of two dollars an hour. Students may choose from a variety of professions, such as health, education, law, business administration, and engineering.

Students interested in nursing, for example, work closely with professional nurses at the Chinle Public Health Service Clinic in Chinle, Arizona. During the course of their internship, they are introduced to various medical instruments and methods of recording medical information. They also perform simple duties such as taking blood pressures, cleaning wounds, or preparing patients for examinations. Students contribute to the work of the clinic by assisting non-Indian doctors who have patients with a limited understanding of the English language.

Students interested in teaching as a career receive a practical teaching experience at Chinle Elementary and Junior High Schools. In addition to duties as teacher aides, each student is given an opportunity to teach a class alone. Lesson plans prepared each week give the student an understanding of a teacher's responsibilities.

Students interested in law are often placed in a legal aid office on the Navajo Reservation. In past years, interns have assisted in writing court orders, researching cases, interviewing clients, and writing legal briefs. One student worked on several legal problems facing the Navajo Nation such as the Black Mesa environmental crisis.

The Programs Office of the Bureau of Indian Affairs has provided first hand experience in business for other interns. They usually work closely with the financial manager, who processes business loans used in setting up private businesses on the reservation or purchasing supplies and equipment for established businesses.

#### SUMMER PROGRAM

In addition to working with professionals during the school year, interns participate in a summer program that provides an opportunity for more intensive involvement in the students' area of interest. Interns usually work eight hours a day, five days a week, for one month. In order to

expose the students to off-reservation life, the summer program operates primarily in major urban centers, such as Phoenix, Arizona, Washington, D.C., or Albuquerque, New Mexico.

During the summer program of 1975, six interns spent two weeks in Washington, D.C. visiting organizations and agencies working in Indian affairs. While in Washington, they listened to presentations on Indian law, Indian education, and the legislative process. They also visited the American Indian Policy Review Commission, the Office of Native American Programs, the Bureau of Indian Affairs, and the Indian Claims Commission.

Of particular interest to the group was a meeting with Arizona's Congressional delegation. The students discussed issues of importance to Navajos with the Congressmen such as the Navajo-Hopi land dispute. The students were somewhat surprised by the Congressmen's lack of knowledge about Indian affairs, and the Congressmen were apparently surprised by the interns' knowledge. As Marianna Kahn, student coordinator of the Washington itinerary, explained, "It was fun watching the expressions on the Senators' faces when they were popped questions by young people."

Ms. Kahn saw her experience in Washington as relevant not only to her personal pursuit of a law career, but also to life on the reservation. "Now I know who to contact to get funds for improving the health or education of Navajo people. I don't have only my Congressman to write to. The organizations here in Washington are very receptive to Navajos and Indian people as a whole. I was really inspired by talking to Dr. Blue Spruce from the Office of Native American Programs. We need Indians in top positions to bring change about faster," she commented.

The success of the Kellogg-Navajo Intern Programs is difficult to measure. If measured in terms of increased awareness of available professional careers, or new feelings of self-confidence, the program is an unqualified success. Written reports required of every student indicated many intend to pursue a career introduced by the program. Many expressed a desire to continue their education in college, earn a degree, and return to the reservation. As one student commented, "I often get discouraged thinking that many Indian young people are using destructive and not constructive methods of resolving the conflicts and problems of American Indians. This program has reinforced my faith in my fellow Navajo youth that our way out of our problems is by getting involved in such professional fields as the Kellogg Program introduced."

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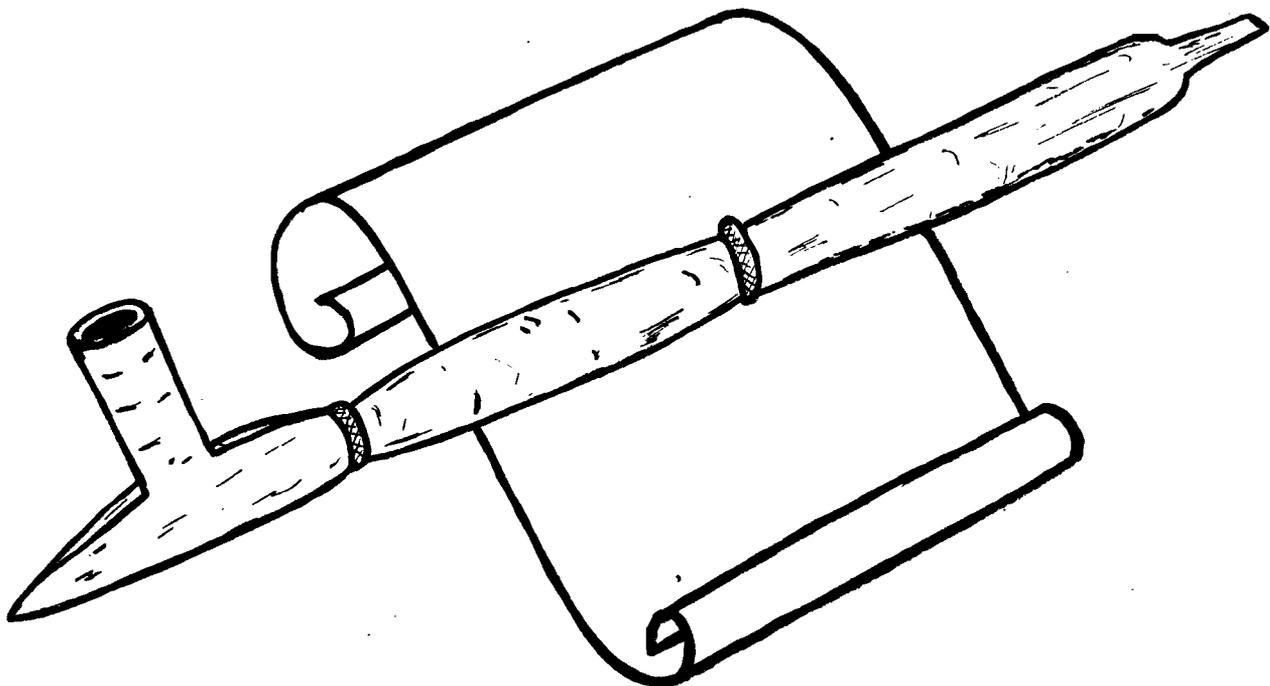
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INFORMATION BULLETIN  
FROM  
THE AMERICAN INDIAN POLICY REVIEW COMMISSION  
A JOINT CONGRESSIONAL COMMITTEE  
(PUBLIC LAW 93-580)



OUR ADDRESS IS:

THE AMERICAN INDIAN POLICY REVIEW COMMISSION  
CONGRESS OF THE UNITED STATES  
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2ND AND D STREETS, S.W.  
WASHINGTON, D.C. 20515  
PHONE: 202-225-1284



## INTRODUCTION

The American Indian Policy Review Commission is a joint Congressional Commission created by a concerned Congress that has recognized the Federal Government's relationship with American Indians. Federal-Indian policy has shifted and changed over the years without rational design and without consistent goals to achieve Indian self-sufficiency. It is now recognized that direct Indian participation and Indian self-determination is necessary to effectively and efficiently fulfill the needs of American Indians.

Historically, National Indian policy has been shaped by a fragmented, piecemeal approach that has served to inhibit rather than to foster development of the Indian tribal cultures and resources. The gradual erosion of rights of Indians has led to deep Indian anxieties, despair, frustrations, apathy and antipathy that, in turn, has led to bitter protests, occupation of the Central Office of the Bureau of Indian Affairs in Washington, and the armed clashes at the seige of Wounded Knee.

It has been forty-seven years since the Institute for Government Research made its in-depth report. The 1928 study known as the Meriam Report, helped to foster a climate of Congressional awareness of tribal concern and socio-economic and cultural deprivation that led to widespread reforms in the 1930's, including the passage of the Indian Reorganization Act, Johnson-O'Malley Act and other measures such as the repeal of the first section of the Dawes Allotment Act of 1887. Since then, the original intent of these reform policies has been compromised and distorted through administrative blundering ignorance and neglect.

Finally, a concerned Congress has decided that the urgency of the crucial problems facing Indians, and the confusion as to the goals and method of alleviating these problems are of utmost importance. In order to obtain a comprehensive study of these problems and establish recommendations for attaining comprehensive and workable goals and methods for dealing with these problems, on January 2, 1975, after combining H.J. Res. 1117 and S.J. Res. 133, the United States Senate and the House of Representatives passed Public Law 93-580, "The American Indian Policy Review Commission Act."

The American Indian Policy Review Commission consists of three United States Senators, three members of the House of Representatives, and five Indian members who are supported by a distinguished group of eleven Task Forces, headed by a Central Core Staff. The Commission has the power, qualifications and Indian participation to explore all of the major problem areas. The Commission is dedicated to overall Indian participation and will be able to submit recommendations from which the Congress of the United States may legislate meaningful approaches to fulfill the present and future needs of the Native American Indian people and chart the course of American Indian history for the next century. The following is the text of Public Law 93-580 that created the American Indian Policy Review Commission.

## THE LAW CREATING THE AMERICAN INDIAN POLICY REVIEW COMMISSION

### Public Law 93-580

#### CONGRESSIONAL FINDINGS

The Congress, after careful review of the Federal Government's historical and special legal relationship with American Indian people, finds that—

(a) the policy implementing this relationship has shifted and changed with changing administrations and passing years, without apparent rational design and without a consistent goal to achieve Indian self-sufficiency;

(b) there has been no general comprehensive review of conduct of Indian affairs by the United States nor a coherent investigation of the many problems and issues involved in the conduct of Indian affairs since the 1928 Meriam Report conducted by the Institute for Government Research; and

(c) in carrying out its responsibilities under its plenary power over Indian affairs, it is imperative that the Congress now cause such a comprehensive review of Indian affairs to be conducted.

#### DECLARATION OF PURPOSE

Congress declares that it is timely and essential to conduct a comprehensive review of the historical and legal developments underlying the Indians' unique relationship with the Federal Government in order to determine the nature and scope of necessary revisions in the formulation of policies and programs for the benefit of Indians.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—*

(a) In order to carry out the purposes described in the preamble hereof and as further set out herein, there is hereby created the American Indian Policy Review Commission, hereinafter referred to as the "Commission".

(b) The Commission shall be composed of eleven members, as follows:

(1) three Members of the Senate appointed by the President pro tempore of the Senate, two from the majority party and one from the minority party;

(2) three Members of the House of Representatives appointed by the Speaker of the House of Representatives, two from the majority party and one from the minority party; and

(3) five Indian members as provided in subsection (c) of this section.

(c) At its organization meeting, the members of the Commission appointed pursuant to section (b)(1) and (b)(2) of this section shall elect from among their members a Chairman and a Vice Chairman. Immediately thereafter, such members shall select, by majority vote, five Indian members of the Commission from the Indian community, as follows:

(1) three members shall be selected from Indian tribes that are recognized by the Federal Government;

(2) one member shall be selected to represent urban Indians; and

(3) one member shall be selected who is a member of an Indian group not recognized by the Federal Government.

None of the Indian members shall be employees of the Federal Government concurrently with their term of service on the Commission nor shall there be more than one member from any one Indian tribe.

(d) Vacancies in the membership of the Commission shall not affect the power of the remaining members to execute the functions of the Commission and shall be filled in the same manner as in the case of the original appointment.

(e) Six members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings: *Provided*, That at least one congressional member must be present at any Commission hearing.

(f) Members of the Congress who are members of the Commission shall serve without any compensation other than that received for their services as Members of Congress, but they may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Commission.

(g) The Indian members of the Commission shall receive compensation for each day such members are engaged in the actual performance of duties vested in the Commission at a daily rate not to exceed the daily equivalent of the maximum annual compensation that may be paid to employees of the United States Senate generally. Each such member may be reimbursed for travel expenses, including per diem in lieu of subsistence.

Sec. 2. It shall be the duty of the Commission to make a comprehensive investigation and study of Indian affairs and the scope of such duty shall include, but shall not be limited to—

(1) a study and analysis of the Constitution, treaties, statutes, judicial interpretations, and Executive orders to determine the attributes of the unique relationship between the Federal Government and Indian tribes and the land and other resources they possess;

(2) a review of the policies, practices, and structure of the Federal agencies charged with protecting Indian resources and providing services to Indians: *Provided*, That such review shall include a management study of the Bureau of Indian Affairs utilizing experts from the public and private sector;

(3) an examination of the statutes and procedures for granting Federal recognition and extending services to Indian communities and individuals;

(4) the collection and compilation of data necessary to understand the extent of Indian needs which presently exist or will exist in the near future;

(5) an exploration of the feasibility of alternative elective bodies which could fully represent Indians at the national level of Government to provide Indians with maximum participation in policy formation and program development;

(6) a consideration of alternative methods to strengthen tribal government so that the tribes might fully represent their members and, at the same time, guarantee the fundamental rights of individual Indians; and

(7) the recommendation of such modification of existing laws, procedures, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy and declaration of purposes as set out above.

#### POWERS OF THE COMMISSION

Sec. 3. (a) The Commission or, on authorization of the Commission, any committee of two or more members is authorized, for the purposes of carrying out the provisions of this resolution, to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Commission may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Commission unless a majority of the Commission assent. Upon the authorization of the Commission subpoenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or the Commission, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Commission or any member thereof may administer oaths or affirmations to witnesses.

(b) The provisions of sections 192 through 194, inclusive, of title 2, United States Code, shall apply in the case of any failure of any witness to comply with any subpoena when summoned under this section.

(c) The Commission is authorized to secure from any department, agency, or instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this resolution and each such department, agency, or instrumentality is authorized and directed to furnish such information to the Commission and to conduct such studies and surveys as may be requested by the Chairman or the Vice Chairman when acting as Chairman.

(d) If the Commission requires of any witness or of any Government agency the production of any materials which have theretofore been submitted to a Government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held in confidence by the Commission.

## INVESTIGATING TASK FORCES

Sec. 4. (a) As soon as practicable after the organization of the Commission, the Commission shall, for the purpose of gathering facts and other information necessary to carry out its responsibilities pursuant to section 2 of this resolution, appoint investigating task forces to be composed of three persons, a majority of whom shall be of Indian descent. Such affairs, including, but not limited to—

- (1) trust responsibility and Federal-Indian relationship, including treaty review;
- (2) tribal government;
- (3) Federal administration and structure of Indian affairs;
- (4) Federal, State, and tribal jurisdiction;
- (5) Indian education;
- (6) Indian health;
- (7) reservation development;
- (8) urban, rural nonreservation, terminated, and nonfederally recognized Indians; and
- (9) Indian law revision, consolidation, and codification.

(b) (i) Such task forces shall have such powers and authorities, in carrying out their responsibilities, as shall be conferred upon them by the Commission, except that they shall have no power to issue subpoenas or to administer oaths or affirmations: *Provided*, That they may call upon the Commission or any committee thereof, in the Commission's discretion, to assist them in securing any testimony, materials, documents, or other information necessary for their investigation and study.

(ii) The Commission shall require each task force to provide written quarterly reports to the Commission on the progress of the task force and, in the discretion of the Commission, an oral presentation of such report. In order to insure the correlation of data in the final report and recommendations of the Commission, the Director of the Commission shall coordinate the independent efforts of the task force groups.

(c) The Commission may fix the compensation of the members of such task forces at a rate not to exceed the daily equivalent of the highest rate of annual compensation that may be paid to employees of the United States Senate generally.

(d) The Commission shall, pursuant to section 6, insure that the task forces are provided with adequate staff support in addition to that authorized under section 6 (a), to carry out the projects assigned to them.

(e) Each task force appointed by the Commission shall, within one year from the date of the appointment of its members, submit to the Commission its final report of investigation and study together with recommendations thereon.

## REPORT OF THE COMMISSION

Sec. 5. (a) Upon the report of the task forces made pursuant to section 4 hereof, the Commission shall review and compile such reports, together with its independent findings, into a final report. Within six months after the reports of the investigating task forces, the Commission shall submit its final report, together with recommendations thereon, to the President of the Senate and the Speaker of the House of Representatives. The Commission shall cease to exist six months after submission of said final report but not later than June 30, 1977. All records and papers of the Commission shall thereupon be delivered to the Administrator of the General Services Administration for deposit in the Archives of the United States.

(b) Any recommendation of the Commission involving the enactment of legislation shall be referred by the President of the Senate or the Speaker of the House of Representatives to the appropriate standing committee of the Senate and House of Representatives, respectively, and such committees shall make a report thereon to the respective house within two years of such referral.

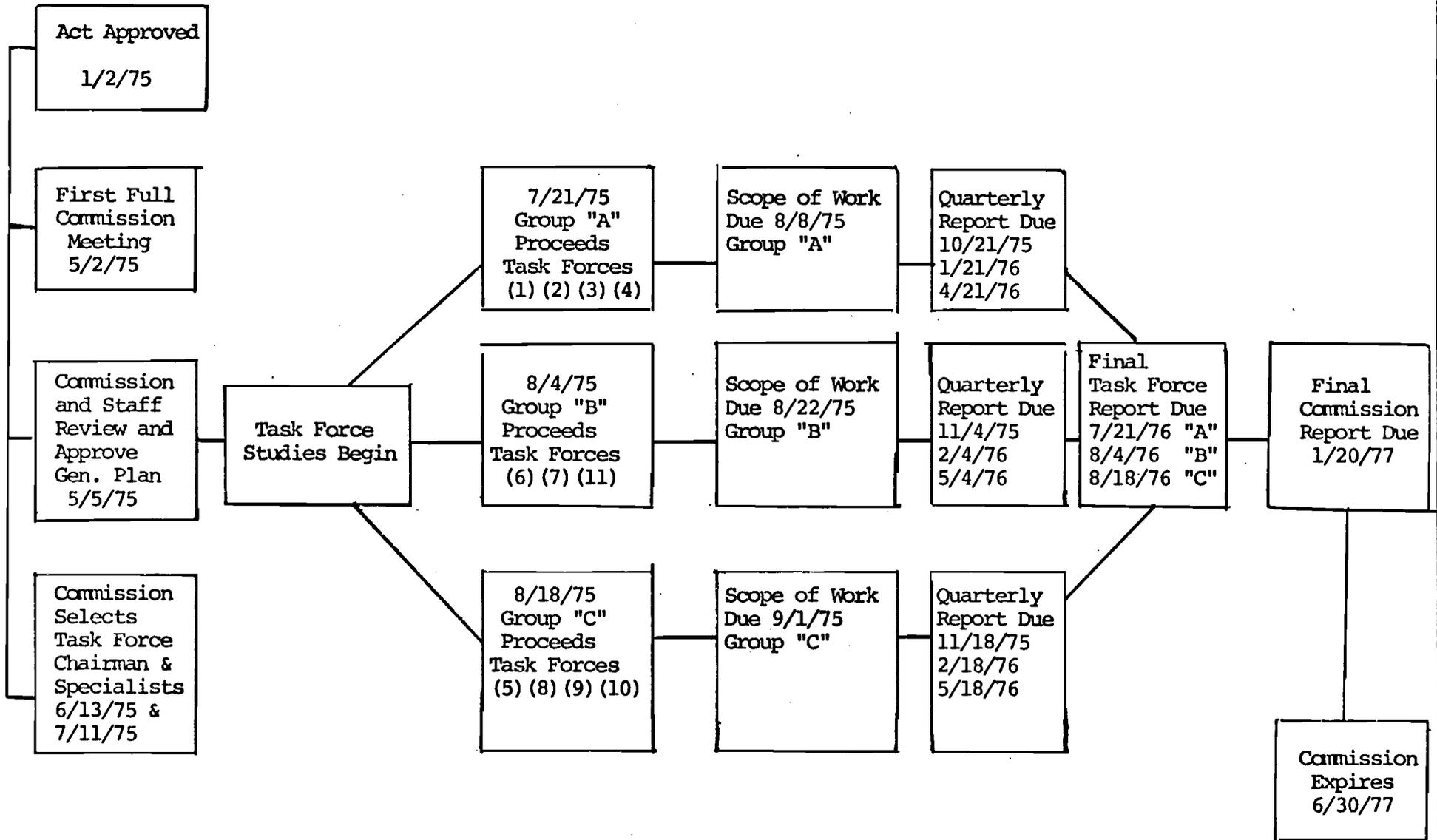
## COMMISSION STAFF

Sec. 6. (a) The Commission may by record vote of a majority of the Commission members, appoint a Director of the Commission, a General Counsel, one professional staff member, and three clerical assistants. The Commission shall prescribe the duties and responsibilities of such staff members and fix their compensation at per annum gross rates not in excess of the per annum rates of compensation prescribed for employees of standing committees of the Senate.

(b) In carrying out any of its functions under this resolution, the Commission is authorized to utilize the services, information, facilities, and personnel of the Executive departments and agencies of the Government, and to procure the temporary or intermittent services of experts or consultants or organizations thereof by contract at rates of compensation not in excess of the daily equivalent of the highest per annum rate of compensation that may be paid to employees of the Senate generally.

Sec. 7. There is hereby authorized to be appropriated a sum not to exceed \$2,500,000 to carry out the provisions of this resolution.

PROJECT FLOW CHART: KEY DATES IN THE COMMISSIONS'S LIFESPAN



## SUMMARY OF IMPLEMENTATION OF PUBLIC LAW 93-580

The planning processes and systematic implementation of Public Law 93-580 (The American Indian Policy Review Commission) is necessarily complex. The carefully planned operation and administration was designed so that no misunderstanding would arise as to the purposes, goals and objectives of the Commission's mission. Specific guidelines have been extracted from the legislation and procedures have been adopted for planned implementation of the law.

At the outset, systematic review of previous reports, investigations, various task force studies, and oversight reports on Indian affairs was conducted by the professional staff which determined that in all previous studies, especially the famous Meriam Report, two (2) substantially important elements were missing in all previous studies which were:

- (1) Indian participation and opinion, and
- (2) Documented proof in support of conclusions.

In order to supply these two crucial elements in its report, this Commission has structured its work to actively seek direct Indian input and opinion through a research and gathering process including: Public hearing testimony, complaints, tribal resolutions, position papers, seminars, questionnaires, letters, input gathered at site visits and by mail, etc.

Just as important, opinion, conclusions, and recommendations, where possible, should be proven by documented evidence. The Indian opinion collected would be compared with and added to the Commission's review of treaties, laws, regulations, budget analysis, management studies, analysis of economic, social and cultural conditions, and other aspects of Indian affairs. Therefore, new information, including Indian opinion, will be included with that which has been recorded in past studies or found in existing official records of hearings, complaints, resolutions, letters, tribal studies, etc. Every effort is being made to encourage tribes and organizations to submit official resolutions on problems, issues, and recommendations, and to participate in the AIPRC mission.

Where a planned approach to the research, analysis and review process is followed and the product is verified evidence, a logical sequence is established, thus:

- a. Identification of issues and problems as perceived by Indians substantiated by previously recorded Indian opinion will lead to
- b. Identification of Indian views of their own goals, needs, and objectives which in turn leads to
- c. Preliminary conclusions based on Indian views and backed by documented evidence, finally leading to
- d. Recommendations to Congress for necessary legislative revisions in policy for the benefit of Indians; and as cogent reason for beneficial legislative action, departmental action, agency action, and for future Indian use.



COMMISSION

Hon. James Abourezk, Chairman  
Hon. Lloyd Meeds, Vice Chairman

Planning and Review

Charles Peone  
Micheal Doss  
Ray Goetting  
Jana McKeag

COMMISSION STAFF

ERNEST L. STEVENS  
Staff Director  
E. Ducheneaux  
Adm. Asst.

KIRKE KICKINGBIRD  
General Counsel  
W. Jamison, Asst.

MAX RICHTMAN  
Professional Staff Asst.  
Rosemarie Cornelius, Asst.

Special Consultants

A. T. Anderson

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Wendell George  
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Communications and Public Information

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Grace Thorpe  
Asst.

Research

GIL HALL  
Kathryn Harris,  
Asst.

Administration

MAX RICHTMAN  
Barbara Morgan,  
Asst.

E. DUCHENEUX

TASK FORCE CONSULTANTS

Eleven Task Forces  
Thirty Three Members  
Eleven Task Force Specialists

1. Federal-Indian Relationship
2. Tribal Government
3. Federal Administration; Structure of Indian Affairs
4. Federal, State and Tribal Jurisdiction
5. Indian Education
6. Indian Health
7. Reservation & Resource Development and Protection
8. Urban and Rural Non-Reservation Indians
9. Indian Law Revision, Consolidation and Codification
10. Terminated and Non-federally Recognized
11. Alcohol and Drug Abuse

AMERICAN INDIAN POLICY REVIEW  
COMMISSION ORGANIZATIONAL CHART

THE ELEVEN COMMISSIONERS OF THE AMERICAN INDIAN POLICY REVIEW COMMISSION

The Commissioners of the American Indian Policy Review Commission, created by Public Law 93-580, are:

FROM THE UNITED STATES SENATE:HONORABLE JAMES ABOUREZK, CHAIRMAN

James Abourezk, Democrat, was elected to the Senate in 1970 from South Dakota's Second Congressional District. He is Chairman of the American Indian Policy Review Commission, Chairman of the Senate Sub-Committee on Indian Affairs, and Chairman of the Senate Sub-Committee on Separation of Powers and is a member of the Select Committee on Small Business. As Chairman of the Indian Affairs Sub-Committee, Senator Abourezk has fostered the passage of several important Indian Bills, including P.L. 93-580. He was born and raised on the Rosebud Sioux Indian Reservation.

HONORABLE LEE METCALF, MEMBER

Senator Metcalf, a Democrat from Montana's First Congressional District, was elected to the United States Senate in 1960 after having served four terms in the United States House of Representatives. The Senator is a member of the Senate Sub-Committee on Indian Affairs, is the Chairman of the Senate's Sub-Committee on Minerals, Materials, and Fuels, and is Chairman of the Sub-Committee on Reports, Accounting and Management. The Senator has been instrumental in the passage of favorable Indian legislation, including the Comprehensive Indian Education Act of 1972.

HONORABLE MARK HATFIELD, MEMBER

Senator Hatfield, Republican, was elected to the United States Senate in 1966 after having served two terms as the Governor of the State of Oregon. The Senator is Ranking Minority Member on both the Energy Research and the Water Resources Sub-Committees, and is a member at large of the Senate Select Committee on Nutrition and Human Needs. Instrumental in the passage of the Umitilla Judgment Fund legislation and the Klamath Forest Bill, he also co-sponsored Senator Jackson's Indian Health Bill.

FROM THE UNITED STATES HOUSE OF REPRESENTATIVESHONORABLE LLOYD MEEDS, VICE-CHAIRMAN

Congressman Meeds, a Democrat from the Second Congressional District of Washington, has served in the House of Representatives since 1964. The Congressman is the Chairman of the House Indian Affairs Sub-Committee and is a member of the Sub-Committee on National Parks and Recreation, Territorial and Insular Affairs, and the Sub-Committee on Water and Power Resources. He backed the Alaskan Native Claims Act, Indian Education Act of 1972, and the Menominee Restoration Bill for which he received the NCAI Congressional Award. He is the Vice-Chairman of the American Indian Policy Review Commission.

HONORABLE SIDNEY R. YATES, MEMBER

Congressman Yates has served in the House of Representatives since 1948 as the Democratic Congressman from the Ninth Congressional District of Illinois, except for a two-year period during which he served as a United States Representative to the Trustee Council of the United Nations. Congressman Yates is Chairman of the Interior Sub-Committee of the House Appropriations Committee and is a member of the Transportation and Legislative Sub-Committee.

HONORABLE SAM STEIGER, MEMBER

Congressman Steiger, Republican from Arizona's Third Congressional District, has been a Congressman since 1966. He is a member of the Interior and Insular Affairs Committee and serves as a ranking member of the Sub-Committee on Government Labor, Sub-Committee on Individual Rights, and the Sub-Committee on Public Lands, and is a member of the Commission on the Review of National Policy Towards Gambling.

FROM THE AMERICAN INDIAN SECTORFEDERALLY RECOGNIZED TRIBESCOMMISSIONER ADA DEER, MEMBER

Commissioner Deer is a Menominee Indian who is Chairman of the Menominee Restoration Committee. She left law school to defend her tribe against termination and is credited with being the most important single force behind the success of the Menominee Restoration Act.

COMMISSIONER JAKE WHITECROW, MEMBER

Commissioner Whitecrow is a former Quapaw Tribal Chairman who is Quapaw and Seneca-Cayuga Indian. He has been on his Tribal Business Committee since 1953, and is Director of the Inter-Tribal Council of Northeastern Oklahoma that is a representative of the Eastern Shawnee, Seneca-Cayuga, Wyandot, Quapaw, Ottawa, Peoria, Miami, and Modoc tribes. (The Ottawa and Peoria Tribes were terminated in 1956.)

COMMISSIONER JOHN BORBRIDGE, MEMBER

Commissioner Borbridge is the head of Sealaska Corporation that is one of the twelve Native Alaskan Corporations established under the Native Alaskan Claims Act for which he lobbied extensively. Commissioner Borbridge is a past-president of the Tlingit-Haida Central Committee and is a member of the Executive Committee of the Rural Affairs Commission of Alaska. He is also a member of the Financial Advisory Board of the American Indian National Bank.

URBAN INDIANSCOMMISSIONER LOUIS R. BRUCE, MEMBER

Commissioner Bruce is Mohawk and Oglala Sioux and is a former Commissioner of the United States Bureau of Indian Affairs (1969 to 1972). He was active in the formation of the National Congress of American Indians and served on President Truman's Advisory Indian Committee (1947). He assisted in the formation of the National Tribal Chairmen's Association and the American Indian National Bank.

After leaving the Bureau of Indian Affairs, Commissioner Bruce served as a Senior Fellow of the Antioch Law School and assisted in the establishment of the Coalition of Eastern Native Americans, and was an employee

of that organization in the capacity of Finance Director. He is currently working on a major Indian project in connection with the Smithsonian Institute.

NON-FEDERALLY RECOGNIZED TRIBES

COMMISSIONER ADOLPH DIAL, MEMBER

Commissioner Dial, a Lumbee Indian, is Chairman of the American Indian Studies Department of Pembroke State University and is a member of the American Indian Advisory Council for the United States Department of Health, Education and Welfare's Office of Civil Rights. He is also a member of the Board of Directors of the American Indian Historical Society.

Commissioner Dial is a co-author of the recently published book, "The Only Land I Know: A History of the Lumbee Indians". His book reflects extensive research into the historical background of the North Carolina Lumbee Indians.

## THE DIRECTOR, CENTRAL CORE, AND PROFESSIONAL STAFF

### THE DIRECTOR

ERNEST L. STEVENS, 43, a member of the Oneida Tribe of Wisconsin, is an ex-marine combat veteran of the Korean conflict who is married and has eight children.

Before being appointed Director of the American Indian Policy Review Commission, "Ernie" Stevens was President of an Indian owned and operated Arizona-Washington based business management firm. He is a past Director of Economic Development and past Director of Community Services for the United States Bureau of Indian Affairs in Washington, D.C. He is also a past First Vice-President of the National Congress of American Indians and past Executive Director for the Inter-Tribal Council of California.

Mr. Stevens has a long history as an advocate of Indian causes. He has sought Indian preference in Federal employment, local control of Indian programs, programs for alcoholism and drug abuse, health, education, welfare and community services. He has worked for preservation of rights of Indian traditionalists and to improve conditions for both on- and off-reservation Indians. He first came to the attention of the Government while serving as a member of the Editorial Board for the book, "Our Brother's Keeper - The Indian in White America".

### GENERAL COUNSEL

K. KIRKE KICKINGBIRD, General Counsel, is an Oklahoma Kiowa Indian who is a former member of the Executive Staff of the United States Commissioner of Indian Affairs. He is the Executive Director for the Institute for the Development of Indian Law where he was deeply involved with Indian land and water rights research and analyzing Indian legislation for publication. Mr. Kickingbird is co-author of the book, "One Hundred Million Acres" and was contributing author for "Behind the Trail of Broken Treaties, a Vine Deloria, Jr. book on Federal Indian law, treaty and Government problems. He is Chairman of the Indian Law Committee of the Federal Bar Association and is a member of the Board of Directors of the American Indian Lawyer's Association. He is a member of both the Oklahoma and the American Bar Associations.



PROFESSIONAL STAFF MEMBER

MAX I. RICHTMAN, is a graduate of Harvard and the Georgetown University Law Center, and is a member of the District of Columbia Bar Association. While in law school, Mr. Richtman worked as an investigator for the Public Defender and served as Co-Director of the Neighborhood Youth Corps Center of the Department of Recreation in Washington, D.C. After having obtained his Juris Doctor, Mr. Richtman became a Legislative Assistant to Congressman Sidney R. Yates where he worked mostly in the area of Congressional appropriations.

SPECIAL ASSISTANT TO THE COMMISSION

ARNOLD T. ANDERSON, was born on the Grand River Indian Reservation in Ontario, Canada, and is a graduate of McMasters University. He joined Union Carbide's Manhattan Project at the Tonawanda, New York facility and now serves as manager of their Public and Urban Affairs Office, where he organizes and leads the Company on Equal Employment Opportunity, Community Relations, and Social Responsibilities. Mr. Anderson is a member of many societies and associations. He has published a number of scientific papers, is a noted author, inventor and businessman.

RESEARCH DEPARTMENT

GILBERT L. HALL, 34, is Legal Researcher and Research Supervisor on the Central Core Staff. He is a graduate of the University of Kansas with a degree in Political Science and Economics (1963) and is a graduate of the American University Law School (1972). A member of the Bar of the District of Columbia and of West Virginia, Mr. Hall was an attorney in the Indian Affairs Division of the Department of the Interior Solicitor's Office before his work for the Commission. Mr. Hall was in private law practice in Washington, D.C. and has worked two years with Indians in Ecuador, South America in rural community development projects.

COMMUNICATIONS AND PUBLIC INFORMATION

THOMAS M. FASSETT, Director, Public Information and Communications, an Allegany Seneca, came to the Commission from his position as urban affairs officer of the Xerox Corporation. He attended both undergraduate and graduate school in Rochester, New York, where he received his B.A., B.D./M.Div. degrees. Mr. Fassett has worked with national American Indian interests and was Chairperson of the Indian Manpower Planning Consortium, Rochester Manpower Development Council sponsored by the Seneca Nation. He is an ordained minister in the United Methodist Church.

## TASK FORCE MEMBERS

### TASK FORCE ONE

#### TRUST RESPONSIBILITY AND FEDERAL/INDIAN RELATIONSHIP INCLUDING TREATY REVIEW

(Concerned with land, water, mineral rights; forest resources management, review of treaty fishing, hunting rights; status of tribal authority or Indian political rights and standards of trust responsibilities and performance records of federal agencies including adverse actions attributable to conflicts of interest.)

Hank Adams, Chairman  
1464 Rhode Island Avenue, N.W., Apt. 602  
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Home Telephone: 202-483-5760

HANK ADAMS is Assiniboine-Sioux of Fort Peck, Montana. He is a nationally known Indian author, lobbyist, tribal economic consultant and para-professional legal assistant. He has a long history of working to prevent termination of various tribes and has argued cases dealing with Indian treaty hunting and fishing rights, state jurisdiction and taxation and civil rights.

John Echohawk, Member  
1506 Broadway  
Boulder, Colorado 80302  
Telephone: 303-447-8760

JOHN ECHOHAWK is a Pawnee who is staff attorney for the Native American Rights Fund. He served as Director of N.A.R.F. from 1973 to 1975. Mr. Echohawk received his B.A. and J.D. degrees from the University of New Mexico and his five years with N.A.R.F. dealing with Indian law, has made him an expert in the field. He is a member of the Colorado Bar Association.

Doug Nash, Member  
P. O. Box 1539  
Pendleton, Oregon 97801  
Telephone: 503-276-8337

DOUG NASH is a Nez Perce who received his B.A. from the University of Idaho and his J.D. degree from the University of New Mexico School of Law. A former staff attorney for the Native American Rights Fund, Mr. Nash is now in private practice, specializing in Federal Indian Law.

WILLIAM JOHNSON, Umatilla, Research Specialist  
KEVIN GOVER, Comanche, Research Specialist

TASK FORCE TWOTRIBAL GOVERNMENT

(Concerned with powers of self-government, judicial authority, taxation, natural resources regulation, structure of tribal government, financial and administrative stability of tribal government.)

Wilbur Atcitty, Chairman  
 P. O. Box 203  
 Window Rock, Arizona 86515  
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 Home Telephone: 602-871-4224

WILBUR ATCITTY is a Navajo who, for the past four years, has been employed as Director of the Navajo Tribal Office of Administration and for two years, has been Executive Administrator to the Navajo Tribal Chairman. He has also worked in the Office of Navajo Economic Opportunity to provide management and budgeting for reservation housing projects.

Alan Parker, Member  
 American Indian Law Center  
 University of New Mexico School of Law  
 1117 Stanford N.E.  
 Albuquerque, New Mexico 87106  
 Telephone: 505-277-2828

ALAN PARKER, Chippewa-Cree, has been an attorney for the Department of the Interior Solicitor's Office and for the Indian Civil Rights Task Force. He was Attorney-Director the American Indian Lawyer Training Program in Washington, D.C., and now is with Amindian Center, University of New Mexico School of Law. Mr. Parker organized and initiated publication of the "Indian Law Reporter, a comprehensive monthly report on developments in Indian law.

Jerry Flute, Member  
 P. O. Box 186  
 Sisseton, South Dakota 57262  
 Telephone: 605-698-3911

JERRY FLUTE became Tribal Chairman of the Sisseton-Wahpeton tribe in January, 1975, after having served four years as Tribal Secretary. He is a member of the National Tribal Chairmen's Association and is Chairman of the United Tribes Training Center in Bismark, North Dakota where he has previously served in the capacity of Secretary-Treasurer. He has served on several Indian boards and task forces.

MICHAEL COX, Creek, Task Force Specialist.

TASK FORCE THREEFEDERAL ADMINISTRATION AND STRUCTURE  
OF INDIAN AFFAIRS

(Concerned with administration of the trust responsibility by the Department of Interior and Justice Department, delivery of technical assistance to tribes and individuals through Executive Agencies, how Executive Agencies should be structured to improve responsiveness and structure of Indian legislative institutions providing a direct interface between tribal governments and the Congress.)

Sam Deloria, Chairman  
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University of New Mexico School of Law  
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SAM DELORIA is a Standing Rock Sioux who is Executive Director of the American Indian Law Center at the University of New Mexico. He received his B.A. from Yale University and attended Yale Law School. Mr. Deloria has been a Planning Specialist with the Oglala Sioux Tribal Planning Office and a Supervisor of Technical Assistance with the University of South Dakota's Indian Community Action Project.

Ray Goetting, Member  
P. O. Box 208  
Laguna, New Mexico 97026  
Telephone: 202-225-1284

RAY GOETTING, an Oklahoma Caddo, is the Treasurer for the National Congress of American Indians where he has been extremely active in areas of Federal-Indian programs and budget policies. He has extensive experience in administration in the Department of the Interior and Bureau of Reclamation. He has been a Regional Procedures Analyst, Regional Management Analyst, and Regional Administrative Officer in the U.S. Bureau of Reclamation. Mr. Goetting has owned a business management consulting firm in New Mexico for sixteen years with mining companies, manufacturers, ranchers, and other business concerns as clients.

Mel Tonasket, Member  
 Colville Tribal Office  
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 Nespelem, Washington 99155  
 Office Telephone: 509-634-4591  
 Home Telephone: 509-826-4528

MEL TONASKET is a past Chairman of the Colville Confederated Tribal Council and has been a member of the Council for six years. He is President of the National Congress of American Indians and has been Chairman of the Reservation Sub-Committee of the Governor's Indian Advisory Council for the State of Washington. He also presently serves the Indian Advisory Board for Eastern Washington State College.

RUDY RYSER, Cowlitz, Task Force Specialist.

TASK FORCE FOUR

FEDERAL, STATE AND TRIBAL JURISDICTION

(Concerned with Public Law 280, child welfare, jurisdictional questions involving fishing and hunting rights, law and justice, water rights regulation and protection by tribes under the Winter Doctrine and jurisdiction impact of federal agencies.)

Sherwin Broadhead, Chairman  
 Box 35 A  
 Reardon, Washington  
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 Home Telephone: 509-796-3706

SHERWIN BROADHEAD is working with the Institute for the Development of Indian Law on Treaty Rights for four tribes and serves as consultant for various tribes. Mr. Broadhead, a lawyer, is a graduate of the George Washington University School of Law and is a member of the Idaho Bar Association. He has been a Congressional Relations Officer for the United States Bureau of Indian Affairs and a Special Assistant on Indian Affairs on the Staff of Senator James Abourezk, Chairman of the Senate Sub-Committee on Indian Affairs. He has a long history as an advocate for Indian tribal sovereignty.

Honorable William Roy Rhodes, Member  
 c/o Gila River Tribal Council  
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 Sacaton, Arizona 85247  
 Office Telephone: 602-562-3382  
 Home Telephone: 602-276-1857

WILLIAM ROY RHODES, a Pima, is Chief Judge of the Gila River Indian Community in Arizona and is President of the American Indian Lawyer Training Program, a member of the National Indian Court Judges Association, and a member of the Arizona Governor's Task Force on Police/Community Relations. Before being elected Tribal Judge, Mr. Rhodes was in law enforcement with the Bureau of Indian Affairs, Maricopa County, Arizona, and Tribal Police Department. He is an authority on jurisdictional problems. Judge Rhodes is the father of eight children, including three foster children.

Matthew Calac, Member  
520 E. Street, Suite 803  
San Diego, California 92101  
Telephone: 714-232-1016

MATTHEW CALAC, Rincon Mission, is a past Rincon Business Council member, past Area Vice-President of the National Congress of American Indians, and past Executive Director for Americans for Indian Future and Traditions (legal, social health services, job training and placement) Program. He is Chairman of the Ad Hoc Committee on Public Law 280 (State Jurisdiction) for 29 Southern California reservations and directs all the Inter-Tribal Council of California's efforts relating to P.L. 280. He has been an active figure in several California Indian organizations.

PAUL ALEXANDER, Special Counsel.

DON WHARTON, Task Force Specialist.

TASK FORCE FIVE

INDIAN EDUCATION

(Concerning federal policies and their impact on education of American Indians, implementation of education policies relating to Indians through BIA and USOE, policies of the United States Office of Education and other agencies affecting Indians and development of a working definition of Indian education.)

Helen Shierbeck, Chairwoman  
9128 Maywood Lane  
Fairfax, Virginia 22030  
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Home Telephone: 703-591-8697

HELEN SCHIERBECK is a Lumbee involved in several projects relating to Indian education. She is Director of the special project on History and Financing of Indian Education for the Whitney Foundation and is Service Coordinator for three major Indian educational organizations. From 1966 to 1973, she worked on Federal programs to improve educational opportunities for Indians. Ms. Schierbeck is author of several award-winning articles on Indian education and is a Doctorial Candidate at Virginia Polytechnic Institute.

Earl Barlow, Member  
 Superintendent of Schools  
 Browning, Montana  
 Telephone: 406-338-2715

EARL BARLOW, Blackfeet, is Superintendent of Schools on the Blackfeet Reservation. He graduated with a B.A. degree in 1947 from Western Montana College and received his Masters Degree in Education from the University of Montana. He has been Superintendent of Schools in both Hot Springs and Stevensville, Montana.

Lorraine F. Misiaszek, Member  
 East 2718 Nora  
 Spokane, Washington 99207

LORRAINE F. MISIASZEK (Mrs. Anthony J.), is a former Tribal Council Member for the Colville Confederated Tribes and is an active member of the Board of Directors of Advocates for Indian Education: Northwest Tribes. She has been on the Washington State PTA Board of Managers and Pacific Northwest Indian Center's Board of Trustees. Ms. Misiaszek received her B.A. Degree in Political Science with minors in Journalism and Philosophy, and her Masters Degree in Education from Gonzaga University, Spokane, Washington. She has had special training, including techniques on applying a change process model from the University of Colorado at Denver, and has held many important positions including Director of Indian Education for the State Office of Public Instruction, where she administered the Johnson-O'Malley program for the State of Washington and supervised statewide Indian education. Ms. Misiaszek has been a consultant for the U.S. Office on the Education Professions Department Act Proposals, consultant for the Washington State Superintendent of Public Instruction, and consultant for the U.S. Office of Indian Education. She was a member of the Indian Task Force for the U.S. Office of Civil Rights.

KATHY MCKEE, Missouri Cherokee, Task Force Specialist.

MARIA FACHINA, Research Assistant.

TASK FORCE SIXINDIAN HEALTH

(Concerning current health standards for the American Indian and Native Alaska, federal responsibility for Indian health and investigation of Indian Health Service, alternative sources of health care, e.g., traditional medicine, national health insurance.)

Dr. Everett Rhodes, Chairman  
 University of Oklahoma College of Medicine  
 800 N.E. 13th Street  
 Oklahoma City, Oklahoma 73104  
 Office Telephone: 405-272-9876  
 Home Telephone: 405-848-2508

DR. EVERETT RHODES, Kiowa, is head of Infectious Disease Section of the University of Oklahoma Medical Center and is a member of more than a dozen societies and organizations including the American College of Physicians, the Association of American Indian Physicians (of which he was founder and president in 1974), and NCAI. Dr. Rhodes has published forty articles in professional journals and has had extensive experience in the practice and the teaching of medicine.

Luana L. Reyes, Member  
 10516 Victory Lane, N.E.  
 Seattle, Washington  
 Telephone: 206-329-0250

LUANA REYES of the Colville Confederated Tribes, is the Executive Director for the Seattle Indian Health Board and has been active on local and national Indian Health Boards for fifteen years. She was Commissioner of the Seattle Indian Services Commission that houses several Indian programs and has been active in other community affairs. Ms. Reyes studied education and business at the University of Puget Sound and University of Washington.

Lillian McGarvey, Member  
 4230 Tahoe Drive  
 Anchorage, Alaska 99502

LILLIAN MCGARVEY is an Aleut from Alaska and is Director of Health Programs for the Aleut League, a non-profit organization for the Aleut region. She is Alaska's representative to the National Indian Health Board and is a member of the Board of Directors of the Alaska Chapter of the American Public Health Association. She assisted in the Comprehensive Health Advisory Council of Alaska construct a state health

plan. Ms. McGarvey is Secretary-Treasurer of the Aleut Corporation, one of the twelve regional corporations set up under the Alaska Native Claims Act.

AL CAYOUS, Apache, Cahvilla, Task Force Specialist.

TASK FORCE SEVEN

RESERVATION AND RESOURCE DEVELOPMENT AND PROTECTION

(Concerning review of land use, access to capital and product markets, potential for agriculture, mining, forest products and manufacturing developments for tribes and individual Indians along with housing and contracting.)

Peter MacDonald, Chairman  
Navajo Tribal Council  
Window Rock, Arizona 86515  
Telephone: 602-871-4595

PETER MacDONALD has been Chairman of the Navajo Tribal Council for five years. He is a graduate of the University of Oklahoma with a degree in engineering and is a former Hughes Aircraft Company engineer and member of their Technical Staff. Before being elected Chairman of his tribe, Mr. MacDonald was Tribal Director of Management, Methods and Procedures and Director of the Navajo Office of Economic Opportunity. He has been active in national Indian affairs and state affairs.

Ken Smith, Member  
General Manager  
Confederated Tribes of Warm Springs  
Warm Springs, Oregon 97761  
Telephone: 503-553-1161

KEN SMITH is a Wasco from the Warm Springs Reservation and is a graduate of the University of Oregon with a major in finance and accounting. Now General Manager of the Warm Springs Reservation, he has been employed by the Warm Springs Confederated Tribes for sixteen years. He has served three years on his Tribal Council and has been active in civic groups and organizations.

Phillip Martin, Member  
Route 7, Box 21  
Philadelphia, Mississippi 39350  
Telephone: 601-656-5636, 656-6101

PHILLIP MARTIN, Mississippi Choctaw, is a member of the Tribal Council and was elected twice as Tribal Chairman (1959 to 1965 and 1971 to 1975). He has been Chairman of the Board of Choctaw Housing Authority and Executive Director of the Choctaw

Community Action Program. Mr. Martin is President of the Board of Regents of Haskell Indian Institute since 1970, and has been President of the Board of United Southeastern Tribes (two terms) and is a member of the National Congress of American Indians and the National Tribal Chairmen's Association.

LORRAINE RUFFING, Task Force Specialist.

TASK FORCE EIGHT

URBAN AND RURAL NON-RESERVATION INDIANS

(Concerning federal recognition, evaluation of BIA Relocation and Assistance Program, effects of federal programs directed towards urban and rural non-reservation Indians.)

Alfred Elgin, Chairman  
2901 Fulton Road  
Santa Rosa, California 95401  
Telephone: 707-528-9102, 545-3289

REVEREND ALFRED ELGIN is a California Pomo who has a B.A. degree in Exegetical Theology from Bethany Bible College. He has been Project Director for Indian Centers Development Services and is acting Executive Director for the American Indian Community House in New York City. Rev. Elgin has been Executive Director for the Intertribal Friendship House in Oakland and a counselor for the Oakland American Indian Association. He has been a leader in several California Indian organizations including the Intertribal Council of California and California Indian Education Association, and has served as Board Chairman for the United Scholarship Service and as Board Member for the Native American Legal Defense and Education Fund.

Gail Thorpe, Member  
5630 N. Sheridan Road  
Chicago, Illinois 60660  
Telephone: 312-641-1766, 334-1757

GAIL THORPE is a Sac and Fox and the eldest daughter of the late Jim Thorpe, one of the world's most famous athletes. Ms. Thorpe attended Haskell Institute, Chilocco Indian School, and graduated from business school in Chicago. She is manager of the Regional Office of the Girl Scouts of America in Chicago and is President of the Chicago Indian Council Fire, and the Secretary of Descendants of Jim Thorpe, Inc. She has been an Illinois delegate to the Governor's Indian Interstate Council and is President of Tipi, Inc., an American Indian Speaker's Bureau.

Edward F. Mouss, Member  
 Route 1, Box 448  
 Henryette, Oklahoma 74437  
 Telephone: 918-756-8500, 652-3223

EDWARD MOUSS is Creek-Cherokee from Oklahoma and the Executive Director for the Creek Indian Nation. He has been Manager of New Enterprise Development for Oklahomans for Indian Opportunity and consultant and staff research at the University of Oklahoma. Mr. Mouss received his B.A. degree from Oklahoma State University in Science-Management and his Masters in Business Administration from the University of Tulsa and a Masters of Regional and Urban Planning from the University of Oklahoma.

JAMES BLUESTONE, Hidatsa, Task Force Specialist.

TASK FORCE NINE

INDIAN LAW REVISION, CONSOLIDATION AND CODIFICATION

(Concerning elimination of obsolete laws from statute books, recommending revision of old laws or the creation of new laws to aid tribal development, recommendations of statutory revisions enhancing the power of tribes and individuals to effect implementation of existing laws, study of diversified programs within various federal agencies, and problems arising from bureaucratic requirements and controls.)

Peter S. Taylor, Chairman  
 1819 N. Lincoln Street  
 Arlington, Virginia 22207  
 Telephone: 225-1284

PETER S. TAYLOR was Co-Director of the Indian Civil Rights Task Force in the Department of the Interior's Office of the Solicitor. For the past four years, he has worked extensively on the revision and consolidation of Indian law. Mr. Taylor is a graduate of the George Washington University School of Law and is a member of the Virginia and District of Columbia Bar Associations. Before his work on the Civil Rights Task Force, Mr. Taylor practiced law in the District of Columbia area for seven years.

Yvonne Knight, Member  
 1506 Broadway  
 Boulder, Colorado  
 Telephone: 303-447-8760

YVONNE KNIGHT, Ponca, has been a staff attorney for the Native American Rights Fund since 1971 when she received her J.D. Degree from the University of New Mexico Law School.

Ms. Knight is a member of the Colorado Bar Association and is a member of six distinguished professional organizations.

Browning Pipestem, Member  
200 E. Main Street  
Norman, Oklahoma  
Telephone: 405-329-3840

BROWNING PIPESTEM is an Otoe-Missouria and Osage, and is a Council Member of the Otoe-Missouria Tribe. He is a graduate of the Oklahoma State University Law School and is a partner of the law firm of Pipestem, Rivas and Charlos in Norman, Oklahoma.

KARL FUNKE, Red Lake Chippewa, Task Force Specialist.

TASK FORCE TEN

TERMINATED AND NON-FEDERALLY RECOGNIZED INDIANS

(Concerning the nature of the obligation and responsibility of the U.S. to non-recognized Indians and a determination of what constitutes "federal recognition" and "federal restoration", evaluation of the funding of federal programs available to such Indians and their utilization and a compilation of names and locations of such Indian groups.)

JoJo Hunt, Chairwoman  
300 Reneau Way  
Herndon, Virginia 22070  
Telephone: 703-471-4652

JOJO HUNT is a Lumbee from North Carolina. She graduated Cum Laude from Pembroke State University in 1970 and received her J.D. Degree from Duke University Law School in 1973. She has been a law clerk with a Washington, D.C. law firm and with the Washington office of Pine Tree Legal Assistance of Calais, Maine. She has been counsel for the Indian Affairs Sub-Committee in the U.S. House of Representatives and has been active in several national Indian organizations.

John Stevens, Member  
P. O. Box 36  
Mt. Vernon, Maine 04352  
Office Telephone: 207-289-2831  
Home Telephone: 207-293-2941

JOHN STEVENS, is a Passamaquoddy from Maine and has been Commissioner of Maine's Department of Indian Affairs for the past four years. He is past Director of the Passamaquoddy Community Action Program and has been active in tribal affairs for 15 years while employed by a paper mill where he was also a labor union leader. He is active in several local and national Indian organizations and serves on several state councils.

Robert Bojorcias, Member  
505 Nottingham  
Eugene, Oregon 97404  
Telephone: 503-688-6382, 686-3799

ROBERT BOJORCAS is a member of the Klamath Tribe and works with CETA as a Title III Coordinator. He is a former counselor at the Central Oregon Community College and the University of Oregon, and has been Business Manager and Education Chairman for the Shoalwater Bay Tribe. He has been active in affairs of the terminated Klamath Tribe as a tribal council member and in the affairs of Northwestern Indian organizations. He is college-educated and is a graduate of the Indian Manpower Training Center in Phoenix.

GEORGE TOMER, Penobscot-Maliseet, Task Force Specialist.

TASK FORCE ELEVEN

ALCOHOL AND DRUG ABUSE

(Concerning identification of causitive factors of substance abuse; improvement of local, state and federal delivery systems related to rehabilitation through Indian alcohol and drug abuse programs, especially those dealing in prevention, treatment and aftercare.)

Reuben Snake, Chairman  
Sioux City American Indian Center  
1660 West 27th Street  
Sioux City, Iowa 51103  
Telephone: 712-225-4141 or 227-6832

REUBEN SNAKE is a member of the Winnebago Tribe and is the Education Project Director for the Sioux City American Indian Center. Mr. Snake has been a National Field Trainer for Indian Education Training and the Educational Director for Nebraska Intertribal Development Corporation. He has organized a number of workshops on alcohol and drug abuse and has assisted in the development of projects to deal with these problems, such as in establishing an alcohol recovery house in Winnebago, Nebraska. Mr. Snake is active in the Native American Church.

George Hawkins, Member  
1301 S. Broadway  
Edmond, Oklahoma 73034  
Telephone: 405-842-5951

GEORGE HAWKINS, a Southern Cheyenne from Oklahoma, has been active in rehabilitation programs since 1966. He is a past Director of the Cheyenne-Arapaho Alcoholic Rehabilitation Center and is now the Executive Director for the United Indian Recovery Association of Edmond, Oklahoma, which he organized. Mr. Hawkins has been involved in several other state and national organizations on alcoholism and has been active in Oklahoma Indian affairs.

STEVEN LaBOEUFF, Blackfeet, Task Force Specialist.

## WHAT YOU CAN DO TO HELP

Indian tribes, organizations and individuals everywhere can assist AIPRC in its mission.

The Commission welcomes tribal resolutions, reports, letters and complaints which identify specific problems and issues. The more accurate, specific, concise and thoughtfully presented, the better, although no specific format need be followed. It is enough, for us to know exactly what the issues and problems are that confront you, as Indian people in your area. But remember, proper certification and documentation adds to your report.

Any tribe, group, band, organization, or individual may submit written material on problems and issues, local and national, and give their views on what should be done and thus, help us identify all the key issues. You may deal with a large number of issues, as you see them, or with a specific case, and include your recommendations of ways in which improvements may be made. You are welcome to contact us by mail or to state your case at an AIPRC hearing, or even telephone us for assistance.

## WHAT WILL HAPPEN TO SUBMITTED MATERIAL

1. You will receive prompt feedback and acknowledgment of your input by return mail.
2. Assistance by telephone may be provided.
3. The Commission will provide a suggested format if requested.
4. Any Indian input will be referred to the proper Task Forces for review.
5. Problem areas will be brought to the attention of Congressional delegates, departments and agencies.
6. The input becomes a part of the source records and information upon which the final Commission Report will be made. Thereafter, it will be placed in the permanent archives of the United States as a permanent record.
7. Position papers and complaints dealing with specific area problems or national Indian policy will be carefully evaluated as they are deemed to be crucial instruments for use by AIPRC in accomplishment of its mission. Such papers should be developed around issues, goals, objectives, conclusions, and recommendations for executive and/or legislative action. Such papers may be developed by your tribal council, tribal organizations, staff or legal counsel and may analyze the issues and state your particular needs.

# AMERICAN INDIAN POLICY REVIEW COMMISSION

ERNEST STEVENS Director  
KIRKE KICKINGBIRD General Counsel

# NEWSLETTER

SENATOR JAMES ABOUREZK Chairman  
CONGRESSMAN LLOYD MEEDS Vice Chairman

April, 1976



*The eleven circles at left represent the eleven Commission members and eleven task forces of the American Indian Policy Review Commission. The three red (gray in this reproduction) circles at top are the three Indians from Federally recognized tribes; the three white circles on each side represent the three Senators and three Congressmen on the Commission, and the two bottom circles are for the Commissioners who represent urban and federally non-recognized Indians. These eleven circles make up the larger circle of the traditional tribal council.*

## INTERIOR DEPARTMENT DRAGS FEET ON LAND ACQUISITION

According to recent Commission findings, less than \$6 million has been spent by the Bureau of Indian Affairs since 1934 to acquire land for the Indians. This is less than seven percent of the amount authorized under the Indian Reorganization Act of 1934.

There can be no question that land use and ownership plays an important role in the relationship of the Indian population to the Federal Government. One piece of federal legislation which recognized this was the Indian Reorganization Act of 1934. This Act authorized the Secretary of Interior to acquire "land, interest in lands, water rights and surface rights to lands" on behalf of American Indians.

The Commission is presently assessing how much the authority of the Indian Reorganization Act, as well as other federal statutes, has actually been exercised by the government to stabilize the land base of reservation Indians.

The Reorganization Act authorized annual appropriations of \$2 million per year for the acquisition of lands for Indians. In 1936

and 1937 Congress appropriated \$1 million annually under this provision. In subsequent years there were progressively smaller amounts appropriated, until 1951 when appropriations under this provision ceased entirely.

Our research so far has not provided a reason for this cessation, but it is presumed that the influence of the termination policies of the 1950's at least partially explains the Federal Government's apparent lack of interest in protecting Indian lands during this period.

*If the amount of money which was appropriated under the IRA since passage of the Act had been the maximum authorized -- and was an amount consistent with the intent of the IRA -- there would have been a total of \$82 million spent for acquisition of land on behalf of Indians. This would have purchased at today's prices something around 1 million acres. Our research indicates, however, that there has actually been less than \$6 million (\$5,823,500) appropriated through 1975 for this purpose.*

By conducting our own research and by asking the Bureau of Indian Affairs  
(Cont. on P. 6)

## LETTER FROM JIM ABOUREZK

I am very happy to report at this time that we have been able to resolve all constitutional questions regarding the Commission's right to exist. On February 19, 1976, in National Tribal Chairmen's Association, et. al., v. James Abourezk et. al., Civil No. 75-0803, a Federal District Court in Washington granted a motion for summary judgement in favor of the Commission, dismissing the bid by the NTCA to stop the Commission's investigation.

The background on this case is as follows:

On May 20, 1975, the National Tribal Chairmen's Association filed a suit seeking to have the act creating the Commission declared unconstitutional, seeking to stop the work of the Commission, attempting to have the appointment of the Indian Commission members voided, and demanding that the Director and General Counsel of the Commission be fired.

Because of the Constitutional issues involved, a three judge court was convened to hear oral arguments in the Federal District Court of the District of Columbia on December 12, 1975. In a unanimous decision on February 19, the court granted my (and the Commission's) motion to dismiss the NTCA suit. In their order dismissing NTCA's suit the three Federal judges stated:

The powers and responsibilities vested in the American Indian Policy Review Commission... are exclusively legislative in nature... and... neither the creation of the Commission nor the appointment of its membership by Congress... is violative of the doctrine of separation of powers or the appointments Clause of the Constitution... The present In-  
(Cont. on P. 6)

# INDIAN ALCOHOLISM PROGRAMS:

# SHOULD THEY

Stephen

Smoke rose high above Indian country and floated toward the Nation's capital recently when the Administration's proposed budget for 1977 called for the transfer of 16.1 million dollars in alcoholism and drug abuse programs from the Department of Health, Education and Welfare's National Institute on Alcoholism and Alcohol Abuse (NIAAA) to the Indian Health Service (IHS). The proposed funding for these programs, once moved to IHS, would be only 12 million dollars, a 25% drop from the present level!

Complete chaos resulted, with few of the proponents understanding the strategies involved in the proposed move. As in any case that involves misinformation or incomplete information, it became difficult for interested parties to mount a concentrated effort either for or against the proposed transfer, regardless of the funding level. Let's look through the smoke and see "what's happening".

*We must first accept the assumption that Indian alcoholism is recognized as the number one health problem of the Indian people, and is just beginning to receive a higher priority in the nation's health programs. The formation and placement of a coordinated alcohol and drug abuse effort should be the primary concern of all involved.*

## BACKGROUND

In the late 1960's, the Office of Economic Opportunity (OEO) began funding some alcoholism programs operated by the tribes and other Indian groups.

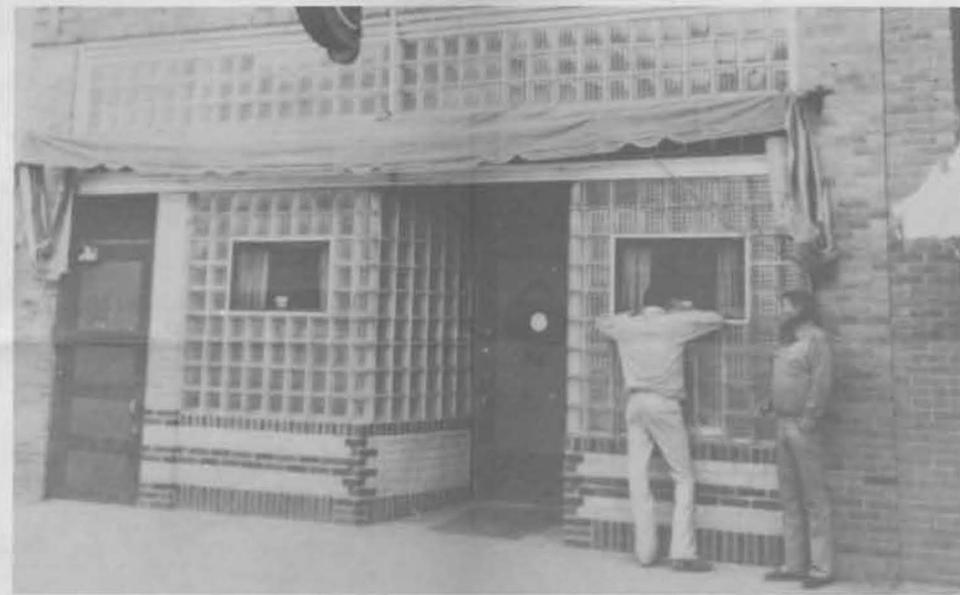
Then in 1970, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act established the NIAAA within HEW for the purpose of coordinating all Federal activities in the alcohol field, in order to administer all alcoholism programs, and to develop project grants and contracts for the treatment of alcoholics. Not until 1972, however, did the OEO Indian alcoholism programs come under NIAAA's umbrella, along with IHS alcoholism

efforts.

NIAAA is now funding 153 Indian alcoholism programs (101 reservation and 52 urban programs), with an additional 12 training programs for Indian Counselors and workers in the alcoholism field. These programs are funded through a "special projects" branch of NIAAA, with no formal policy addressing specifically Indian needs. The project grants were originally designed to be funded for three years; however, recent legislation (HR-12677) will extend NIAAA's programs for three more years. At the end of this time, the programs are considered "mature" projects.

Federal direction in the past decade has been moving toward decentralization and the funding of block grants to the states, with the corresponding elimination of categorical programs. This direction was dramatically emphasized January 21 when President Ford proposed to consolidate the NIAAA project and state formulas grant programs into a massive block grant scheme with the monies going to the states. The Indian alcoholism programs would have been included in this move. In theory, "local control" is well intended, and supported by the Indian people; however, historical events have shown state handling of Indian monies to be somewhat suspect, with the Indian people fearing any state intervention. The Indian people have always supported local control in cases where Federal funds are channeled directly to Tribal entities and local organizations. State control, however, is steadfastly avoided.

It was, perhaps, with President Ford's budget message to Congress in mind that the Administration initiated a proposed transfer of the alcoholism programs to IHS. The proposed budget cut, on the other hand, was a different matter, bringing a quick outcry from all quarters, including Congressional supporters of alcoholism efforts. Rumors and incomplete information left many of the Indian programs and supportive organizations in a quandry on "who did what to whom?" and "why?" This type of situation makes it difficult to make rational decisions and formulates strategies of support or non-support of issues.



NIAAA had steadfastly taken the position that it wanted to keep the alcoholism effort "together" and that the total direction of alcoholism programs and support programs needed to be consistent. IHS on the other hand, has an "advocacy" role for all Indian people and the legislation for a comprehensive health delivery system to "reservation" Indians, whom they have traditionally served. It would appear that the resource programs within IHS, i.e., mental health, and health care facilities, could be most responsive to the special health needs of the alcoholism and drug abuse programs.

## ISSUES

*IHS is presently operating at a 2/3 funding level and has looked askance at the proposed transfer with anything less than full funding.*

Compounding the problem of short funding is the lack of an administrative structure to handle the programs. IHS, with the passing of P.L. 93-638, the Indian Self-Determination and Educational Assistance Act, in January 1975, now has grant authority and is implementing regulations which provide for a grants management structure. In all probability the alcoholism programs would be decentralized through the area offices. IHS has asked for additional administrative positions and monies to handle the proposed transfer.

Additionally, it is feared that any transfer of programs would  
(Cont. on following page)

possibly compromise the urban programs that are now funded, and the future funding of urban projects, because IHS is a "reservation" delivery system. Some feel that monies would be taken off of the top for administrative costs. It should be noted, however, that IHS is now administering several "urban" projects which have been established through Congressional direction. Should the alcoholism programs be transferred to IHS, the monies would be designated as alcoholism program monies and the full amount would go to the programs. Any additional costs for administering the alcoholism programs would be absorbed by IHS.

*Should the Indian alcoholism programs stay where they are, then? Where should the programs be placed if the proposal transfer takes place? What are some of the options available?*

Interestingly enough, several options are available and the advantages and disadvantages should be weighed carefully by the administration, Congress, and the Indian people:

--The entire Indian Alcoholism efforts could remain in NIAAA, permitting the focus for all federal alcohol initiatives to remain in one agency. This would be advantageous for communication between Indian alcoholism programs and other national

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# ALCOHOLISM PROGRAMS:

# SHOULD THEY MOVE TO IHS?

by

Stephen La Boueff, Jr.

funding 153 In-urban programs (101 urban programs), 12 training pro-Counselors and alcoholism field. funded through "special projects" branch of normal policy advisory Indian needs. were originally funded for three recent legislation extend NIAAA's more years. At the time, the programs were "special projects."

attention in the past moving toward the funding of the states, with the elimination of the states. This direction has been emphasized by President Ford to provide the NIAAA formulas grant progressive block grant monies going to the alcoholism programs. "local control" and supported by the people; however, have shown state monies to be absorbed with the Indian state interven-people have always control in cases funds are channeled entities and local State control, mostly avoided.

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Interestingly enough, several options are available and the advantages and disadvantages should be weighed carefully by the administration, Congress, and the Indian people:

--The entire Indian Alcoholism efforts could remain in NIAAA, permitting the focus for all federal alcohol initiatives to remain in one agency. This would be advantageous for communication between Indian alcoholism programs and other national

alcoholism programs, and would facilitate research collaborations and manpower training. However, there is not now a specifically Indian program in NIAAA, as the projects are funded out of the "special projects" branch.

--All of the Indian alcoholism projects could be transferred to the Indian Health Service, including research and manpower training programs. This option would have the effect of a quasi-Indian alcoholism program which would probably have to be merged with an existing program effort under IHS, e.g., mental health. It would permit keeping Indian alcoholism projects together, but does not address future funding needs, new projects, etc. It also would not give the alcoholism program the visibility it needs to become a viable program.

--The "mature" projects could be transferred to IHS for administration, keeping the funding of new "demonstration" (3-6 year) grants and alcohol research and manpower training efforts within NIAAA. This would permit the selection of projects to be funded independent of issues like urban v. rural, and would facilitate the entry of new Indian projects into an "alcohol"-oriented program with corresponding resources.

Task Force No. 11 on Alcoholism and Drug Abuse has been deeply immersed in the mandate given to it by Congress -- that of examining and analyzing every aspect of the alcoholism and drug abuse field -- from causative factors through treatment and preventive measures. The Indian people have

identified alcoholism and its related effects as their number one health priority, and the allocation of resources and formation of programs at all levels to combat it are of utmost importance. The Task Force is holding field hearings and on-site visits; gathering statistical data; analyzing and evaluating existing and proposed Federal, state, and local legislation, policy and progress; and conducting literature searches in order to present a comprehensive report to the Commission.

NIAAA and IHS are currently identifying options for implementing the transfer should it take place, and will be sharing them with the Indian alcoholism programs and national Indian alcoholism organizations for review.

**EDITORS NOTE:** There are obviously many more advantages, disadvantages, strategies and tradeoffs that might be considered. This article was written April 26, 1976 and is merely intended to help clarify some of the issues that are being discussed today.

*Task Force members are Reuben Snake (Winnebago-Sioux), Chairman; George Hawkins (Southern Cheyenne), member; and Steve LaBoueff, Jr. (Blackfeet), specialist. Informal Task Force hearings are tentatively scheduled for:*

PLACES	DATES
Sioux City IA	May 7
Buffalo NY	May 7
Oklahoma City OK	May 13
Phoenix AZ	May 14
Portland OR	May 17
San Diego CA	May 20

*Informal hearings have already been held in Milwaukee, Navajo, Billings MT, Anchorage, and Cherokee NC*

# ALTERNATIVE ELECTIVE BODIES

## FEDERAL ADMINISTRATION TASK FORCE AIRS TWO PROPOSALS

The "Inter-Tribal Legislative Institutions: Feasible Alternatives" Workshop held February 14 and 15 by the Task Force on Federal Administration and the Structure of Indian Affairs has introduced two basic plans for alternative Indian elective bodies, which it has submitted for review by tribes and organizations throughout the United States.

The workshop -- which was attended by all of the Federal Administration task force members and representatives from many Indian tribes and organizations -- concluded that the Executive Branch takes actions which preempt Indian representation in the policy making processes of the Congress, resulting in Executive action without Indian representation. Furthermore, it was concluded that the Executive Branch abuses and redirects the will of Congress in spite of Indian efforts to gain favorable legislation through the Committee hearing process. It was finally concluded that Congress frequently enacts legislation, damaging to the interests of tribes because there is no means by which the Indian voice can be formally heard in the Legislative Branch.

The workshop's overall conclusion was, therefore, that there is a need for an institution which represents Indian tribes and groups of tribes. This institution should reserve the right of each tribe to ratify and confirm the policy and program development activities of the national government as expressed through an inter-tribal legislative institution. The objectives of such an institution ought to be

--to perform oversight functions as regards the activities of the Legislative and Executive Branches;

--to protect the right of tribal self-government and strengthen the national government's trust responsibility;

--to increase tribal influence over the budget processes of the Executive and Legislative Branches; and

--to insure the trustee's (U.S. Government) accountability to the

Indian beneficiary. Two institutional concepts were thought by the workshop to be feasible and consistent with the needs and objectives just described.

### Concept No. 1: Election of Indian Congressional Delegation

*This approach includes the direct election of two Senators and three or more Representatives to the House and Senate of the U.S. Congress. The process would incorporate nomination of candidates through a national general assembly of tribes and popular election of representatives. This concept includes establishing an ongoing general assembly of tribes and an Indian*

*a continuing Legislative assembly fashioned after the League of Nations. This institution would represent all Indian tribes and nations to the extent that each would seek representation by sending a formal delegation. Each tribe or nation would determine the powers of its delegation, and each may reserve the right to ratify actions proposed by the Legislative assembly. Because the Union of Indian Nations would conduct sessions equal to the sessions of the U.S. Congress, each tribe would have the opportunity to review its position regarding any legislation set before the Congress in its early stages of development. The Union of Indian Nations would in effect serve as a "recognized" unofficial committee of Congress.*



Ray Goetting, Task Force No. 3 Ernie Stevens, Commission Director

*staff with an Executive Director who directly interfaces with a Secretary of Indian Affairs - a cabinet level officer in the Executive Branch. The Secretary of Indian Affairs would be responsible for all Indian Affairs Administration (all funds, assistance and services to Indians consolidated from the many different offices working with Indians).*

*The Congress would form a Joint Standing Committee of Indian Affairs which would be made up of the elected Indian Senators and Representatives. This Joint Standing Committee of Indian Affairs would have Indian Affairs budget jurisdiction as well as broad jurisdiction over Indian Affairs issues.*

### Concept No. 2: Union of Indian Nations

*This approach would establish*

*The Union of Indian Nations would serve as a primary source for legislation which reflects the interests of a majority of tribes. Specific tribal legislative interests would be directly placed before the Congress without action by the Union of Indian Nations unless such action is requested by the tribe or tribes concerned.*

The objectives of any such institution would be to:

- (1) Provide real Indian input into the budgetary process, both for Legislative and Executive Branches. This includes program definition, line item control, and development of rules and regulations for the administration. This system

(Cont. on P. 6)

# TASK FORCES INVESTIGATING SEPARATE DEPARTMENT OF INDIAN AFFAIRS ALMOST CREATED A CENTURY AGO

(EDITOR'S NOTE: An "internal memo" of AIPRC's Task Force No. 1 has stated that it "will likely recommend creation of some form of a new Department of Indian Relations & Community Reconstruction, headed by a cabinet-level Secretary, and subject to certain measures of 'joint control' by an independent Native American Board of Control." Alternatives for selecting membership to such a Board are only discussed briefly. The following are some excerpts from the background given for their proposed recommendation.)



Hank Adams

character and reputation, as well as to the welfare of our 300,000 Indian population... our 'Indian Affairs' deserves to be placed upon the footing of a separate department, equal in dignity and influence, because equal in importance, with every other department of the Government."

A bill to create the department was not acted upon by the Congress. The bill to transfer "full authority" to the War Department failed to pass the Senate.

However, on April 10, 1869, Congress did establish a ten-member Board of Indian Commissioners (BIC), empowered to exercise "joint control" with the Interior Secretary over departmental administration of Indian appropriations, contracts, personnel, tribal funds, and treaty provisions. Although its powers were subsequently reduced, BIC remained in existence until 1934.

President Grant, instead of seeking an Indian Department, used BIC to shield himself from strong military demands for wholesale appointments in the Indian Service and for maintaining full military control over the Native populations.

The BIC was also Grant's device for sharing responsibility among America's Christian churches for "civilizing" the Indian people, while dividing the Indian populations and territories among various Christian denominations. (Religions represented on BIC were later to squabble that all except Episcopalians had been "cheated" out of their proportionate number of

Indians, when "allocations" were not "relative to denominational size.")

We have addressed two basic points here: (1) That an independent, cabinet-rank Indian Department has been seriously considered in the past as having merit; and (2) There is national precedent in law for "joint control" to be exercised by a departmental Secretary and an external authoritative unit -- such as suggested for a "Native American Board of Control."

In effect, the proposed new Indian Department would be under the tri-partite control and direction of the President, the Congress, and Indian people collectively.

The Bureau of Indian Affairs has undergone, by its own terms, "ten major reorganizations, plus other minor realignments" since 1965. These maladapted readjustments in BIA structure and functions obviously have not equipped that ancient bureaucracy with either the capacity or the will to satisfy its obligations to Indian people or the American nation.

The first BIC appointees included three Presbyterians, two Episcopalians, two Methodists, and one each from the Baptist, Quaker, and Congregationalist religions. All were wealthy men, retaining interests in a range of businesses and occupations, including banking; fur trading; real estate; steel mills; mining and railroads; dry goods merchantry; textiles, cotton, and blanket manufacturing; steamship companies; insurance companies; education; and politics.

In fact, BIC had been proposed by influential churchmen as an alternative to the Indian Department and to military maneuverings for control. Although the authority exercised by BIC was minimal -- less than that contemplated by the churches -- its original members were instrumental in securing discharge or resignation of Indian Commissioners Ely S. Parker and E. P. Smith on corruption charges, before BIC members themselves resigned en masse in 1874, protesting their lack of powers and the

(Cont. on P. 7)

"Establishment of an independent and separate Department of Indian Affairs almost became reality a century ago.

The Great Peace Commission of 1867-1868 had initially recommended unanimously the formation of such a Department, whose "head should be a Cabinet Officer". The Commission, assigned to study the conditions of the Indian nations and to make treaties, was comprised of congressional and presidential appointees, including active and retired U.S. Army personnel.

In anticipation of the election of their former General, Ulysses S. Grant, to the Presidency, a national military lobby secured a change in the Commission's proposals. Led by its military members, its new majority insisted that "full authority and control over all Indians" should instead be transferred to the War Department.

Commissioner of Indian Affairs, and Peace Commission President, N. G. Taylor, carried the fight for the original position, declaring:

"In view of the magnitude, complexity and delicacy of our Indian Affairs, in view of the importance to our national treasury and to our national

# 83% OF TRIBES IN US HAVE LESS THAN 1000 PEOPLE, TASK FORCE STUDY INDICATES

The Commission Task Force on Tribal Government has encountered some surprising statistics in the course of its analysis of tribal governments.

In examining populations of Indian tribes in the lower 48 states and Alaska, it has determined that 52.7% of tribes have populations of 200 or less; 75.8% of tribes have populations of 500 or less; and 82.9% of tribes have populations of 1,000 or less. These alarming statistics have convinced the Task Force that special attention must be given to the problems encountered by small tribes today.

Areas of study to be undertaken by the Task Force will thus include the following issues of major interest to small tribes:

--problems that small tribes are experiencing in exercising basic powers of self-government;

--delivery of BIA services and the effect of BIA area organization on small tribal government operations;

--federal policy regarding distribution of federal programs to small tribes;

--the future of small tribes with small populations; and

--the impact and utility of the Indian Self-Determination Act for small tribes.

After data on the above subjects has been computed and analyzed, the Task Force plans to make recommendations to Congress which will address the above problems, with major emphasis on protecting the future of small tribes, insuring their tribal sovereignty, and adapting federal policy and federal funding procedures to accommodate the special needs of these tribes.

## INDIAN LEGISLATIVE INSTITUTIONS (Cont.)

will provide a window or door to Congress which will enable Indians to prevent Executive action from being taken without their approval.

- (2) Provide oversight review in regards to the activities of the Executive and Legislative Branches. The purpose of the review is to identify areas where the Executive Branch changes the intent of Congress, to make Congress aware of such changes and to take follow-up actions to correct these inconsistencies.
- (3) Provide accountability of both U.S. to tribes and of tribal representatives to their people. This process will clearly define the responsibilities of everyone dealing with Indian affairs and establish an evaluation system whereby Tribes can determine how well the General Assembly and its delegates are performing.
- (4) Provide a method for protecting the inherent sovereignty of all tribes and strengthening the vehicle for carrying out the trust responsibility of the U.S. government. Throughout this system it will be clearly

defined that no tribes will give up their sovereignty, but will in fact be provided a method for exercising their rights as sovereign nations.

*The Federal Administration Task Force would appreciate any comments or recommendations you might have on the proposed legislative structures. Please address your remarks to either Rudy Ryser or Bobbi Minnis, c/o Task Force No. 3, at the Commission Office in Washington, D.C.*

## LAND ACQUISITION (Cont.)

fairs to search their files, we are in the process of determining how much of that \$6 million was actually expended, how much land it bought, the quality of the land, location, etc. This information will be extremely valuable in assessing the overall impact of the Indian Reorganization Act, providing some measure of the Federal Government's recognition of the importance of land to the American Indian, and providing a factual base for future recommendations.

The results of this investigation -- as well as recommendations for policy changes which would make the government more responsive to Indians -- will be published in the Commission report in January 1977.

## LETTER FROM ABOUREZK (Cont.)

dian membership of the Commission reflects the criteria for selection detailed in... the American Indian Policy Review Commission Act and the Director and General Counsel of the Commission were appointed... as required by... the Act. The American Indian Policy Review Commission opened its offices on March 17, 1975 and has been in continuous operation since that date.

As you can tell from the articles in this newsletter, our Commission has been progressing steadily with its investigations over the past year. On February 18, 1976 the task forces submitted their second quarterly reports, and their third quarterly reports will be finished this month. The Commission has little more than a year left at this point in which to complete its work.

*Our most sincere hope, then, is that all one-million American Indians and Alaskan Natives will abandon any personal animosities they may feel at this time, so that we can all work together in uncovering the shortcomings in federal programs serving Indians, and stand behind the passage of any legislation and policy changes which the Commission finally recommends.*

# JURISDICTION TASK FORCES TO HOLD PHOENIX HEARINGS

*Task Forces on Tribal Government and Federal, State, and Tribal Jurisdiction of the American Indian Policy Review Commission will hold hearings on June 2 and 3 in Phoenix, Arizona.*

*The hearings will focus on current problems relating to jurisdiction and tribal governments in the Arizona and New Mexico area. In particular, the 1968 Indian Civil Rights Act will be dealt with and the problems of tribal justice and non-tribal taxation, zoning, and the efficacy of tribal governments.*

*Judge William Roy Rhodes of Task Force No. 4 will chair the hearings. The Task Forces will hear testimony from tribal government officials and Indian people representing Arizona area tribes and organizations as well as the Bureau of Indian Affairs and state and local government officials.*

*An open session has been scheduled during each hearing to give individual witnesses the opportunity to present their views.*

## T. F. Memo (Cont.)

non-cooperation of the Interior Department.

The most fundamental element of the trust responsibility is that of embracing and protecting the sovereign character of Indian peoples; second, that of being directed toward protecting the rights and resources maintained under the sovereign control of the Native nations. Subsidiary relationships -- and subsidiary "trusts" -- may produce different forms of protection or action.

The "conflict of interests" issue can approach resolution only through establishment of an independent Indian department. There

is nothing wrong with having a strong advocacy agency in government, committed to clear national purpose, reasonable and worthy objectives, and accepted obligations of trust and morality.

The doubts we have heard expressed about current governmental directions, ranging from State channelled funding to the contracting provisions of P.L. 93-638, from the Indian Trust Counsel Authority to the Assistant Secretary for Indian Affairs, support the view that Indian people have no agencies of their own in government -- and few reliable advocates.

## ABOUREZK (Cont.)

Anything less than total unity in demands for large-scale policy changes could prove lethal to these demands. Thus, at the risk of repeating myself, I urgently request that Indian groups or individuals who have any questions about the Commission, or who wish to advise us on any subject of Indian affairs, contact us as soon as possible at the American Indian Policy Review Commission, HOB Annex No. 2, Second and D Streets, S.W., Washington, D.C. 20515.

# WICHITA CHAIRMAN TESTIFIES ON POSSIBLE BIA WRONGDOINGS AT COMMISSION HEARINGS

*"... the Government tells us that they have retained (in trust status) 4,151 acres of land for our own use. We have, to this day, never seen that land.... In our agreement with the Government, they agreed to set aside for us 1,060 (individual) allotments. We only got 966, so there's 99 allotments missing. The Area Director said they (the BIA) didn't know where it went."*

This statement, submitted by Newton Lamar, Chairman of the Wichita Tribe of Oklahoma, refers only to the most obvious aspect of the many questionable actions taken by the Bureau of Indian Affairs, revealed at hearings held by the Commission in Denver on May 8 and 9. Lamar's testimony suggests that the BIA -- mostly through the Area Directors at Anadarko, Oklahoma -- has often operated in bad faith, even illegally, in many in-

stances where their duty was to protect the Indian's trust lands.

In 1934, according to Lamar, 1,356 acres of land formerly within reservation boundaries had been neither allotted nor homesteaded, and was therefore eligible -- according to the Indian Reorganization Act -- for Indian trust status. Without notifying any of the tribal leaders, however, the BIA Area Director for Anadarko, Oklahoma, Sid Carney, notified the Bureau of Land Management that it was not in "the public interest to have the land restored, and (that it should be) made subject to disposal in accordance with the regulations (of the Bureau of Land Management)."

From 1934 to 1968 the land remained untouched. In 1968, the BLM issued a directive stating that the State of Oklahoma could file on the land for a one year period, after which any individual could buy the land. As soon as the Wichitas realized that this land was still open, they demanded that it go to them,

"challenging one individual that was filing for a 120 acre parcel," according to Lamar. When overruled on the claim for this land, the tribe went to the BLM and BIA, both of which assured the tribe that any land not already bought (800 acres at the time) would be set aside for them. Shortly thereafter, however, when Lamar "started the process of having this land restored to the tribe," Charles Delaney, Acting Area Director at the time, "called me and said that the Bureau had not refrozen the land, that it was all gone. I called Mr. Delaney and he said, 'Well, geez, we're sorry about that.'"

Meanwhile, the Wichita Tribe is supposed to receive all payments made to the Government for non-allotted Indian lands that the Government sells. The Wichitas claim, however, that they have never seen the approximately \$136,000, which the Government netted from their sales, let alone the \$678,000, which the Government would have  
*(Continued on page 8)*

netted if it had sold the land for \$500 an acre -- the amount BLM files indicate it was worth -- instead of \$100 an acre, the amount they actually charged.

Other BIA actions reported by Lamar included the following:

--Morris Thompson, BIA Commissioner, declared one of the leases to a portion of the tribally owned land illegal, then rescinded his decision, saying that the lessee, one Joe Macomas, could keep all profits for wheat grown on the land until a court decision is reached on the validity of the lease. The Wichita feel that even if the suit is decided in their favor, that in three years Macomas's lease will be up, and the Indians will not be able to obtain even a percentage of his profits.

--One lease on land appraised at \$10,590 was leased for \$6,500. Another piece of land appraised at \$5,500 was leased by the BIA for \$3,750. No reason has been given as to why these lands were leased for under their appraised value.

--When tribal officials pushed to gain control of land leasing themselves, BIA employees -- specifically David Paddelty, an Employment Assistance Officer -- has lead the Wichita tribal members to believe that termination will result if the tribe takes over its own leasing.

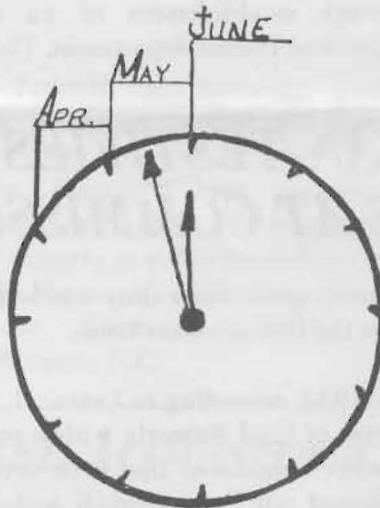
--When non-Indians lease land to oil companies, they zone the land so that the company must pay for subsurface rights for 0 to 15,000 feet down, for 15,000 to 25,000 feet down, and for 25,000 to

35,000 feet down; instead of just paying for one lease, they must pay for three. In cases where the BIA has leased land for the Wichita, however, Lamar claims that they have not zoned it, so that the lessee has often turned around and sub-leased the land, making thousands of dollars in profits, which should have gone to the tribe. When the Wichita questioned the Bureau, the BIA responded that, "We don't have the staff nor the resources to do that (zone the land)."

These and other allegations made by Lamar and others testifying at the Commission hearings are presently being investigated by the Commission, and will be presented, along with recommendations for changes in the management of the BIA, in the final Commission Report to be submitted in January, 1977.

## THE AMERICAN INDIAN POLICY REVIEW COMMISSION

(IS RUNNING OUT OF TIME!!!)



LET CONGRESS KNOW WHAT YOU THINK ABOUT INDIAN ISSUES ...

WHAT IS IMPORTANT TO YOU, AS AN INDIAN ...

**STAND UP AND BE COUNTED:  
YOU CAN MAKE YOUR VIEWS PART OF THE RECORD  
BY WRITING AND SENDING THEM IMMEDIATELY TO:**

The American Indian Policy Review Commission

Congress of the United States

House Office Building Annex No. 2

2nd and D Streets, S.W.

Washington, D.C. 20515

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CONGRESS OF THE UNITED STATES

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WASHINGTON, D.C. 20515  
PHONE: 202-225-1284

MEMORANDUM

TO: Senators, Congressmen, and Congressional Aides  
FROM: Tribal Government Task Force  
DATE: April 8, 1976  
RE: April 16, 1976 Tribal Government Seminar

The American Indian Policy Review Commission will hold the eleventh in its series of Congressional seminars on Friday, April 16, 1976, from 10 a.m. to 12 noon in Room B-308 of the Rayburn House Office Building. The seminar will be conducted by Task Force #2 on Tribal Government.

The seminar series is designed to alert members of Congress and their legislative aides to major issues of concern to American Indians. The Task Force on Tribal Government is conducting an analysis of structures, powers, and functions of tribal governments in order to preserve and strengthen tribal sovereignty.

As a result of the Task Force's studies to date, we have begun to identify broad issues which are of major concern to tribal governments. At the seminar, Task Force Chairman Wilbur Atcitty (Navajo), Special Assistant to Peter MacDonald; Task Force Member Alan Parker (Chippewa-Cree) of the American Indian Law Center at the University of New Mexico; and Task Force Specialist Michael Cox (Creek) will discuss:



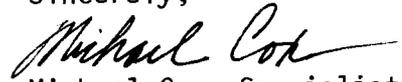
1. The need and desire of tribal governments to exercise the full array of powers of self-government;
2. the critical lack of financial, technical, and human resources needed to support even the most basic operations of tribal governments; and
3. the need for special federal policy which addresses the problems confronting small tribes and tribal governments.

Development of a consistent and long-lasting Congressional policy which not only recognizes the right of tribal self-government, but which is committed to strengthening those tribal governments, is perhaps the single most important recommendation which can emerge from this Commission.

Enclosed herein are some materials which may provide some background to the work of the Task Force and the kinds of issues under consideration.

Your attendance at the April 16 Seminar would be greatly appreciated.

Sincerely,



Michael Cox, Specialist  
Tribal Government Task Force

MC/car

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TASK FORCE INFORMATION SHEET

(Task Force #2)

Name: Task Force on Tribal Government

Members: Wilbur Atcitty, Chairman (Navajo) 602/871-4595  
Jerry Flute (Sisseton-Wahpeton Sioux) 605/698-3911  
Alan Parker (Chippewa-Cree) 505/277-2828

Staff: Michael Cox, Task Force Specialist (Creek) 202/225-1284

\*\*\*\*\*

General Purpose: The Tribal Government Task Force will examine the structures and determine the functions as they relate to the ability of tribal government to respond to the needs and desires of tribal members, to protect and enhance tribal sovereignty, to meet the problems encountered by Indian tribes in the present and future, and to make recommendations that will enable tribal governments to carry out these functions.

To achieve this goal, the task force will utilize a questionnaire which is aimed at yielding a picture of tribal government. It will provide the most comprehensive assessment of what tribal governments are doing, how they are organized to perform their functions, what functions they would like to perform, and what problems legal, administrative, or internal, they are experiencing and anticipate in implementing their powers and responsibilities. It will enable us to see what tribal governments of varying types want to do, and what resources they require to do it.

Primary Tasks:

- . Survey and Analysis of Tribal Governments and Structures
- . Taxation Powers of Indian Tribal Governments
- . Land Use Control and Natural Resources Regulation
- . Judicial Powers
- . Report on the Indian Reorganization Act of 1934
- . Historical Review of Tribal Governments and Sovereignty

Methodology:

- . Questionnaire survey of tribal governments
- . Field visitations to 35-40 reservations
- . Case study of approximately 6 reservations in the areas of taxation, land use control and natural resources regulations, judicial authority
- . Formal hearings

Topic Areas:

Powers of Self-Government: The extent to which tribes are fully exercising these powers. Should they be expanded? What are the problems in exercising these powers? What proposals are there for remedying these problems?

Taxation: The extent to which tribes are adopting taxing schemes. Tribal taxation as a means of financing tribal government.

Land Use and Natural Resources Regulation: The extent to which tribal governments are developing and adopting comprehensive land-use plans and regulating the development of their natural resources. The problems in regulating these areas and possible solutions.

Judicial Authority: Do tribes who are now prevented from exercising criminal and civil jurisdiction over the reservation desire to exercise this power? What special problems does this pose for tribes who are relatively small and poorly financed?

Structure of Tribal Government: Extent to which the tribal government structure and tribal constitution impedes or frustrates the efficient operations of tribal programs.

Organization and Operation of Tribal Government: Problems in securing and managing grants and contracts. An examination of how tribal governments determine their priorities and develop their budgets. The extent to which the Bureau band analysis is used by tribes in developing their budgets.

Other topic areas will be covered where appropriate.

Participation of Indian People: The Task Force values ideas and information submitted by Indian people, tribes and individuals for aiding in the conduct and completion of its work. Any person who wants information considered by the Task Force should address it to us. Particularly, information related to any of the above listed subject matters may be useful.

Tribal officials or representatives may call us to inquire about information that might have been developed by the Task Force, or overlooked while being important to have brought to our attention. Tribal reports, including lawsuits and legal briefs which may provide evidence or important information relating to Task Force issues will be read fully by the Task Force when submitted to it. Information from regions where Task Force hearings will be held can be most useful when received in advance of hearings.

When purpose might be served by the attendance of Task Force representatives at inter-tribal, regional, or other broadly based meetings, the Task Force will consider invitations to attend for listening to ideas, opinions and for furthering its information and data gathering work.

Task Force on Tribal Government

JAMES ABOURRI, R. D.S. DAK., CHAIRMAN  
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Major Issues - Task Force on Tribal Government

I. Financial and Administrative Stability of Tribal Government

Financial and administrative stability of tribal governments is a persistent problem; financing the basic operations of government is a significant problem for many tribes.

Some tribes have no independent source of income and rely totally on federal grant and contract monies. Other tribes have some income; however, their needs are so great that available funds are generally inadequate to meet the needs of the tribal government. The Task Force is concerned that all tribes have sufficient financial resources to perform their basic governmental functions (e.g., protection of natural resources, maintaining membership, supporting tribal council and tribal chairman's activities). (Services to tribal members such as education, manpower, and social services are not included here). The Task Force wishes to explore the nature of these problems and possible responses of the federal government. The Task Force will also identify the specific problems created by the absence of tribal income to perform these functions and services.

Subissue 1:

How are independent tribal funds used? What problems are created by an absence of sufficient funds to finance basic governmental functions?

- a. If your tribe has independent income, how are those funds used?
- b. Do they support any of the basic functions of tribal government?



- c. If not, how are tribal government functions financed?
- d. What specific functions is your tribal government unable to perform as a result of insufficient funds? (What kinds of activities would you be doing if you had the funds?)

Subissue 2: Is the tribe able to pay for the costs associated with the activities of its tribal council and tribal chairman?

- a. Are your councilmen adequately compensated, for their services?
- b. What problems, if any, are created if their compensation is inadequate?
- c. If your tribal chairman is not full-time, is this because of lack of funds, or because his services are not required full-time?
- d. What problems, if any, result from the fact that you do not have a full-time tribal chairman?

Subissue 3: Has the tribe ever felt forced to make major policy decisions without the benefit of legal and technical advice and expertise other than from the Bureau because it could not afford such assistance?

- a. Has the absence of legal and technical advice ever been a problem for you?
- b. What types of assistance do you need most?
- c. Can you provide us with some examples of situations in which the absence of such advice resulted in an inappropriate decision by the tribal government?

Subissue 4: Funds made available to tribes from the BIA are clearly very important sources of dollars and services for most tribes. The manner in which Bureau funds are distributed is, therefore, a critical issue which the Task Force desires to examine.

- a. To what extent does the present BIA budget system hinder or aid tribes in developing and meeting tribal priorities?
- b. Are there alternatives which would make it easier for tribes to develop their planning capabilities?
- c. Does the BIA budget reflect the real priorities of your tribe? If not, why not?
- d. How does the tribe presently go about determining tribal priorities?

Subissue 5: Many tribes have expressed a need for special orientation for tribal council members, especially those serving for the first time, to assist in understanding the operations of tribal government. The Task Force is interested in learning about programs which have been presented in the past, and your ideas concerning programs which could be made available in the future through federal resources.

- a. Describe the orientation you have received and its effectiveness.
- b. What role do you believe the federal government should play in providing such programs to tribal officials?
- c. What action should the federal government take to assure that all tribes have sufficient resources to perform their basic governmental functions?
- d. Are federal funds which are used for the support of tribal government operations sufficient?
- e. What additional resources should the federal government make available?

Subissue 6: Document problems in administrative stability of tribal government directly due to insufficient revenue or income.

- a. Are there problems in:
  - Administering and managing programs?
  - Setting up or maintaining an adequate personnel system? (Does there tend to be a total turnover in personnel upon the election of a new tribal chairman and/or council?)
  - Managing property?
  - Acquiring legal assistance to protect tribal sovereignty?
  - Training personnel to participate in the BAND analysis?
  - Training personnel in the skills necessary to solicit federally funded programs?
  - Carrying out tribal planning and budget development activities?
  - Accounting and financial management capabilities?

Subissue 7: A great deal of concern has been voiced about the problems tribal governments have experienced in managing federal programs under grant or contract. In light of the requirements of the Self-Determination Act for contracting with the Bureau, and grant and contract requirements of other federal agencies, it is essential that tribes have certain management systems in place. The Task Force is interested in the perceptions of tribal government concerning their own capability, problems they are experiencing, and action the federal government can take to help tribes improve their capability in order to meet grant and contract requirements.

- a. What problems are you having in planning, budgeting, personnel systems, financial management, property management, and other operations?
- b. What assistance has the federal government provided to assist your tribe to improve the capability of tribal government operations? How useful has this assistance been?
- c. What are your major areas of need at the present time?
- d. What do you think the federal government should be doing to assist tribes improve their management and operations capability?

⑤ Subissue 8: Requirements for various federal programs sometimes diminish the role of tribal government and exclude certain tribes because of their size. Program requirements which require a tribe to incorporate under the state to secure contracts are seen by some tribes as a process which involves relinquishing control to the state.

Federal policy set forth in the Self-Determination Act defines a very clear role in grants and contracts for tribal government. The Task Force wishes to examine the role of tribal government in any and all federal programs.

- a. Which federal programs do you believe have eligibility requirements which diminish the role of tribal government?
- b. What particular problems, if any, has your tribal government experienced in relation to these programs?
- c. What should be the federal policy on eligibility for grants and contracts?
- d. Should there be a separate staff for each program?
  - How does this affect the coordination of programs?
  - Does it interfere with accounting and management procedures on a reservation-wide basis?

Subissue 9: In the past ten years many tribes have created the position of tribal administrator or business manager to facilitate the conduct of governmental business. The Task Force wishes to learn how tribes feel about this approach, its pros and cons, and possible applicability to the situation of other tribes.

- a. Do you have a tribal administrator? If so, what is his role and function and relationship to the tribal chairman and tribal council?
- b. Has his presence helped you tribal government to operate more effectively?
- c. Do you believe it would help you if you had the services of a tribal administrator?
- d. How should the federal government assist tribes in securing the services of tribal administrators?

Subissue 10: What should be the overall role of the federal government in strengthening tribal government particularly in light of self-determination?

II. Powers of Tribal Government

A. Tribal Sovereignty and Intergovernmental Relationships between Tribal, Local, State and Federal Governments

Perhaps the most critical question that can be asked about Indian tribal governments today is what powers are they exercising, and does the exercise of those powers constitute the full exercise of tribal sovereignty? In the past forty years many of the sovereign powers of tribal governments have been infringed upon by federal, state, and local governments. Therefore, it is difficult today to define tribal sovereignty, or to describe in general terms the powers exercised by tribal government since they vary so greatly. It is essential to try to reach for a definition of sufficient flexibility to allow for the broad range of governmental powers exercised by tribes today.

The Task Force intends to document the extent to which state and local governments have encroached upon tribal powers of self-government and is reviewing the powers which are now being exercised by different tribes, of differing sizes, located in different places, to try to reach a definition of what tribal government really is and to develop an approach whereby federal policy can reflect that status.

Subissue 1: Determining what powers a tribe exercises, and the problems it is experiencing in the exercise of those powers is an initial first step in examining the powers of tribal government.

a. What powers is the tribe now exercising:

- Does the tribe regulate its membership?
- Does it have the capability to tax its members/or non-Indians on reservation land?

- Does it regulate or have control over the disposition of reservation lands?
  - Are there judicial powers? Is there a court system?
  - Are there law enforcement powers?
  - Are there other powers? (Specify)
- b. On each of the above mentioned powers, if the tribe does not have the authority to exercise these powers, is the state or federal government exercising these powers?
- Which government is exercising which powers? Why?
- c. What problems are you having or have you experienced in each power specified above?
- d. What conflicts have you had, if any, with state and local jurisdictions in the exercise of these powers?
- e. What kinds of jurisdictional conflicts have you experienced with local, state or federal governments?
- f. What do you think are the minimum powers a tribe must exercise to be considered a viable government? What powers do you feel are not critical to tribal sovereignty?

Subissue 2: The Task Force is interested in determining what powers tribes would like to exercise that they do not have now. If they do obtain these powers, do they have, or can they secure, the capability to exercise these powers effectively?

- a. What specific powers are you not exercising that you would like to exercise?
- b. If you were authorized to exercise these powers, would you have the capability to do so given the size and administrative capacity of your tribe?
- c. What assistance would you require if you were to exercise these powers?
- d. What other problems would you face in endeavoring to exercise these powers?

Subissue 3: What role has the federal government played, or should it be playing in helping tribes exercise their sovereignty?

- a. What has the federal government done in the last twenty years to enhance or diminish your ability to exercise tribal sovereignty?
- b. What should the federal government do in the future to assist tribal governments to exercise tribal sovereignty?

Subissue 4: Tribal sovereignty and BIA's role as Trustee or authority of Secretary of Interior over Tribal Government.

As tribal governments have evolved to act more and more independently from the BIA and the Department of Interior, the future role of the Secretary of Interior deserves particular consideration.

The Bureau now approves a varying range of resolutions passed by tribal councils. The legal authority for this action on the part of the Bureau is in serious doubt; the Task Force wishes to determine the extent to which the Bureau practices such discretion, and the impact of the Bureau's role on the operations of tribal government.

- a. In what areas is the BIA exercising its judgment over the tribe's will and to what extent does the power of the BIA to exercise its discretion effect the tribe's ability to function as a government?
- b. Should secretarial approval be required before tribal resolutions and budgets are valid which are unrelated to trust issues?
- c. Do you know the authority on which the BIA bases this action? Is there a provision in your constitution that you must submit tribal council resolutions to the BIA for approval?
- d. Does such a procedure limit the ability of your tribal government to function effectively?
- e. How should federal policy be modified with regard to BIA approval of tribal council resolutions?

- f. Do you have any problem with the fact that the Bureau provides such advice while it is carrying out its trust responsibilities on behalf of the Department of Interior which has such a strong interest in the development of natural resources on tribal lands? Do you see a conflict of interest problem on the part of the BIA and/or the Department of Interior?
- g. In what areas does there seem to be an undermining of tribal sovereignty by the BIA in their trust role? (i.e., program regulations, federal law)
- h. What problems have you experienced in dealing with the BIA that you feel undermine tribal sovereignty?
- i. It is the feeling of some tribes that if tribes have the capability to draw up their own constitutions, the BIA should not necessarily have the authority to approve constitutions. Should the BIA have the authority to approve constitutional by-laws or amendments to the constitution?

### III. Special Problems of Small Tribes

Small Indian Tribes present a set of special needs and problems in so far as federal policy toward tribal government is concerned. Analyzing the unique problems of small tribes is a priority issue for the Task Force. It is the intent of the Task Force to develop policy recommendations which will help small tribal governments to become viable. The question of federal policy in the distribution of federal funds to small tribes will also be considered in depth.

#### Subissue 1:

An analysis of the powers exercised by small tribes and the problems related to these powers will help to serve as a basis for recommendations with regard to small tribes.

- a. As the tribal chairman of a small tribe, what do you believe are the special problems being faced by small tribes today?
- b. What powers of self government do you now exercise?
  - o What powers do you wish to exercise?
  - o Does your tribe presently have the capability to exercise these powers?
  - o What support or assistance would you require in order to exercise these powers?
- c. Given population and tribal resources, do you see a distinction between the tribal government operations of small vs large tribes?
- d. Does a small tribe experience more conflicts with the state because of its size than larger tribes?

#### Subissue 2:

Role and relationship of the Bureau of Indian Affairs to small tribes. The manner in which the bureau is organized to deliver services to small tribes and in fact provides such services is a critical factor in so far as their viability is concerned. An examination of that role and relationship is basic to understanding the special problems of these tribes.

- a. How is the BIA organized in your area?
- b. What effect does this have on the ability of a small tribe to contract?
- c. Do you participate in the BAND analysis or BIA budget process?
- d. Do you have a lack of trained personnel to participate in the budget process?
- f. Is there insufficient funding to make the establishment of priorities a reality?
- g. What special problems do you have as a tribal government in working with the Bureau which might not be experienced by a larger tribe?

Subissues 3:

Federal policy with regard to distribution of funds from other federal programs is also a subject of concern to small tribes. Assuring that all federal policy recognizes the uniqueness of their circumstances and properly considers their needs is an important question.

- a. Some federal policy seems to have been written which large tribes in mind. What specific policies or procedures has your tribe experienced which you believe work to the detriment of small tribes? Give specific examples.
- b. Should there be federal policy which is different for tribes on the basis of size? (funding) If yes, how?
- c. Do small tribes have difficulty in securing contracts in competition with larger tribes?
- d. Do you feel that federal funding on the basis of tribe size is leading to the extinction of small tribes?

Subissue 4:

The Self-Determination Act is intended to provide new opportunities to tribal governing bodies to manage their own affairs. Some persons have questioned the helpfulness of the Act to small tribes. The Task Force desires to explore this problem and develop recommendations which might make the Act more responsive to the needs of small tribes if appropriate.



- a. What do you think the impact of the Self-Determination Act will be on your tribe, if any?
- b. Do you plan to contract under the Self-Determination Act?
- c. What special problems does contracting pose for a tribe of your size?
- d. Do you believe there are adequate funds to make correcting a reality for small tribes?
- e. What particular areas of your tribal government need to be strengthened? Can you estimate in dollars the amount of money you would require to pursue these activities, under new Self-Determination Grants Programs?

Subissue 5:

There is a great deal of controversy concerning the role which inter-tribal groups should appropriately play in assisting tribal governing bodies to perform certain types of governmental functions.

- What special roles, if any, do you believe that inter-tribal organizations can play in assisting small tribes to maintain their sovereignty?

Subissue 6: Many small tribes have expressed concern about their future because of their small populations. The next twenty years may mean the extinction of numerous small tribes unless certain changes occur immediately. Recommending ways to safeguard the future of these tribes is a critical issue for the Task Force.

- a. Has your tribal government examined the question of tribal survival in light of the small population and continuing migration from the reservation?
- b. What approaches, if any, have you developed to address this problem?
- c. What should the federal government do to help your tribe survive?

V. Tribal Government and Resource Development

The future of many tribes is dependent on decisions which are now being made and which will be made in the future concerning the development of the natural resources. The relationship of tribal government to these decisions--the manner in which they are made and how they are implemented--is therefore critical.

- a. What difficulty has your tribal government had in analyzing its resources and preparing plans for the development of these resources?
- b. How has the Bureau assisted you in this regard?
- c. Do you believe that the Bureau's assistance has taken into account the best interest of the tribe or is the Bureau caught in a conflict of interest role?
- d. What should federal policy with regard to resource development be?
- e. What should the role of the Bureau, as trustee in resource development decisions be?

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July 13, 1976

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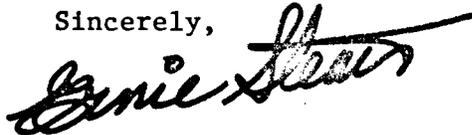
Dear Gentlemen:

The Task Forces of the American Indian Policy Review Commission are now in their last quarter and are developing conclusions and formulating recommendations for both Executive and Legislative action. All Task Forces will have completed their final report by no later than August 17, 1976. This is a proper time to report on our responsibility to fulfill the Congressional mandate PL 93-580.

The Interim Report will outline the highlights of the review thus far, including the investigations, research, special reports, budget, administration and overall progress of the Commission. During the remainder of the life of the AIPRC, the staff and its support will continue to develop a substantive report under the joint direction of Congress and the Indian people. We will continue to set an example in accountability by reporting our activities while they are in progress. The Commission will then finalize a report that will justify Congressional commitment and Indian expectations.

We believe that this Interim Report will answer many questions being asked about our report by Indians and the Congress alike.

Sincerely,



Ernest L. Stevens  
Director



PROGRESS OF INVESTIGATIVE STUDIES

INTERIM REPORT

of the

AMERICAN INDIAN POLICY REVIEW COMMISSION

July, 1976

American Indian Policy Review Commission  
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## SUMMARY INTRODUCTION

In this report, we have attempted to present the progress of the various investigations of the Commission and its Task Forces. We intend to provide the essence of what is being accomplished by this joint Congressional Commission.

The Task Forces, completing their reports in July and August, are arriving at conclusions about the nature of Indian problems and proposing recommendations for solutions. These conclusions are based on documentary and legal evidence and consultation with Indian people. The Commission is receiving extensive input from Indian tribes. In fact, several of them are submitting complete Policy Review Commission Reports of their own, notably the Crows, Yakimas, Colvilles, Quinaults, Oglalas, etc.

The coming months will see the evolution of a central theme for the full report itself. Fundamental and recurring recommendations contained in the various reports will be emphasized in the AIPRC Final Report due in January, 1977. For instance, there are early indications that issues like treaty status and jurisdictional definitions; reform of federal administration; special impact aid in economic development, stronger tribal self-government; and land consolidation and reform will be priorities as projected by Task Force and other supplementary reports.

Reliance on Indian people for defining problems and proposing solutions has been the fundamental philosophy and method of pursuit in our investigations. A statement of Indian goals and objectives as seen by Indian tribes and their members is our essential task. Indian solutions to Indian problems are being proposed by Task Forces who have been charged with documenting



their findings. Finally, these same Task Forces must make administrative and legislative proposals to Congress expressing the Indian viewpoint and making way for new laws and policies.

The AIPRC was given a two and one-half year time limit to accomplish its work. It is apparent at this stage that the Task Forces and supporting staff are equal to the sense of urgency that the time frame and budget compel.

This Interim Report will summarize our activities and present an early indication of final conclusions and recommendations.

We are certain that the final Commission report, its independent Task Force reports, and supplementary documents will be of a quality to provide Congress with viable and specific administrative and legislative proposals.

#### I. PURPOSE

This Interim Report is intended to inform Congress, tribes, interested organizations, and individuals of the important investigations, studies and findings which the AIPRC has conducted to date. It is our hope that the activities and findings reported here will serve to promote Indian economic and social development, self-government, and to increase Congressional awareness of Indian needs and goals.

The Commission and staff anticipate receiving comments and suggestions from Congressional members, Indians, and individuals reading this report in order to obtain their valuable insight. It is this feedback which will aid the Commission in meeting the expectations and demands of the Indian community through effective legislation.

## II. BACKGROUND OF THE AMERICAN INDIAN POLICY REVIEW COMMISSION

Throughout the history of federal/Indian relations, there has never been a comprehensive or consistent approach by the Congress and the Executive that dealt effectively with Indian problems and, at the same time, efficiently fulfilled Indian needs. Indian policy has led directly to a situation of deep despair and frustration among Indian people documented by countless alarming statistics reflecting all aspects of the living conditions of Indian people. This frustration has been physically manifested in events such as the occupation of the Bureau of Indian Affairs and the seige of Wounded Knee.

On July 16, 1973, Senator James Abourezk introduced Resolution 133 to establish the first Indian staffed Congressional Commission to review American Indian policy. After brief hearings, Resolution 133 was referred to the Commission on Interior and Insular Affairs on July 19 and 20, 1973, and on December 5, 1973, the Bill was considered and passed by the Senate.

On May 13, 1974, Congressman Meeds introduced an identical Bill on the House side, H.J. Res. 881, in the House of Representatives. Hearings on the Resolution were held before the House Subcommittee on Indian Affairs, and the Bill passed the House on November 19, 1974, along with an amendment providing for the creation of investigating Task Forces responsible to the Commission. On December 16, the Senate concurred on the House amendment and on January 2, 1975, the Bill became Public Law 93-580, creating the American Indian Policy Review Commission. In addition, amendments were passed entitling the Commission to franking privilege and to accept volunteer services from both the public



and private sector.

### III. TASK FORCE INVESTIGATIONS

The Task Forces are in the process of completing their independent research and field investigative studies. These studies required extensive documented search, legal review and field input through on-site visits and hearings throughout Indian country. The Task Force investigative coverage map (see Chart I) indicates the intensity and area of field visits made by the Task Forces. These visits do not include special visits made for special studies that are also being conducted. Their efforts to date have resulted in arriving at preliminary conclusions and recommendations dealing specifically with major Indian problems and issues encountered during the study.

#### A. Task Force #1, Trust Responsibility and Federal-Indian Relationship, Including Treaty Review

The Task Force on Trust Responsibility and Federal-Indian Relations, Including Treaty Review, has been charged with "conducting a study and analysis of the Constitution, treaties, statutes, judicial interpretation and Executive Orders to determine the attributes of the unique relationship between the federal government and Indian tribes, and the land and other resources they possess".

Task Force #1 studies reinforce fundamental Indian claims to autonomous rights of self-government, inherent tribal sovereignty and territorial rights, as basic ingredients to the treaty relationship and trust responsibility established by the United States government. The United States has not adequately met its responsibilities in the crucial realms of resources management and

rights protection, or in fulfilling critical obligations relating to:

- Adequate Indian land base
- Water rights
- Hunting and fishing rights
- Federal commerce rights
- Tide and shoreline decisions
- Equitable boundary surveys
- Territorial jurisdiction
- Definition of Indian title
- Tribal taxing authorities
- Rights to security and economic independence

In order to sustain the obligations imposed by treaties and the trust relationship upon the federal government, Task Force #1 will recommend the creation of a separate Department of Indian Relations and Community Reconstruction providing Indians with direct access to the President and Congress. The Department would be under the direct administration of a Cabinet level Secretary of Indian Affairs subject to joint control by an Indian Board of Control. The Board will be appointed by the President from nominations submitted by Indian people. The Secretary and Board of Control will direct the Commissioner of Indian Affairs who will be responsible for the administration of the Department. BIA Area Offices would be scrapped in favor of a system of Native American Regional Councils performing continuous management planning, personnel resources coordination, evaluation functions for tribes, reservations and other Indian populations in the various regions. The system might include ten such regional councils as suggested by the following:

1. Alaska
2. Oklahoma
3. California

4. Northeastern States
5. Southeastern States
6. New Mexico, Colorado and Texas
7. Great Lakes Region
8. Washington, Oregon, Idaho, Montana, Wyoming
9. Nevada, Utah and Arizona  
Including all Navajo Territories in New Mexico and Colorado
10. North Dakota, South Dakota, Nebraska, Kansas and Iowa

These permanently-staffed Native American Regional Councils would be comprised of voting members selected by every tribe in each region. The Councils would make budget, staffing and personnel recommendations to the Department whose estimated minimum funding level would be \$25 billion for a ten-year period.

The federal trust responsibility, moreover, embraces the sovereign entities of Indian tribes and their people, property and rights. The negligence of the Department of Interior and BIA in meeting their trust responsibility has resulted in gross mismanagement of tribal and individual Indian natural resources. The Task Force will recommend an "American Indian Trust Responsibilities Act" designed to realistically enforce the obligatory standards of the federal trust responsibility to Indian people. Also, a permanent Washington, D.C. based American Indian Research and Development Institute should be established with satellite units in key Indian areas to provide an on-going resource center for the tribes and federal and state governments.

B. Task Force #2, Tribal Government

The Task Force on Tribal Government will respond to the mandate in the legislation providing for a "consideration of alternative methods to strengthen tribal government so that the tribes might fully represent their members and, at the same time, guarantee the fundamental rights of individual Indians."

In conducting its investigation, Task Force #2 has concluded that Congress should clearly recognize and express the tribal right of permanent political existence and inherent right of self-government through legislative policy. Tribes should be allowed to exercise the full array of powers of self-government or should have the right to negotiate with the states for the delegation of its inherent powers when full assumption of these powers is determined by the tribe to be unfeasible.

Its studies have shown that tribal governments may improve their ability to operate effectively by:

The creation of a separate, independent judicial branch;

The creation of independent election boards;

Enactment of fiscal controls and guidelines and publicizing all tribal financial matters;

Revision of Constitutional provisions dealing with recall, referendum, and removal procedures.

Tribes, moreover, should be given increased responsibility in determining the development of their own trust assets if they so choose. The federal government should provide financial, legal and technical assistance to tribes to accomplish these ends.

The eligibility requirements of tribes for federal programs should reinforce the powers and responsibilities of tribal governments by requiring that:

1. Tribal governments qualify as the prime sponsor for all federal programs.
2. Tribes should not be required to incorporate under state law as a federal program requirement.
3. Tribes be eligible for direct funding from programs presently requiring funding through the state.
4. Tribal governments be recognized as a legitimate "unit of government" for exemption from appropriate Internal Revenue Service provisions.

In order for the Sec. 104 contracting provisions of the Self-Determination Act to be implemented effectively, the term of funding of this program should allow tribes to realistically develop the administrative capabilities required to contract and administer programs. The contracting provisions of the Self-Determination Act should include a minimum level of funding over a five to ten year period. The formula for distribution of PL 93-638, Sec. 104 monies should be based on need as opposed to population formulas to allow maximum participation by small tribes. Finally, tribes do not have the financial capability to support the basic operation of their governments. Sec. 104 of PL 93-638 provides monies for developing the administrative mechanisms needed for contracting, however, the Task Force recommends that additional funding be made available to provide assistance in developing tribal self-government.

C. Task Force #3, Federal Administration and the Structure Of Indian Affairs

The work of the Task Force on Federal Administration and the structure of Indian affairs will include "a review of the policies, practices and structure of the federal agencies charged with protecting Indian resources and providing services to Indians. The review shall include a management study of the Bureau of Indian Affairs utilizing experts from the public and private sector."

Task Force #3 has stated that their investigations have shown that Indians must be afforded the right of self-government without regulation of tribal internal affairs by an outside government. Congress should create a technical assistance agency separate from the Department of the Interior which would serve in that capacity. This agency would be structured to provide direct line authority between a Central Office and local field offices. In order to minimize conflict of interest and enhance tribal self-government, Congress must establish an independent legal authority responsible for supplying legal assistance to Indians to protect Indian rights and property without diminishing the federal government's overall trust responsibility. Indians should, in addition, have direct access to an independent investigative and administrative mechanisms which would give immediate attention to complaints and claims. An Executive Oversight Office of Indian Affairs, accountable directly to a joint Congressional Executive Oversight Committee for Indian Affairs, would serve this function.

The administration of the trust responsibility extends to the entire federal government. Congress should enact legislation affirming that the federal government is the trustee with the responsibility to preserve, protect and guarantee Indian rights and property and that this responsibility must be carried out without imposing regulations on the lives of Indian people. A comprehensive consolidation of federal programs would eliminate the fragmentation of service delivery to Indians. A financial and technical assistance agency, independent of the Executive Branch, should be created by Congress to insure basic care assistance and institutional requirements commensurate with locally defined needs.

Direct tribal funding by Congress would strengthen tribal community controls over local development priorities and substantially diminish regulation of tribal internal affairs by the federal government. Several negotiation teams should be created by Congress authorized to enter into negotiations with individual tribal governing bodies on long-term funding assistance. Tribal Community Planning Offices should also be established to integrate overlapping federal programs to provide comprehensive development of technical capabilities and employment and training programs. All federal services and programs and the funding for these programs should be consolidated under a single umbrella agency.

Tribal membership and eligibility should be determined by the tribal governing bodies. The federal government must establish a tribal government recognition procedure which does not interfere with the internal rules and institutions of membership. Furthermore, services should be provided to individuals not residing on tribal lands as a result of recognition by tribal governing bodies. Indians have the right of self-government and the ability to develop effective governmental and political institutions capable of representing the interests of Indians. Tribes, however, are reluctant to organize in any manner which may tend to subordinate individual tribal authority to any entity other than the federal government. Congress should directly finance and support Indian tribal governance on a sustained basis to each Indian nation and tribe. Appropriations should be made to inter-tribal associations at the regional and national level, based on membership and at the request of a majority of those Indian nations and tribes participating. Congress should thoroughly consider enacting legislation

which firmly establishes the right of Indians to directly participate in the legislative process as sovereign, political entities.

D. Task Force #4, Federal, State and Tribal Jurisdiction

The primary emphasis of the Task Force studying federal, state, and tribal jurisdiction is "the collection and compilation of data necessary to understand the extent of Indian needs which presently exists or will exist in the near future."

Task Force #4 has found that Public Law 280 is a serious barrier to tribal self-government. The law enforcement services provided by the states are inadequate within the reservation boundaries. States are exercising unauthorized tax authority over Indian rights and property within reservation boundaries. The application of zoning ordinances and local codes by state or local authorities is questionable at best, resulting in expensive litigation and interfering with tribal projects such as tribal housing development. The issue of jurisdiction over non-Indians on reservations is complicated by historical inconsistencies and opposing legal decisions, status of land ownership, the integrity of Indian v. non-Indian court systems, etc.

Therefore, an amendment of PL 280 should be legislated providing for a tribal option to exercise such powers that they would like, provided that their resolution is accompanied by a comprehensive plan providing adequate time, financial resources, and commitment by the federal government to accomplish an acceptable resolution supporting the principle of self-determination. The Task Force will analyze present law and determine equitable recommendations.

PL 280 which transfers federal jurisdiction to state government does not, in pure legal theory, eliminate the pre-existing jurisdiction of Indian tribes and bands. The resulting situation can be termed "concurrent jurisdiction" wherein both the tribe and the state share jurisdiction. The Task Force report will explore the possible application of concurrent jurisdiction as a means of resolving the situation.

The child placement policies of state service agencies have resulted in a significant loss of tribal population. The social service concepts and regulations and training social workers is culturally inappropriate to Indian country. The Task Force will recommend measures to strengthen tribal jurisdiction in this area and to create culturally-sensitive social service agencies.

The issues related to hunting and fishing rights are clear and court decisions have consistently upheld Indian rights regarding jurisdiction and legal responsibility. Resource management and conservation issues are used by states and non-Indian groups to complicate or confuse the question of jurisdictional rights. The Task Force will develop recommendations based on legal alternatives documented by their investigations. Indian water rights have been continually encroached upon by federal and state governments. The various uses and development of water resources has drastically affected the rights and economic growth of tribes. Indian tribes, bands, and individuals do not have clear mandates which define the extent and nature of their rights and moreover, they often lack the expertise to assure the inviolability of the resources from non-Indian interests. Recommendations for protection of these rights will be a critical aspect of the Task Force report.

Indian tribes, bands and individuals hold land which contain vast mineral and water resources. The development of these resources oftentimes conflict with federal, state, and local land use controls. The jurisdiction of tribes in deciding the control, use and development of their land will be outlined in the Task Force report. The non-taxable status of Indian lands and businesses significantly upsets non-Indian governmental officials.

Indians oppose taxation by state and local governments as being inconsistent with Indian claims of the authority to tax non-Indians residing on the reservation. The Task Force will develop the issues relating to this problem in their report.

E. Task Force #5, Indian Education

The Task Force on Indian education is primarily responsible for "the collection and compilation of data necessary to understand the extent of Indian needs which presently exist or will exist in the near future."

Task Force #5 is documenting their conclusions that the federal government has a specific role and legal obligation to assure educational services and opportunities to all Indian people. The Task Force will recommend a legislative policy statement to this effect.

The Task Force has found that the definition of Indian, for purposes of recovering services from various federal agencies, appears to be arbitrary. The inconsistencies in these administrative definitions have served to confuse and divide Indian people, program administration and the U.S. Congress. The Task Force will recommend legislative clarification which permits the participation of all Indians in federal educational programs. In addition,



the Task Force will recommend that, for purposes of service, Indians should be defined by the local tribe, community and organization, and not by a federal agency.

The present service delivery systems do not provide a viable mechanism for the delivery of educational needs for Indian people. An alternative services model is needed which would be charged primarily with the distribution of funds and providing technical assistance in program planning, implementation and staff development where requested by the grantee. Its policy component must be focused at the community level to insure the flexibility needed for long-term educational planning and development within the local community.

The shortcomings of the present network of programs that provide educational services to Indians is an administrative nightmare. In order to insure adequate, qualitative educational services to Indian people, a comprehensive legislative package will be necessary. The legislation should include a community control of these services and institutions; creation of a financial base that insures operational and supplemental funds; and provisions for an agency that will be charged with the responsibility for implementing the legislation.

F. Task Force #6, Indian Health

The Task Force on Indian health is primarily responsible for "the collection and compilation of data necessary to understand the extent of Indian needs which presently exist or will exist in the near future."

The Indian Health Task Force has compiled "conclusive evidence" to show that the health level of Indians is significantly

below the level of health of the general United States population.

Major problem areas in the Indian health field are:

1. Inadequate policy to solve the problem of Indian health.
2. Lack of adequate appropriations to implement whatever policy exists.
3. Lack of adequate and strong mechanisms for the delivery of health care.
4. Lack of oversight and accountability at all levels of the Indian Health Service (IHS).

The Task Force has developed a set of basic remedies and recommendations to be submitted to Congress. They are as follows:

1. Development of a "Basic Health Care Guarantee" to guarantee health care to any Indian.
2. Making available supplementary benefits to insure the prevention of health problems and assist Indian tribes. Specifically, more services are needed in environmental health protection, preventative and outreach mental health, nutrition, accident prevention, transportation and accessibility, social services, training and technical assistance.
3. The Health Task Force has concluded that most federal, state and local agencies are not responsive to the needs of Indians. In order to consolidate all the services and make the delivery system more responsive, an Indian agency funded by federal monies and operating on the Cabinet level should be created.

The Health Task Force has concluded that the Indian Health Board system seems to have several deficiencies and is not working as it should. Further, in the area of environmental services, the tri-agency agreement between BIA, HUD and IHS is not working out. There is a lack of coordination among the agencies and lack of determination of responsibility. The Food Stamp Program has also proven inadequate because of the lack of knowledge of money management and the high price of food on the reservations. The Task Force also feels that there must be a facility for Indians to learn nutrition, dietetic and health education procedures.

According to the Task Force studies, the USDA surplus Commodities Food Program needs to be upgraded. Particularly, the quality and nutritional value of the food issuance. This program is gradually being phased out as a result of the Food Stamp Act. Indians presently receive marginal benefit from both programs. However, if these programs are to be continued, both would require special attention in meeting the needs of Indians.

Women, infants and children need far more services. There is a great need for day care centers, better staffed Head Start Programs and more programs for the elderly which start at a lower age than normal. The Task Force has also concluded that:

1. Preventative accident/safety programs need to be strengthened;
2. IHS programs for self-determination and tribal health boards are limited;
3. Urban and off-reservation health, jurisdiction, financial and isolation are significant problem areas;
4. "There is no active mechanism for insuring that an Indian perspective is included or at least considered during the legislative process";
5. IHS does not have adequate management standards.

The Task Force has sponsored specific recommendations such as a basic guaranteed health care package to counter the present crisis oriented health systems and the establishment of a National Mental Health Center to study mental health problems of the American Indians and Alaskan Natives; the Task Force also supports improvement of Indian medical education on all levels, and training of Indians to manage health care systems. Further, the Task Force has fielded the idea that the responsibility for environmental health services should go to HUD in the absence of a new super-agency.

A tribally-controlled nutrition program for Native Americans should be established.

Also recommended are: enactment of legislation giving tribal health agencies specific policy authority over the IHS, more funding for the National Indian Health Board and at least two basic guarantees of Medicare and Medicaid.

Other recommendations are:

1. Basic health care package should be made available to all Indians;
2. Adoption of a federal policy for Indian health programs with specific set asides for Indian tribes;
3. Review of all proposed health legislation by IHS and ONAP (in regard to Indians);
4. Indian participation in the health policy debate;
5. Make IHS part of the super-agency on Indian affairs;
6. Establishment of a National Indian Health Data Center.
- G. Task Force #7, Reservation and Resource Development and Protection

Task Force #7 on reservation and resource development and protection has been mandated to determine "Indian needs which presently exist or will exist in the near future" in the field of reservation development and to record their findings by documenting "the attributes of the unique relationship between the federal government and Indian tribes and the land and other resources they possess."

The Task Force finds that the BIA is concentrating on the preservation and management of Indian land and natural resources and is neglecting to provide tribes with the necessary aid to develop their resources. BIA has, in fact, never designed a comprehensive development plan, let alone made an effort to secure



funding for it. The BIA's lack of concern for Indian development has resulted in the loss of \$40.5 million authorized by Congress under the Indian Financing Act.

The Indian land base has been severely eroded as a result of the lack of BIA land consolidation and acquisition policy. Land consolidation is a necessity for the success of any development plan since current checkerboarding makes it impossible to implement any effective land use policy. Only \$6 million has been obtained by the BIA out of \$84 million originally authorized by the 1934 Indian Reorganization Act for land purchase by Indians.

As a consequence of the absence of a BIA development policy, the most valuable land and resources are leased out to non-Indian producers. Almost without exception, the BIA boiler plate leases were negotiated in ignorance and therefore contain inequitable provisions which do not provide fair market prices, do not allow for readjustments of royalties or rents, do not assure environmental protection, and do not obtain preferential employment.

BIA Manpower Training Programs are deadends. The chronically unemployed and unskilled are given minimum training but there is no provision for their steady employment once the programs have ended. Although lack of management personnel has been cited in GAO studies as the obstacle to Indian development, there are no programs to develop middle level management.

The Task Force will show that the federal agencies have no specific strategy for Indian development based on Indian goals and priorities. Moreover, in the absence of articulated policy goals, it is impossible for these agencies to evaluate their own programs. There is no program coordination among the federal

agencies responsible for Indian programs. Consequently, each program operates in a critical vacuum and fails to fulfill management and training requirements to improve Indian development capabilities. Indians do not control economic development either on a federal or tribal level. Tribal governments are dependent on federal sources for funding and subsequently are not free to select those programs which would best-promote development.

The Alaska Native Claims Act presents special problems in the implementation and impact of the Act on future control and development of these resources by Alaska natives. Title to only 500,000 acres has been conveyed to Alaska natives. At this rate, it will take the Bureau of Land Management 400 years to convey title. The BLM Alaska Policy discriminates against Alaska natives through the easement provision of the Act which is being used to acquire native land and resources without compensation. For example, BLM has given free use permits to the Alaska State Highway Department for sand and gravel which is on corporation land.

The 7(i) provision of the Act concerning revenue-sharing among the regional corporations is vague and because the Secretary of the Interior has not defined "revenue", the corporations have become tied up in legal battles on this definition.

Another problem is that the real value of the Act's one billion dollars has been reduced to an effective \$250-\$300 million due to late payments, inflation and excessive legal fees necessary to force implementation of the Act.

Villagers are having a hard time making the transition from subsistence to corporate finance, and are in desperate need of technical assistance. However, even through strictly prohibited



in the Act, federal agencies have cut funding to Alaska because the natives are now "rich". Thus, the federal government is trying to terminate its services.

To remedy BIA gross neglect of economic development, lack of a federal development strategy or coordination and lack of Indian control, the Task Force proposes a federally funded development corporation controlled by Indians and expanded in function to provide all necessary factors for development either through grants or loans.

#### H. Task Force #8, Urban and Rural Non-Reservation Indians

The Task Force has been investigating and addressing the needs of urban and rural non-reservation Indians. The Task Force is also completing an examination of the statutes and procedures for granting federal recognition and extending services to Indian communities and individuals.

The Task Force, in its investigations on the problems affecting urban, rural and non-reservation Indians, has identified the following subject areas and issues within their study:

1. The funding levels and services provided by federal and state agencies to urban and rural Indians in the areas of health, education and employment.
2. The criteria applied by the federal government for recognition of tribal governments.
3. Alcohol abuse.
4. Law enforcement practices and effective court systems.

In order to address these problems, the Task Force is currently developing (1) an impact study of the BIA relocation and assistance program on urban and rural Indians; (2) an inventory of federal government resources available to non-reservation

Indians; and (3) a legal and historical review of policies and legislation affecting off-reservation Indians.

Specific areas of concern to the Task Force have included definition and identity problems for both individuals and non-reservation groups, recognition and channeling of funds for off-reservation Indian agencies, and federal policy encouraging cooperation between urban and reservation communities.

The creation of programs for urban Indians by the BIA and the IHS are cited as major issues. The need for Indian urban centers is also vital, as are the urban employment Manpower Programs, and special housing projects. Urban representation at the National policy making level is essential as is increased Indian cultural awareness among federal, state and local agencies.

The Task Force has also concluded that the erroneous Census count must be reversed and that a standard method (such as an accurate population count) should be used to determine the funding levels of all federal grants-in-aid and should be channeled to off-reservation agencies.

The problem areas have been determined in conjunction with the hearings and meetings conducted by Task Force #8 throughout the country. In addition, after a final evaluation of its findings and recommendations, the Task Force intends to conduct a follow-up survey to substantiate its report fully.

Ultimately, the goal of Task Force #8 is to strengthen the relationship of tribal governments to their off-reservation members, especially through fulfillment of the federal trust responsibility in delivering services to all Indians.

I. Task Force #9, Indian Law Revision, Consolidation and Codification

The Task Force on Indian law revision, consolidation and codification has thoroughly reviewed the "modification of existing laws, procedures, regulations, policies and practices as will, in the judgment of the Commission, best serve to carry out the policy and declaration of purposes of the American Indian Policy Review Commission.

The Task Force has developed a number of recommendations on the organization and implementation of Indian law. Although the bulk of the laws affecting Indians are located in Title 25 of the U.S. Code, many of these laws are scattered throughout the 50 Titles of the U.S. Code. Consolidation of all of these statutes affecting Indians into a single volume of single Title of the U.S. Code would be desirable. However, in the absence of a single agency responsible for the administration of all domestic assistance programs, the consolidation of the laws into a single Title would appear to present insurmountable obstacles. The Task Force will nonetheless recommend revision of the Title 25 laws in a way which will sponsor tribal option for control over assets and develop their tribal governments. Task Force #9 has reorganized the present Code by dividing it into numerous subject matter components.

The Task Force has found that there are at least nine Cabinet level departments having separate major programs or responsibilities which directly affect Indian people, severely complicating the processing of services to Indians. The Task Force has noted the need for at least some kind of coordination among

the federal agencies presently serving Indians. However, they have not developed a conclusive recommendation on this subject. In 1974, NCIO found that of the 600 potentially useful federal assistance programs, only 78 were being utilized by federally recognized tribes and only 39 of these programs were used by more than one tribe. Measures must be taken to insure that Indian people are enabled to participate in federal domestic assistance programs by clarifying the classification eligibility requirements. This might be accomplished through some sort of Indian eligibility statute. General federal regulatory statutes fail to take cognizance of the existence of tribal governments and moreover, fail to distinguish between tribal property rights and federal property rights. Indians should be exempt from general federal regulatory legislation in the absence of some expression of intent regarding application of the Act. Tribes should be included in state/federal planning boards and should moreover, be the primary governmental agency responsible for enforcement within reservation boundaries.

A recent interpretation by the BIA of "Indian" for the purposes of preference regulation has brought to light several complications in the application of the definition of the Five Civilized and Osage Tribes of Oklahoma. Presently, any person of Indian descent who is a member of a federally recognized tribe, is eligible for preference. If preference and other IRA provisions are accorded on the basis of tribal membership, those tribes which have a minimum blood quantum criteria for membership will be at a great disadvantage with regard to tribes which have no minimum blood quantum criteria.

Indian Health Service is in violation of the law and its discretionary policy has resulted in the denial of initial appointments, lateral transfers and promotions to qualified Indians. The Task Force recommends further hearings or negotiations with IHS to correct this situation.

The sovereign status of Indian tribes and governments in Oklahoma requires recognition by the federal and state governments. The unclear status of eastern Oklahoma tribes has been directly responsible for the denial of federal services and abdication of the trust responsibility. The U.S. as the trustee of Indian land can not be relied upon to provide the protection of sovereignty and resources needed due to either conflict of interest or political reasons. Tribes often lack the finances needed to insure their rights. The Task Force is developing an attorney fees statute which would enable tribes to recover legal fees from the U.S. and the states when a tribe has had to incur legal expenses because of a breach of trust responsibility or a lack of legal protection by the U.S. They are also reviewing general jurisdictional statutes to determine how they may be amended to facilitate a tribe's access to the courts.

The Task Force has identified areas of the Code which will require clarification. The legislative history of 25 U.S. Code 297 imposing the quarter blood restriction for educational benefits, indicates that the statute was intended only for eligibility for Bureau of Indian Affairs operated schools. Congress should clarify the precise intent and impact of the quarter blood restriction on all educational legislation. The legislative history of the Vocational Education Benefits Act does not support the "on or near"

sliding scale distinction found in 25 CFR 34.3; nor that Congress intended to apply a standard of remoteness of location rather than one of blood quantum in determining eligibility for benefits. Congress should clarify the intent and application of these statutes.

Congress intended to allow state judicial jurisdiction in the matter of school attendance, 25 U.S. Code 231(2), only where the governing body of the individual tribes adopted a resolution in favor of such measures.

Congress should clarify the jurisdictional authority in relation to that policy. The provision in 25 U.S. Code granting Indian Health Service benefits to non-Indian women is outdated. Denying health benefits to non-Indian husbands where such benefits are available to non-Indian wives imposes an unnecessary hardship on families where the Indian member happens to be a woman. The provision should be revised to include non-Indian men married to Indian women among those eligible for benefits.

The Bureau of Indian Affairs manual system (BIAM) is not in compliance with existing law, judicial decision and internal agency regulations and is presently so poorly organized that its utility to agency personnel is doubtful. The entire manual system as it now exists should be completely revamped to bring it into compliance with the law. All the Titles should be reviewed for APA violations and such violations should be corrected. All present regulations in conflict with or in derogation of statutory mandate or congressional intent must be rescinded.

J. Task Force #10, Terminated and Non-Federally Recognized Indians

The concept of recognition, the procedure for granting federal recognition, and the implications of these policies for terminated and non-federally recognized Indians represent the focus for Task Force #10's investigations. The Task Force is completing studies on the following:

1. The development of a legal foundation to define the federal trust responsibility;
2. Identification of all non-federally recognized and terminated tribes;
3. Analysis of the U.S. Census data in conjunction with its parameters defining the Indian population;
4. Development of a projected planning mechanism for Indians within the next decade.

Other priority areas for study include: (1) the creation of an Indian Housing Authority; (2) the Steilacoom Tribe has fulfilled the criteria to be considered a federally-recognized tribe; (3) recognition has, on occasion, been arbitrarily denied when a tribe met the prima facie requirements; (4) nothing should prevent Native people from equal access to services; (5) terminated tribes should still have equitable access to programs and activities designed and made available to Indians.

In addition, the Task Force is studying related areas in the federal/Indian relationship, the state/Indian relationship, the issue of sovereignty, tribalism and tribal government, and the plenary power of the U.S. Congress to supplement its findings. The Task Force will place special emphasis on the process policies and practices related to termination.

K. Task Force #11, Alcohol and Drug Abuse

The Indian people have identified alcohol and drug abuse as their major health problem. While there is a general acceptance that alcoholism has a devastating effect on the lives of American Indians, alcohol and drug abuse program efforts have not yet been given sufficiently high priority in government programs.

The Task Force was established for the purpose of determining the nature and scope of the problem among the Indian people.

The Task Force is exploring the federal, state and local governments' responsibility with regard to Indian people and funding priorities of alcohol and drug abuse programs.

Task Force #11 in its investigation, has identified several major issues or problem areas:

1. Alcohol and drug abuse have not yet been given a sufficiently high priority by federal agencies;
2. The urban vs. rural Indian issue makes the funding and support of the Indian serviced alcohol and drug programs by federal agencies very difficult. Other federal agencies cannot discriminate among races in their funding or authorities;
3. Uncoordinated efforts in programs by federal, state and local entities;
4. Insufficient development of management capacities and alcoholism training has created difficulties and accountability in the use of program funds;
5. Lack of a reliable data base for Indian alcohol and drug abuse programs;
6. The priorities in the alcoholism field have been given to the treatment rather than preventive measures and education on alcohol and drug abuse.

Tentative recommendations include a congressional priority to be placed on addressing the problem of Indian alcohol and drug abuse.



A national Indian Alcohol and Drug Abuse Program entity should be established and should include:

1. Coordinated program efforts (federal, state and community);
2. Establishment of a reliable data base;
3. Strengthening of program management capabilities;
4. Designing of programs more responsible to the unique needs of the Indian people;
5. Conducting of research;
6. The pursuit of greater tribal involvement.

A higher priority should be given to preventive measures and education.

#### IV. BIA MANAGEMENT STUDY

The Management Study of the Bureau of Indian Affairs is presently being conducted by management specialists from the public and private sector. This study is designed to determine how effectively the obligations of the federal government toward the Indians are being managed. The specific objectives of the study encompass the following goals:

1. To pinpoint and evaluate key decision points, discretionary authority exercised, and Indian participation in the budget process.
2. To identify and assess manual and automated information systems used in managing, evaluating and controlling the BIA in order to determine needs and shortcomings of the total system.
3. To examine the BIA's personnel activities and employee relations techniques to determine if the Bureau is responsive to the needs of Indian people.
4. To identify and evaluate the management relationships between Indian people, the BIA and other governmental agencies in order to determine the most effective and efficient methods for delivering services.

5. To eliminate unnecessary duplication of previous BIA management and organization studies by reviewing the benefits of their conclusions and recommendations.

In order to accomplish this task, three teams were organized with each containing a specialist in budgeting, personnel management and management information. In a preliminary review which reflected the size and scope of the BIA as related to Indian tribal entities, it was determined that a fair sampling should cover the Central Office in Washington, D.C., and in Albuquerque, plus two area offices, four agency offices, and six to eight tribes within the agencies visited. The third team reviewed previous studies and contacted various local offices in Washington, D.C.

Data is being collected through interviews and discussions with documentation provided as necessary. Some 250 people were contacted and provided comments and input to the reviews. The analysis has been developed to include "present operations", "evaluations", and recommendations covering budgeting, personnel management, management information, structure and implementation. The group also plans to interview several former BIA Commissioners before completion of the study and will include their perspective in the report.

This study will be integrated to a great degree with the work of Task Force #3 on Federal Administration and Structure of Indian Affairs. The BIA Management Study will be one source for providing alternatives to two significant questions. First, is the organizational alignment within the BIA appropriate to accomplish its mission and if not, how could it be modified? Second, is the scope and location of BIA in the total government structure appropriate and, if not, how could it be modified?

## V. COMMISSION INVESTIATIVE WORK

Special reports were developed to cover distinct subject areas for the use of all Task Forces and the Commission. These reports deal with certain subjects which have not been handled before in a separate and methodological form, or were not assigned to any specific Task Force, although involving subject matter that holds a conspicuous place in the field of Indian affairs. For instance, special reports are provided by consultants, technicians and organizations to assist, investigate and develop statistical data for use in connection with Task Force needs. These special reports are important for use of the Commission and shall be included as a technical and statistical data base for the Commission's final report.

### A. Historical Overview of Indian Policy

"The grave weakness of the Meriam Report was that it ignored the wishes of the Indian people. The BIA has undergone many reorganizations, always with the hope of finding what might be considered the right combination for success, but it has yet to define its goals in terms of the Indian desire to remain Indian with the trained capacity to survive in the American way of life."

Such are the words of the noted historian D'Arcy McNickle who is presently writing a comprehensive report on the history of Indian policy under the auspices of the American Indian Policy Review Commission.

This article is an historical reflection into the history of the Indian and his relationship with the white man.

The McNickle report attempts to tie the separate pieces of history together to give a proper perspective on Indian philosophy and an understanding of the problems now being addressed by Indian leaders. This objective should clarify a number of questions about approaches to Indian policy and will provide an historical basis whose understanding can lead to a mutually-agreeable Indian-federal relationship in the future.

B. AIPRC Analysis of Federal Expenditures for Indians

This special project involves a thorough budget review of all federal expenditures which provide services to Indians. These expenditures shall be analyzed and compared to figures that OMB claims are involved in the total Indian budget.

Total program estimates will be categorized and identified for functional program perspective and disclosure for the first time. In addition, an investigation will be conducted on the specific recipients of an estimated 1.4 to 1.5 billion dollars that appear in the combined federal budget and are identified as funds earmarked for Indian people, programs, goods and services. The report will also contain an analysis of the statistical methodology used in developing the budgetary components and form the basis for a rational approach to the Indian budget.

The study and analysis involve:

1. Reviewing of each line item in the budget for departments including:
  - a. The initial request from department to OMB
  - b. The OMB allowance
  - c. The President's budget request
  - d. The Congressional appropriation and obligations

2. A complete review of the legal statutes, regulations and procedures under which federal programs provide service dollars to Indians.
3. Identification of administrative costs and staffing of Indian programs within the various departments
4. Verification of Indian participation and input in budget processes
5. Analysis of departmental initiatives to maximize the potential of programs for Indians.
6. Per capita ratio analysis of Indian and non-Indian federal expenditures in selected states with significant Indian populations
7. The creation of a complete data base and a formulation of recommendations to the Commission

The completion of this study is estimated to be mid-September, 1976.

C. Investigation of Indian Contracting and Procurement

An analytical review of contracting procedures is being conducted in response to questions and inquiries raised by Indian tribal organizations, tribal and individual contractors, Indian Action Teams and CETA grantees concerning commercial and economic transactions which involve Indians in the following categories:

1. The conflicting government rules and regulations concerning Indian contracting and procurement policies of government agencies at both the local and central office levels.
2. The perception and interpretation by government agencies of the various Indian Preference Acts, such as the Buy Indian Act and Sec. 7(b) of the Indian Self-Determination and Education Act (PL 93-638).
3. The actual number and dollar value of contracts awarded to Indian owned economic enterprises and/or grantees for the past several years.
4. The types of technical assistance made available to Indian tribal organizations, contractors and grantees pursuant to the awarding of contracts.

The investigative report in this area contemplates in-depth case studies of selected types of contracting and procurement problems being experienced by Indian people in securing and implementing federal contracts and grants across the nation. The problems experienced range from vague and inconsistent interpretations by federal officials of federal contracting, grant and procurement regulations to allegations concerning improper unofficial and official actions taken by federal agency officials in dealing with Indian contractors and grantees.

Another aspect to the report is an attempt to systematically analyze and relate how federal agencies in Washington, D.C., and to a lesser extent, in the field, perceive themselves in relationship to Indian preference legislation such as the Indian Self-Determination and Education Act (PL 93-638), and how such acts are to be applied to Indian contractors and grantees by each federal agency.

The results of this investigation will provide the first comprehensive view of federal contracting and procurement policies affecting American Indians. A Commission report, detailing any suggested changes in legislation, regulations and policies is expected to be completed by mid-August, 1976.

D. Analysis of Proposed Independent Agency for Indian Affairs

A special report for the Commission involving proposals for a federal department or agency which would administer trust relations, supply services, and provide technical assistance to tribes is presently being prepared. This report deals primarily with the rationale for an Indian-administered agency, and is entitled "American Indian Bicentennial: 200 Years of Genocide and

Spoilation". A draft summary of the report emphasized that the right of self-government "is the Indian's last defense against administrative oppression".

The report has further pointed out that the body of Indian law, the "inherent sovereign power" of the Indians and the trust responsibilities of the United States, as defined in the Constitution, should be used to establish the status of self-government for American Indians.

The report calls for implementation of the existing trust obligations of the U.S. government by a transitional process from the Departments of Justice and Interior to an Indian administered agency. It is asserted that past and present Indian policy is "primarily directed to depriving Indians of their heritage and their lands".

The report asserts that planned destruction has been perpetrated by confining Indians to valueless, unproductive lands. It marks the Northwest Indians as victims of a "Secretarial policy" in the Department of Interior whereby reclamation projects voided the intent of the Supreme Court's Winters Doctrine.

The Yakima Federal Reclamation Project in Washington State is noted as an instance of intentional and continual spoilation. Similarly, the Colville Reservation in Washington has suffered from diversion of river waters and unequal distribution. Indians in Idaho, Montana, North and South Dakota, and Wyoming have also had water rights continually encroached upon by the Bureau of Reclamation.

The study will cover the history of the Interior Department's involvement with Indian land and conflicts of interest

within various federal bureaus. The report will propose legislation for an Indian trust authority "by and for Indians" and will include an in-depth survey of all laws pertaining to Indians and all rules and regulations governing those laws for administrative implementation. The final report is expected to be submitted to the Commission by December, 1976.

E. AIPRC Tribal Participation Project

"We do not want simply to consult with Indian people. Consultation has come to mean that you review the final product after it is completed. Instead, we want each tribe to participate in the actual design of federal Indian policy before it becomes final...by preparing its own Indian Policy Review Report."

In October of 1975, Commission Chairman Senator James Abourezk, invited all tribes, Indian organizations and concerned individuals to participate directly in the work of the AIPRC by compiling and submitting their own Special Policy Review Report. The purpose of this report was to provide concerned Indian tribes and organizations with the opportunity to share their unique perspective on Indian affairs.

In response to Senator Abourezk's invitation, over one hundred tribes and organizations have expressed an interest in working with the Commission on special projects. Among those groups are the following:

Affiliated Tribes of Northwest Indians  
Alaskan Federation of Natives  
Arizona Intertribal Council  
Colville Business Council  
Creek Tribe  
Crow Tribe  
Oneida Tribe  
Osage Tribe  
Pueblo Governors

(cont'd.)

Standing Rock Sioux Tribe  
Walker River Tribe  
Yakima Nation  
All CETA Contractors  
All Indian Action Teams  
United Indian Planners Association

The Commission in turn has produced special support materials designed to assist Indians in developing their report. A guideline suggesting structure and content of these reports has been sent to the interested groups. The Commission staff will continue to support and assist tribes by providing requested information. A letter has been forwarded to the various federal agencies advising them of the project and asking for their cooperation in supplying the required information. The Commission staff will be contacting the groups on a regular basis to offer assistance and discuss their progress.

A preliminary draft of the independent Policy Review Reports will be submitted to the Commission staff for review in July, 1976. The final reports will be presented by October 15, 1976.

These reports, compiled and developed by Indian people for use in the first Congressional report developed by and for Indians, will provide the key to the ultimate success and credibility of the Commission's findings.

#### VI. ORGANIZATION OF THE COMMISSION

The President Pro Tempore of the Senate appointed Senators Lee Metcalf (D. Montana), James Abourezk (D. South Dakota), and Mark Hatfield (R. Oregon) to the American Indian Policy Review Commission and the Speaker of the House of Representatives appointed Congressman Lloyd Meeds (D. Washington), Sidney Yates (D. Ill-

inois) and Sam Steiger (R. Arizona). Senator Abourezk was selected Chairman and Congressman Meeds was selected Vice Chairman. On March 17, 1975, Ernest L. Stevens was appointed Director of the Commission and K. Kirke Kickingbird was appointed General Counsel.

PL 93-580 provides for the selection of five Indian Commission members. After reviewing and voting on the numerous recommendations received from Indian organizations, tribes and legislators, the Indian members were appointed by majority vote of the Senators and Congressmen for the categories named below:

From Federally-Recognized Tribes

Ada Deer, Menominee, Wisconsin  
Jake Whitecrow, Quapaw-Seneca, Oklahoma  
John Borbridge, Tlingit, Alaska

From Non-Federally Recognized Tribes

Adolph Dial, Lumbee, North Carolina

From Urban Indians

Louis Bruce, Mohawk-Sioux, New York

The eleven Commissioners, the Director and General Counsel were sworn in by Supreme Court Justice Byron White at the commencement of the first business meeting of the American Indian Policy Review Commission on May 2, 1975. The third Professional Staff Member, Max I. Richtman, was appointed June 13, 1975.

Thirty-three Task Force members were selected at two Commission meetings held June 13 and July 11, 1975.

VII. RATIONALE AND PLAN FOR THE AIPRC

At the outset, the Commissioners and staff restated that the purposes, goals and objectives outlined in the legislation (PL 93-580) should provide the direction to the Commission.

A. Legislative Philosophy

In its initial findings, the Congress, in its Joint Resolution said that:

1. Administrative policy has traditionally shifted and changed without rational design and consistent goals to achieve Indian self-sufficiency.
2. There has been no comprehensive review on the conduct of Indian affairs since the 1928 Meriam Report.
3. To carry out its responsibilities and plenary powers, the Congress considered this review as imperative.

The Resolution calls for a comprehensive review of the historical and legal developments of the Indians' unique relationship with the federal government. This review is being conducted by an eleven-member Commission with eleven Task Forces divided into corresponding subject areas with authority to expand as necessary. A Selection Committee was appointed by the Commission consisting of Vice Chairman Meeds and Commissioners Bruce and Dial. This Committee aided in the planning of the organization, rules of operation, schedule of Task Force performance, review of nominations for Task Force members and schedule of Task Force staff employment.

This Selection Committee recommended adding two Task Forces to the nine provided in the Act by revising the responsibility of Task Force #8, Urban, Rural and Non-Reservation Indians, and creating Task Force #10 on Non-Federally Recognized Indians and Terminated Indians. In addition, Task Force #11 was created to focus on alcohol and drug abuse. The Commission voted on and approved the addition of the two Task Forces and the addition of the required members for each Task Force.

After review of many previous reports, investigations, various Task Force studies and oversight reports on Indian affairs, the Commission staff recognized the importance of developing a comprehensive philosophy and plan for implementing the AIPRC's investigations.

In reviewing these previous reports and studies with particular emphasis on the Meriam Report, the Commission determined that two major elements were missing in these previous reports to define the Indian "problem":

1. Indian opinion and participation
2. Documented proof of findings and conclusions

These two missing elements, therefore, represent a key aspect of the AIPRC's review and investigations. One form of participation is the extensive compilation of documented and verifiable records as a major part of the Commission's role. Previously recorded Indian opinion such as historical records including the treaties, laws and regulations affecting Indian affairs, are officially reviewed and will be included as a major part of the AIPRC information-gathering process.

B. Final and Supplementary Reports of the Commission

The final Commission report, with supporting and supplementary documents, is intended to be the most comprehensive review ever compiled in the area of Indian affairs. It will include a body of research, documentation, analysis and recommendations unparalleled in the history of federal/Indian relations. This report will present proposed legislation, policy and regulatory changes, and suggestions which may be implemented by Congress, federal agencies, Indian groups and tribes. It is intended to

have a lasting impact on the federal/Indian relationship.

As mandated by legislation, the Commission and its Task Forces are compiling materials to be incorporated into a final report. This report, together with the accompanying supplementary reports and documents, will be submitted to the President of the Senate and Speaker of the House. "The Commission shall cease to exist six months after the report is completed, but no later than June 30, 1977." The legislative recommendations will be forwarded to the standing committees of the Senate and House of Representatives and "such committees shall make a report thereon to the respective Houses within two years of referral".

The Commission report will follow a definite and specific format with a logical process of evidence and documentation. The report will provide:

1. A determination of issues and problems as perceived by Indians and reinforced by previously recorded Indian opinion which will lead to;
2. A determination of the Indian view of their own goals and objectives which in turn leads to;
3. A determination of preliminary conclusions based on Indian views and backed by documented evidence, finally leading to;
4. Recommendations to the President of the Senate and Speaker of the House for necessary revisions in the formulation of policies and programs for the benefit of Indians and suitable for:
  - a. Legislative action
  - b. Departmental policy action
  - c. Bureau procedural action
  - d. Indian use

The Commission will present to Congress, in addition to its final report:



1. Eleven independent Task Force Reports on the major areas of Indian affairs including:

Trust Responsibility  
Tribal Government  
Federal Administration & Structure of Indian Affairs  
Federal, State and Tribal Jurisdiction  
Indian Education  
Indian Health  
Reservation Development  
Urban & Rural Non-Reservation Indians  
Law Revision, Codification & Consolidation  
Terminated & Non-Federally Recognized Indians  
Alcoholism and Drug Abuse

2. A management study of the Bureau of Indian Affairs with accompanying recommendations.

3. Special reports on specified subjects, including:

Analysis and recommendations on the various alternatives for a nationwide Indian organization designed to improve Indian participation in the federal budget and programming processes.

Compilation of current data on the amount, nature and location of Indian trust lands by reservation, tribe and state, including data on allotted lands, resources, etc.

Analysis of how much land the federal government has acquired since 1934 and placed in trust for benefit of Indians. This will include the nature of the land, location, cost and data on any net loss or gain in land by tribe and state.

Analysis of the Indian fractionated heirship land problems, proposals for solutions and recommendations.

Analysis of the federal budget processes and funding as they affect Indians, and as reflected in ten major executive agency budgets.

Analysis of the federal contracting and procurement processes as they relate to Indian preference and as reflected by ten major executive agencies.

Special economic development report prepared by Indian professionals.

4. Special reports prepared by individual tribes and organizations reporting directly to the Commission.

5. Table of all Indian statutory law with reference and relationship with other Indian and non-Indian statutes. This will enable ready identification of all statutes which would be affected by any proposed Indian legislation.
6. Record of individual complaints, depositions, testimony, case studies and recommendations relating to specific subject matter areas.
7. Compilation and analysis of all proposals, recommendations, suggestions and demands made to the federal government by a representative group of 15 Indian organizations since 1900.
8. Library and comprehensive, indexed bibliography of all information sources compiled and/or used by the Commission and the Task Forces. This will include federal program information, budgets, policies, historical information, statistical data on economic development, natural resources, land usage, statutory, constitutional and court case law, treaties, status of tribes and terminated groups, sociological, educational and financial data and other research materials.
9. List of issues and subject areas to which Congress should give additional attention after the Commission terminates.
10. Detailed critique of the Commission's accomplishments and failures, dollar-cost analysis and internal evaluation of the overall success of the Commission in terms of how effectively it served Congress and the Indian people.

C. Task Force Mission

The Task Forces are conducting a comprehensive review of the federal/Indian relationship. This review will serve as the basis in determining the nature and scope of necessary revisions in the formulation of policies and programs for the benefit of Indians. Each Task Force has been mandated by the legislation to develop and submit progress reports on a quarterly basis. These Quarterly Reports are designed to apprise the Commission of Task Force progress in addition to providing an assurance of the quality of Task Force work. Moreover, these reports will facilitate the logical sequential development for the Final Task Force Report and ultimately, the Final Commission Report.

Subsequently, each Task Force will complete a summary report which will specifically outline and discuss the problems and recommendations in their subject area supported by documentation gathered through Indian participation.

D. Evaluation and Explanation of Task Force Work

The eleven Task Force groups are legislatively mandated to perform investigative duties. This research and field study process is focused on the basis of providing the Commission with Quarterly Report documents which specifically address the stage of development of their particular activities.

These reporting activities are for purposes of performance evaluation under the constraints of the Commission and for the purposes of managing the effectiveness and autonomous nature of the individual Task Force work.

The Task Force studies are prioritized into three individual areas as identified by each Task Force and are developed on the basis of the following criteria:

Primary Tasks: Primary tasks are studies, operations, research and investigations which have been determined by the Task Force to be their primary concern within the context of the Scope of Work. These studies are specifically identified and defined to comply with the intent of PL 93-580.

Secondary Tasks: A particular Task Force in the course of its investigative operations, may identify additional study areas. Pursuit of these secondary studies may require development by the Commission staff of inter-Task Force coordination and sufficient support.

Other Studies: These are identified studies that are related to the Task Force subject but cannot be addressed by the Task Force group. They may be:

1. Studies which would substantiate or assist the study being made by the Task Force.
2. Subject studies which provide beneficial information or data for Commission use.

The identification of these study areas is very important in the Commission final analysis of investigative findings by the Task Force.

The activities of the investigating Task Forces are keyed to the Quarterly Reports as a basis for quality, performance and expenditure schedules.

Each Task Force is required to submit Quarterly Reports . Each Quarterly Report incorporates the fundamental requirements of an investigative undertaking as proposed in the overall plan as follows:

First Quarter: The Scope of Work statement, the Plan of Operation with a performance schedule, and a description of the techniques to be used in gathering information was completed and made available in November, 1975. Any questionnaires or other data or written source material providing Indian input for Task Force investigation was prepared for the Commissioners. This would provide the Commissioners their first opportunity to participate and make their concerns known, and also to reflect upon the progress made. The Commission was specifically concerned that an information-gathering process be prepared and that systematic and timely notice to all tribes and Indian organizations be given.

Second Quarter: This report highlighted the problems identified and the major areas selected for detailed investigation. If sample site visits have been made, the general aspects of the visit and trends of conclusions, if any, were described. Here again, the Commissioners had an opportunity to contribute comments and suggestions concerning the investigations, and to judge whether each Task Force was making adequate progress.

Third Quarter: This report reflected the preliminary conclusions, the factual basis and trends of Indian solutions to the problems identified. This was the last opportunity for the Commissioners to contribute to the deliberations of the Task Forces. Coordination among Task Forces was arranged by the staff so that interest areas were integrated and available for proper consideration.

Final Report: The Final Task Force Report will include all Task Force recommendations to the Commission. These findings will be directly related to a specific Indian goal/objective directed within a problem/issue context. These recommendations will be proposed for:

1. Legislative use;
2. Executive Agency use;
3. BIA policy and procedural use;
4. Indian use.

A comparative analysis will be used to evaluate each report in terms of overlap and those areas where, due to the independent nature of the work, there are supplementary study requirements. This system insures that a comprehensive investigation is made.

### VIII. NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION SUIT (NTCA)

On May 20, 1975, the National Tribal Chairmen's Association of the District of Columbia, filed a Civil Complaint in the United States District Court for the District of Columbia, naming the AIPRC Commissioners, et al, party defendants.

Basically, the suit sought to stop the work of the Commission and to have the legislation creating the Commission declared to be unconstitutional. It also sought to have the appointment of the Indians serving as Commissioners and Professional Staff voided.

The case was heard by a three-judge District Court and on February 19, 1976, granted summary judgment against the complaining parties (NTCA). NTCA, through their attorneys, Winston and Strawn of the District of Columbia, filed Notice of Appeal. However, on May 19, 1976, the NTCA filed a Motion to Dismiss their appeal on ground they had not docketed the appeal in the Supreme Court and determined not to pursue the case further.

In dismissing the case denying NTCA's Motion for Summary Judgment and granting Chairman Abourezk's Motion for Summary Judgment, the three-judge District Court held:

"The powers and responsibilities vested in the American Indian Policy Review Commission \*\*\* are exclusively legislative in nature \*\*\* and \*\*\* neither the creation of the Commission nor the appointment of its membership by Congress \*\*\* is violative of the doctrine of separation of powers of the Appointments Clause of the Constitution. \*\*\* The present Indian membership of the Commission reflects the criteria for selection detailed in \*\*\* the American Indian Policy Review Commission Act and the Director and General Counsel of the Commission were appointed \*\*\* as required by the Act".

IX. AIPRC BUDGET AND FINANCIAL REPORT

The Congress authorized \$2,500,000 to cover the cost of the activities required under PL 93-580, approved January 2, 1975. Actual beginning of operation was March 17, 1975 when the Director and General Counsel reported for work. The first task initiated by staff was to propose a plan of operations consistent with budgetary limitations and also to immediately conform to the ongoing Congressional budget process.

The usual requirement for appropriations to be requested by fiscal period was applied except for the immediate authorization to expend from the contingent fund of the Senate until the first budget request be submitted and appropriated by Congress. This is reflected as the first period in the Expenditure Report below. There are further appropriation requests necessary because the Commission is authorized for performance in three fiscal year periods ending no later than June 30, 1977. The budget requests by fiscal period are as follows:

Contingent Fund of the Senate, FY 1975	\$	51,084.32
Budget Request FY 1976		1,885,205.68
Budget Request Transition Period 1976		300,710.00
Budget Request FY 1977		263,000.00
		<u>\$ 2,500,000.00</u>

The expenditure report reflects the amount expended from March 17, 1975 through June 30, 1975 and from July 1, 1975 to date, June 30, 1976, and reflects the following:

Commission expenses covers the fees and travel of the eleven Commissioners. The Congressional members charge travel expense only, as their salaries are not to be paid from the Commission

funds. The Indian Commissioners are paid a fee when actually employed for attendance at meetings or performing other related approved work for the Commission.

The Commission staff expenditure is the full-time salaries, travel and expenses of the Director, General Counsel, the Professional Staff Member and the three clerical staff authorized in the legislation. Consulting fees, travel and meeting expenses cover the remainder of this operation.

The Task Force expenses are for coverage of the items listed on the Expenditure Statement. All members are either full time or on a part-time, as needed, basis. This allows for a wider choice of consultants of special qualifications for short periods of time, which conserves funds while allowing flexibility in time scheduling within the one-year limit of the Task Forces.

Administrative costs cover those items as listed on the Expenditure Statement. The office furniture and equipment is being provided by the Congress in House Office Building Annex No. 2 and is available at no cost. The House of Representatives operates the building for various committees and commissions out of funds for that purpose.

The expenditure report shows the cost for the first period and the amount spent so far in the second period (FY 1976).

1975	\$	51,084.32
1976		<u>1,890,475.96</u>
		<u>1,941,560.28</u>

The Task Forces complete their assignments by August 18, 1976; the staff then will review the Task Force reports with the Commissioners and provide a staff to analyze, research, organize

and develop the Final Commission Report for submission to the President of the Senate and Speaker of the House by February 18, 1977. The law requires them to refer the report to the appropriate committees who will then have two years to act upon the recommendations in Congress. The Commission staff will then close out all activities, placing files in the Archives, providing a GAO audit and settling accounts, closing the operation not later than June 30, 1977.

EXPENDITURE STATEMENT

Period 3/17/75 to date 6/30/76

	<u>FY 1975</u>	<u>FY 1976</u>
Commission Expense		
Fees, Salary Wages	\$ 4,795	\$ 37,945.15
Travel	4,434	22,354.17
Commission Staff Expense		
Salary, Wages, Fees	27,371	126,737.29
Consultant Fees	5,293	66,586.36
Travel	3,001	75,333.40
Hearings		5,475.87
Task Force Expenses		
Task Force Members		317,756.21
Task Force Support Staff		256,917.24
Task Force Consultants		146,449.82
Task Force Specialists		200,712.17
Task Force Researchers		14,052.00
Contractual Studies		107,761.95
Task Force Travel		356,104.85
Task Force Hearings		49,916.52
Administrative Expenses		
Fringe Benefits	674	29,307.44
Office Supplies	1,753	25,874.96
Communications	2,737	31,087.61
News Subscriptions	342	1,765.35
Print and Reproduction	684	12,695.79
TOTALS	\$ 51,084	\$ 1,890,475.96





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AMERICAN INDIAN POLICY REVIEW COMMISSION  
CONGRESS OF THE UNITED STATES

HOUSE OFFICE BUILDING ANNEX No. 2  
2D AND D STREETS, SW.

WASHINGTON, D.C. 20515

PHONE: 202-225-1284

July 15, 1976

Mr. Bradley Patterson  
Special Assistant to the President  
for Indian Affairs  
Room 103  
Old Executive Office Building  
Washington, D.C.

Dear Brad:

Congratulations on your new assignment. I would like to greet you in a fashion which will welcome you back into the "pit" in the continuous battle for Indian rights.

A current news release by Richard LaCourse of the American Indian Press Association contains an article about a policy planning memorandum dated April 19, 1976 written by the Office of Management & Budget, examining long range strategy for future Indian policy. While a review of federal Indian policy is obviously badly needed, I find it acutely distressing that a debate of the nature described by Mr. Borgstrum should be occurring within the federal government at this time. It is particularly bothersome that considerations such as these should be circulated at a time when the President is preparing a policy running counter to the philosophy of the memorandum. It should be made clear that these are my own personal opinions and not those of the Commission itself. As to the law of the land, it needs no interpretation or philosophy and so I have merely stated it.

This discussion confirms every fear which every Indian has had over the past 20 years. It comes at a time when the legislative policy of Congress of recognizing the needs of Indian people and taking cognizance of their unique relationship to the federal government is just beginning to bear fruit. It comes within 15 years of the opening of general federal domestic assistance programs to reservation Indian participation. It comes less than 15 years after adoption of educational programs which are just now beginning to supply tribes with the intellectual resources necessary to cope with the complex political and economic machinery of the American social structure. It comes less than two years after passage of the Indian Self-Determination and Education Act (P.L. 93-638) which the Nixon administration so vigorously supported.

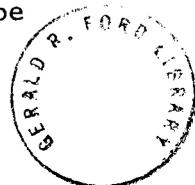
It reflects the continual fluctuation of federal Indian policy through the years which has made it impossible for the Indian to believe in the good faith of the federal government and impossible for the tribes to

assume their rightful role in the administration of Indian affairs. The policy alternatives discussed in this memorandum can only be described as termination on the one hand or drift on the other. The first has definite target objectives and as such, probably does feel more "comfortable" to Executive Office officials; the second lacks a clear cut philosophical or political commitment necessary to formulate a definite policy objective. It is justified on the simple expedient that if "promises are modest", presumably costs are the same.

The first alternative strategy discussed is labeled "Long-Range Social Problem Solving". As described in the memorandum, this language is nothing more than an euphemism for termination - termination of federal services, termination of federal trust protection, termination of federal recognition and eventually, termination of tribal existence. The memorandum recognizes this for what it is and appears to reject it. On page 4 and 5, ten "sub-strategies" to this "Long-Range Social Problem-Solving" strategy are listed. It is correctly noted that nine out of ten sub-strategies have been tried and failed. The tenth sub-strategy, i.e., establishments of museums, surely must have been added out of a macabre sense of humor.

The second alternative strategy, i.e., the "Incrementalist" strategy, is almost equally disappointing. It endorses tribal determination of needs and priorities but at the same time, commends federal manipulation of Indian perceptions and motivations; it supports tribal determination of objectives but suggests that local control is acceptable only because the Indian objectives do not presently diverge from federal objectives; it accepts tribes as the proper unit of local government to make policy determinations but it rejects permanent acceptance of sovereignty of Indian tribes as a fundamental principle stating that sovereignty should be viewed only as a "reference point" insofar as it is "perceived to be a valid concept by some participants". If federal delivery of services to state and local governments or to non-Indian people was discussed in similar terms, it would be rejected out of hand by both liberal and conservative alike. I can assure you that it is equally reprehensible to the Indian people.

The problem with this memorandum is that it totally fails to grasp the historic relationship of the Indian people to the federal government. It fails to give credence to the treaty commitments of the United States to the Indian people. It lacks an understanding of the trust responsibility assumed by the federal government first by treaty at the request of the Indians, and then by usurpation of controls through unilateral statutory enactments. It notes the failure of the termination policy in the past and rejects adoption of such a policy now; but it discusses the current policy of "self-determination" in a way which suggests eventual withdrawal of federal delivery of services, eventual withdrawal of federal trust responsibility, and eventual withdrawal of federal recognition of tribes as local sovereign governments. In short, it adopts as its central criterion, the concept that the "Indian problem" will eventually be



resolved by dissolution of the tribe as a government, it denigrates the concept of Indian property under tribal control and free of state law, and through indirection it points toward the dissolution of Indians as a people through acculturation and assimilation. Without so stating, it equates the "Indian problem" with Indian existence.

This debate on federal Indian policy is not new. It is now nearly 200 years old. In 1789, Secretary of War Knox expressed the alternatives to President Washington as suppression and extermination of the Indian tribes at high cost to the government, or an honorable course at much less expense premised on recognition of the tribes as sovereign entities with commitment of federal power to the protection of their lands and property. The consequence of this message was the Indian Trade and Intercourse Act of 1790 - one of the first statutes enacted by the First Congress - committing the federal government to the honorable (and more economic) course.

Virtually every treaty ever negotiated with the Indian people committed the United States to the recognition and protection of their persons, their property and their government. Though the statutory policy of the United States is not consistent, Congress affirmed this commitment to permanent recognition of Indian tribes in every Indian trade and intercourse act through 1834, in the Indian Reorganization Act of 1934, and in the Indian Self-Determination Act of 1975. And yet to this day, through legislative oversight or administrative regulations, tribes as primary units of local government, are ignored. It is precisely this federal ambivalency on the nature and status of Indian tribes which has led to the problems of tribal government and Indian people today.

The Northwest Ordinance of July 13, 1787 (1 Stat. 52), stated in part:

"The utmost good faith shall always be observed toward the Indians; their lands and their property shall never be taken from them without their consent; and in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, from time to time shall be made preventing wrongs being done to them, and for preserving peace and friendship with them."



When Congress, by the Act of March 3, 1871 (16 Stat. 566), prohibited the further making of treaties with the Indian tribes, it expressly provided:

"That nothing herein contained shall be construed to invalidate or impair the obligations of any treaty heretofore lawfully made and ratified." (See U.S. v. Berry, 2 McCrary, 58.)

Page 4.

This Act indicates that Congress would never knowingly violate an Indian treaty obligation.

The President has no power to abrogate Indian treaties except where a tribe would be in actual hostility to the United States, and then only if, in his opinion, the same can be done consistently with good faith and legal and national obligations. See: 25 U.S. Code - Indians 72.

The numerous Acts providing benefits for Indians are but the result of treaty implementing legislation first expressed in the Northwest Ordinance and reaffirmed by the federal Constitution. Such rights as Indians have, are preserved to this day (8 USC 1401). Until each obligation to the tribes and to the members thereof is fulfilled as provided under those statutes, termination in any form, would not only be insidious to the principles set forth in the supreme law of the land, but would be unconstitutional and illegal. 8 USC 1401 - USCA Const. Amend. 5.

Benefits provided for Indians today are but meager benefits if one considers the federal revenues obtained from the national public domain and national forests. The "lowest cost concept" of those who do not understand the federal relationship to tribes and to their members should view the massive foreign aid packages in comparison, inasmuch as the Indian people's resources have contributed so much, not only to America, but to the world.

It also fails to recognize that other segments of America's population participates in the annual depletion of our tax revenues. For instance, the subsidy of Indian tribal governments is not a radical budgetary departure, but is a concept already utilized extensively by city and state governments.

OMB staff should be required to write on the blackboard 100 times:

Article 1, Section 8  
Commerce and Intercourse Clause

Article 2, Section 2  
Power to Enter into Treaties

Article 6, Section 6  
Supremacy Clause

The "Indian problem" is not that Indian tribes continue to exist, but rather that the federal government both in legislation and through its multi-agency delivery system fails to recognize the fact of their existence or treats Indian tribes as a transient aberration - a romantic notion which will soon fade away. The focal point of the debate is

whether Indian tribes are sovereign governmental institutions constituting a permanent part of the American political fabric or whether they are merely transient bodies constituting no more than a federal instrumentality to be phased out of existence when Indian people have been fully acculturated into the American melting pot. The underlying basis for any federal policy must be the recognition of the tribes as a modern-day living determinant of Indian socio-economic welfare.

The reports of the various task forces within this Commission are not yet completed, and the Commission report is not due until January of 1977. However, I can truly say that we have not uncovered anything that would change the evaluation of Indian well being from the assessment of President Nixon in his message of July 8, 1970 - that the American Indians "are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement - employment, income, education, health - the condition of Indian people ranks at the bottom." Clearly there has been a critical failure in the federal Indian policy. But it is my judgment that the failure lies with the federal government - not the Indian people.

For the past 100 years the Indian people have lived under an all pervasive federal paternalism. The Indian Reorganization Act of 1934 attempted to change this policy by recognizing the legitimacy of tribal government and fostering its development, by requiring Indian consent to the utilization of their money and resources, by providing for reacquisition and expansion of the tribal land base to help make the tribes economically self-sufficient, by providing a line of credit through a revolving loan fund to aid in their economic development, by providing for tribal input into the federal budgeting process, and by providing for preference for Indians in employment in the Indian Service under a system outside the Civil Service Commission guidelines. The failure of this worthy legislation cannot be attributed to lack of tribal response. It can be attributed to the failure of the federal executive to seek adequate funding; the failure of Congress to appropriate authorized money necessary to carry out its purposes; the failure of federal administrators to follow the spirit of the statute in implementing and fostering tribal self-government, the failure of the government to involve tribes in the budgetary process in any meaningful way. Even the provision for separate Indian service employment regulations was ignored.

These failures of both Congress and the Executive began in the Roosevelt administration - they reached their peak in the termination period



beginning in 1953 - and it was not until passage of the Indian Self-Determination Act of 1975 that Congress and the Executive again joined hands to reaffirm their commitment to Indian self-determination. It is shameful that before the ink is dry on this Act, federal Indian policy should be debated in OMB or in Congress in terms of termination on the one hand or "modest promises" and economy on the other. Where is the commitment of purpose? Where is the direction? What is the objective of a policy framed in these terms? How will the Indian people ever achieve the economic self-sufficiency necessary to begin shouldering their own burdens if federal policy is premised on such a foundation?

In discussing the complexities of the federal Indian budget process with OMB staff it struck me that they could not comprehend the difference between a BIA budget and an Indian budget. Further, when I suggested that a comprehensive plan projecting "total tribal needs" be the foundation for a continuing budget process they responded by questioning whether there was any purpose in such a suggestion. When I discussed the possibility of attempting to construct a fair and equitable distribution of federal funds to tribes, Mr. Borgstrum said that if an equitable criteria for the expenditure of the federal budget were devised, then the "band analysis" would not work - indeed!

It is my personal belief that the Indian Reorganization Act of 1934 and the Indian Self-Determination Act of 1975 set forth basic principles upon which federal policy should be based. These principles include:

- (1) A recognition and reaffirmation of the moral and legal commitments made by the American people through the federal government to the Indian people by treaty and by statute to protect their person and property and to recognize in perpetuity their right to a government of their own choice.
- (2) A meaningful commitment of federal resources to the health, education and welfare of the American Indians necessary to bring these people on par with the standard of living enjoyed by other Americans in comparable settings.
- (3) A commitment of technical and financial assistance to tribal governments and tribal enterprises necessary for them to function in full partnership with the political and economic institutions in the rest of this country.

I believe these principles are inviolate. I also believe there is a substantial waste in the present federal delivery system. I believe the present delivery system must be revised to:

- (1) Eliminate duplication of administrative functions.
- (2) Tailor eligibility criteria for federal domestic assistance programs so that Indians too might participate.
- (3) Simplify application and reporting procedures on federal grant and contract programs in recognition of the limited staff and expertise available to tribal governments. (This suggestion would be seconded by most state and local governments too.)
- (4) Build into the federal delivery system the necessary flexibility to meet the varying needs and capabilities of tribal government.
- (5) Recognize and utilize tribal governments as the primary delivery vehicle at the local level, and
- (6) Make the delivery system respond to tribal needs by involving the tribes in the federal budgetary system in meaningful ways.

The federal structure must also be revised in such a way as to eliminate the conflict of interest which now prevails, and to the maximum extent possible, provide a mechanism for tribal or Indian involvement in all administrative decisions affecting their rights or interests with independent power to challenge any adverse federal actions in court.

Finally, I would like to object to the current methodology of federal administrators, and probably many members of Congress, in evaluating the expense of "Indian" programs. There is a tendency to view expenditures of social program monies for Indians as something different than expenditures for social programs generally. The social needs of the Indian people cannot be eliminated by terminating the allocation of monies to Indian programs. If the monies are not allocated to "Indian" programs, then the Indians will have to be allocated to other program agencies. This is simply robbing Peter to pay Paul - or more aptly, refusing to pay Peter so that you can afford to pay Paul.



The accounting practices of the federal budgeteers should be modified to reflect that a significant portion of the monies "appropriated by" Congress for Indian programs are not federal monies at all but are on deposit in the federal treasury.

The monies which are allocated to the support and assistance of tribal governments should be considered in light of the monies and assistance given to state and local governments. The monies allocated to the preservation and development of tribal resources should be evaluated in conjunction with the monies allocated to the preservation and development of similar federal resources. The monies made available to Indians through grant and loan programs should be evaluated in light of the monies available to non-Indians through other similar federal programs. In short, the per capita expenditure of the federal government for federal domestic assistance programs, both individual and governmental, should be evaluated in light of the per capita expenditures for the non-Indian citizenry at large. If such an evaluation were done, bearing always in mind the current condition of the Indian people in health, education and economic well being and balancing these expenses with the expenses for non-Indians similarly situated, I believe it might well be found that the expense of honoring the treaty commitments of the federal government to the Indian people is not an expense at all.

It is appropriate that in this Bi-Centennial year, America should re-examine her relations with the original Americans. The Indian inhabitants of this Nation should be a source of pride. The keystone of federal policy should be structured to reaffirm the course of honor agreed upon by the first President and the first Congress. What is needed more than the development of a shift and vacillation in federal Indian policy, is an acceptance of the realities and rights inherent in Indian law by the Legislative and Executive Departments. Thankfully, the Supreme Court has, for the most part, faithfully recognized the reality and perpetuity of Indian legal rights.

Your friend,



Ernest L. Stevens



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CONGRESS OF THE UNITED STATES

HOUSE OFFICE BUILDING ANNEX No. 2  
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August 3, 1976

The Honorable James Abourezk, Chairman  
American Indian Policy Review Commission  
United States Senate  
Washington, D.C. 20510

Dear Senator Abourezk:

Because of my concern about the lack of progress by Task Force No. 5 and the possibility of not completing our final report, I am compelled to write this letter.

Members of Task Force No. 5 were scheduled to meet in Spokane, Washington from July 28 through August 2 for the purpose of writing the final draft of our report to the Commission. I arrived in Spokane on July 29 and telephoned Mrs. Lorraine Misiaszek, Task Force member, for information about the time and place of the meeting. Mrs. Misiaszek told me that Mrs. Helen Schierbeck, Chairperson, had cancelled the meeting because our budget was overexpended. I was not aware of the cancellation of the meeting and was not surprised in light of the record of confusion and disorganization on the part of the chairperson.

Since the beginning of Task Force No. 5, I have been concerned about the budget and especially the practice of Mrs. Schierbeck unilaterally obligating funds under the pretense that I am not available for meetings and/or consultations.

When she unilaterally set her compensation on a full time basis for ten months in the amount of \$27,500 which was computed on a rate of pay of \$33,000 per annum, I wrote you a letter dated October 29, 1976 in which I strongly protested her action. Also, I appealed to the Commission to rescind their approval. In addition to other reasons, I objected on the grounds that other task force activities had a higher funding priority.

In your reply dated November 6, 1975 you upheld the action of the Commission and stated, "I find your remark relating to unequal representation by salary to be frivolous." If you will review my letter, you will discover I did not make such an asinine remark and I do not understand how you could construe that I did.



The Honorable James Abourezk, Chairman  
American Indian Policy Review Commission  
August 3, 1976  
Page 2 of 6

I did inform you that she unilaterally prepared the budget.

Further, the Director of the Commission failed to discuss the matter with me as you requested him to do.

At that time, in the interest of harmony, I did not pursue the budget matter. A decision on my part which I now regret.

Recently, I received a transcript of proceedings of a meeting of the Commission which was held on February 20, 1976. The report given to the Commission by Mrs. Schierbeck is misleading, untruthful, and disgusting. Surely the Commissioners recognize a biased report and are aware there is another side of the story which they should hear if they want a complete and accurate picture.

On page 86 Mrs. Schierbeck states, "In view of the limited participation of other task force members, as chairperson, I decided . . ." I have kept a detailed log of Task Force No. 5 activities and filed a report dated February 17, 1976 with Mrs. Schierbeck and Mr. Stevens for the period from August 7, 1975 to February 12, 1976.

My report was in response to a memorandum dated December 18, 1975 to the Commission from Congressman Meeds pertaining to Task Force No. 5's quarterly report.

The memorandum was sent to me by Mrs. Schierbeck and I received it on February 10, 1976. She asked that I respond and I did.

My report lists many meetings which were scheduled by Task Force No. 5 and which were either cancelled by Mrs. Schierbeck or she failed to attend. Between August 7, and February 12 we spent a total of 29 hours in actual meetings as a Task Force. In my report, I concluded, "I think that it is obvious that members of Task Force No. 5 have not devoted sufficient time to planning and organization and I suggest we furnish Congressman Meeds with that information." To my knowledge my suggestion was not carried out.

On page 101 of the transcript Mrs. Schierbeck again complains about the limited participation of other task force members. In rebuttal I refer you to my report dated February 17, 1976 and I am prepared to furnish information for the period from February 12, 1976 to the present and let you decide who is guilty of limited participation.

On page 103 she stated, "I'm a great believer in the Democratic process . . ." At the outset I insisted that we formulate rules of procedure for the Task Force and suggested most of them since Mrs. Schierbeck did not have any ideas or at least didn't articulate them. The rules were formulated, revised by us, and never observed by Mrs. Schierbeck.

The Honorable James Abourezk, Chairman  
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Page 3 of 6

Her grandiloquent statement about the democratic process flies in the face of her performance as chairperson. She unilaterally prepared the budget, set her salary, employed the Task Force Specialist, and employed the Task Force Research Assistant among other things.

If you will bear with me, I will describe another incident to support my argument.

On February 9, 1976 I received two letters from Mrs. Schierbeck. In one she requested my concurrence in a number of budgetary items, one of which was to "pick up Art McDonald as a consultant . . ."

In my reply dated February 17, 1976 I refused to concur with all requests and in the specific case of Art McDonald I refused to give my approval until I was furnished with information pertaining to rate of pay, function, and other general information.

In her second letter I received that day Mrs. Schierbeck made reference to the "research design for the case study which is being designed by Dr. Art McDonald." She stated she was concerned about my reactions. In my reply I informed her that I had not received a copy of the instrument for my review and comment.

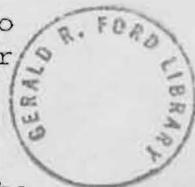
Task Force No. 5 met in Washington, D. C. on February 25, 26, 1976.

On February 26 Mrs. Schierbeck presented a proposal whereby Dr. Art McDonald would do a survey and define Indian education at a cost of \$21,050. The proposal was completely different from a research design for a case study. She could not explain the proposal, could not satisfactorily answer my questions, and seemed very vague in general. Mrs. Schierbeck suggested Mrs. Misiaszek and I read the proposal and have a poll by telephone the next day, February 27.

Later that day Ms. Maria Facchina, Research Assistant, gave me a ride to the airport and volunteered that Mrs. Schierbeck was not knowledgeable about the McDonald proposal because she, Ms. Facchina, had done all of the negotiations with Dr. McDonald. She said it was an excellent proposal and would be beneficial to our task force.

On February 27 I reviewed the proposal with Indian students attending Harvard University and we concluded the cost was exorbitant and the study would duplicate other previous efforts which we identified. Instead the graduate students and professors requested permission to do a study and develop a philosophy and definition of Indian education for the task force at no charge.

I telephoned Mrs. Schierbeck at the meeting place in Washington, D. C. and Mrs. Misiaszek answered. She said Mrs. Schierbeck had adjourned the meeting the day before and was not present. We discussed the McDonald proposal and agreed not to contract with him.



The Honorable James Abourezk, Chairman  
American Indian Policy Review Commission  
August 3, 1976  
Page 4 of 6

At a later date I telephoned Mrs. Schierbeck and informed her of my position and relayed the request of the Indian students attending Harvard University. She said she had previously requested assistance from Penn State University and Harvard University and received no encouragement. I informed her that the students indicated they know little about the American Indian Policy Review Commission and knew less about Task Force No. 5 until I talked with them and that in my opinion they were sincere and anxious to be of assistance. She recalled that she had discussed the matter with administrators and not students at the two institutions. She did not indicate her reaction to the request from the students.

On March 3, 1976 Mrs. Schierbeck telephoned and advised me of a meeting in Spokane, Washington on March 11 and said Dr. McDonald would attend. I reminded her that Mrs. Misiaszek and I had voted against contracting with him. She said she knew that but Dr. McDonald requested the opportunity to meet with the task force.

On March 10 Mrs. Schierbeck telephoned and informed me there was no need for me to come to Spokane on March 11 because Mrs. Misiaszek was ill and the meeting was cancelled.

On April 8 I received a telephone call from Senator Metcalf's office inquiring about the Art McDonald contract. I answered that his proposal had been rejected by a vote of 2-1 by Task Force No. 5.

On April 9 I telephoned Dr. McDonald and explained the action of the task force. He said he met with Mrs. Schierbeck in Spokane on March 11 and asked why I did not meet with them.

On July 2 I received a letter and several copies of a questionnaire from Dr. McDonald. The contents of his letter were unclear to me and I telephoned him for clarification. He was not in but his wife said he had received a contract from a "Senate Task Force" to do a survey on Indian education. She advised that I do nothing with the questionnaires and said time was so limited that her husband doubted if he could produce a worthwhile project.

On July 10 Task Force No. 5 met in Washington, D. C. and I inquired about the McDonald contract. Mrs. Schierbeck said she acted on her own and gave Dr. McDonald a contract in the amount of \$12,000.00!!! She said I was to have had the questionnaires completed by Indian people on the Blackfeet Indian Reservation.

I refer you to her report to the Commission on February 20. On Page 104 she states, "And we do have a contract and study through Dr. Art McDonald who, frankly, is going to save our lives because I could not do all of that myself."

The Honorable James Abourezk, Chairman  
American Indian Policy Review Commission  
August 3, 1976  
Page 5 of 6

On page 106 she states, "Dr. McDonald will be starting the study on the definition of Indian education with a number of communities. And the Coalition of Indian Controlled School Boards has made their lay advocate staff available. And they are 10 people we just have to pay the travel which comes to about \$2,800.00." I understand Mrs. Schierbeck is a consultant for the Coalition.

Her concept of the democratic process is foreign to me. Why didn't she tell me at the outset that she was going to contract with Dr. McDonald? Dr. McDonald is a capable, competent person whose talents could have been utilized in an endeavor agreed upon by the members provided it met an identified need.

Today, I am in Spokane, Washington writing this letter. Mrs. Schierbeck did not have the decency to let me know she had cancelled our meeting. On the basis of my past experiences I predict she will tell me that she tried to call me or the mail was delayed, lost or stolen.

On page 108 of the transcript Commissioner Whitecrow tells about rumors he has heard, "And the rumors I have heard have indicated that we have on Task Force No. 5, a personality conflict among our task force members." In my judgement Mr. Whitecrow's conclusions based on rumors are invalid and not befitting one who enjoys such an eminent standing as a member of the Commission. I have never met him and have never had the opportunity to counter the rumors he cites.

In my judgement there is not so much a personality conflict between Mrs. Schierbeck and me as there is a deep philosophical and cultural conflict which will never be resolved.

I have carefully observed her performance as Chairperson of Task Force No. 5. I have reached the conclusions she is very inexperienced in the field of Indian education and is insensitive and unknowledgeable about the majority of Indian people of this country as I perceive them. A cursory review of her experience in education and her cultural background supports my conclusions.

I submit that she is powerful and influential with Congress and agencies at the Federal level and has been instrumental in obtaining funds for certain Indian education programs and I commend her for this.

However, her performance as chairperson of Task Force No. 5 reflects a history of indecisiveness, lack of direction, inattention, and limited communications with task force members.

Her record is one of deceit and deviousness which I cannot condone.

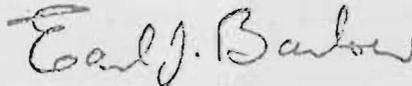


The Honorable James Abourezk, Chairman  
American Indian Policy Review Commission  
August 3, 1976  
Page 6 of 6

On the basis of my association with Mrs. Schierbeck as a member of Task Force No. 5, I have come to the conclusion that she is unable to function effectively in a group or team situation. Mrs. Misiaszek and I are concerned that Mrs. Schierbeck will unilaterally present a final report to the Commission which will not reflect our views.

In light of our deep concern Mrs. Misiaszek joins me in requesting an immediate audience with the Commission to inform the members of events since Mrs. Schierbeck's report of February 20 and to seek advice on how to complete our report and pay obligations which Mrs. Schierbeck chooses to ignore. Also we request an immediate accounting of Task Force No. 5 expenditures.

Sincerely,



Earl J. Barlow  
Member

P. S.

In her report to the Commission on February 20, Mrs. Schierbeck alleges mismanagement of funds of Indian education by Federal, state, and local governments. She has not shared evidence of this with other task force members.

EJB/ba

cc: Commission Members  
Ernie Stevens, Director  
Helen Schierbeck, Chairperson  
Lorraine Misiaszek, Member, Task Force No. 5





EXECUTIVE OFFICE OF THE PRESIDENT  
 OFFICE OF MANAGEMENT AND BUDGET  
 WASHINGTON, D.C. 20503

Honorable James Abourezk  
 Chairman, American Indian Policy  
 Review Commission  
 United States Senate  
 Washington, D.C. 20510

Dear Mr. Chairman:

I am responding to your letter of August 18, 1975, requesting the services of Mr. Sydney Freeman of my staff to assist the American Indian Policy Review Commission.

The importance of the work of the Commission is very much appreciated and I want to assure you of the cooperation of the Office of Management and Budget. In this regard, I am most happy to make the services of Mr. Freeman available as a resource under the arrangements indicated in your letter. I am certain you will understand that with his current responsibilities, the time available for assistance to the Commission will be limited. However, I am sure that if the need can be kept on an intermittent and flexible basis, Mr. Freeman's supervisor can work out a satisfactory arrangement with the Commission staff. To the extent that any field visits or travel are required, I assume that the expenses will be borne by the Commission except, of course, when the field work can be accomplished in conjunction with Mr. Freeman's normal travel on OMB business.

I trust that this arrangement will be satisfactory.

Sincerely yours,

- cc: Official File - DO Records
  - Director's Chron
  - Director
  - Deputy Director
  - Mr. Oaxaca
  - Congressional Relations (2)
  - Mr. Feezle
  - Mr. Freeman
  - File - 9026 ✓
  - Chron -9026
  - Mr. Crabill/Mr. Borgstrom
- IRRO/SFreeman/jl/9/4/75

15/  
 James T. Lynn  
 Director

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

SEP 8 1975

Honorable James Abourezk  
Chairman, American Indian Policy  
Review Commission  
United States Senate  
Washington, D.C. 20510

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Sincerely yours,

cc: Official File - DO Records (Signed) James T. Lynn  
Director's Chron ✓  
Director  
Deputy Director James T. Lynn  
Mr. Oaxaca | Director  
Congressional Relations (2)  
Mr. Feezle  
Mr. Freeman  
File - 9026  
Chron -9026  
Mr. Crabill/Mr. Borgstrom  
IRRO/SFreeman/j1/9/4/75



JAMES ANKIRINZK, D-S. DAK., CHAIRMAN  
LYOUD MILLER, D-WASH., VICE CHAIRMAN  
LIT MITCALF, D-MONT.  
MARK O. HATFIELD, R-OREG.  
SIDNEY R. YATES, D-ILL.  
SAM STIGLER, R-ARIZ.

INDIAN MEMBERS:

ADA DILLON, MINNESOTA, WIS.  
JACK WILKINSON, OKLAHOMA, SEN. CA-CAYIGA, OKLA.  
JOHN BORBRIDGE, ALASKA  
LOUIS R. BRUCE, MOHAWK-SIOUX, NEW YORK  
ADOLPH DIAL, LUMBEE, N.C.

ERNEST L. STEVENS, ONEIDA, WIS., DIRECTOR  
KIRKE KICKINGBIRD, KIOWA, OKLA., GENERAL COUNSEL

~~9/8 folder to Betty sent to SA mail 9/15~~  
9/14 & Mr. Lynn for signature

RECEIVED  
AUG 20 10 39 AM '75  
OFFICE OF  
MANAGEMENT & BUDGET

AMERICAN INDIAN POLICY REVIEW COMMISSION  
CONGRESS OF THE UNITED STATES

HOUSE OFFICE BUILDING ANNEX No. 2  
2D AND D STREETS, SW.  
WASHINGTON, D.C. 20515  
PHONE: 202-225-1284

TOP PRIORITY

August 18, 1975

CONGRESSIONAL MAIL	
TO: <i>Mr. Lynn</i>	
Prepare reply for: <i>Lynn</i>	
Log No: 0153	Due Date: <del>AUG 20 1975</del> 9/3
Copies to: Congressional Relations	

*Doane*

Mr. James T. Lynn  
Director  
Office of Management and Budget  
Old Executive Office Building, Room 252  
17th and Pennsylvania Avenue, N.W.  
Washington, D.C.

Dear Mr. Lynn:

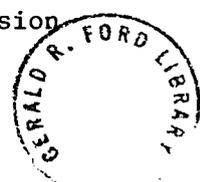
I am writing this letter to inform you of the latest developments relating to Public Law 93-580, a "Joint Resolution to provide for the establishment of the American Indian Policy Review Commission", which was approved on January 2, 1975. As you are aware, this joint Commission with Congressional and Indian participation is much needed in Indian Affairs.

I have enclosed a copy of the legislation along with other appropriate information for your review. The study, which will be completed prior to June 30, 1977, will be the first comprehensive review of Indian affairs in 47 years.

Under Commission supervision Section 4(a) of the Act provides for Investigating Task Forces which will be composed of three persons, a majority of whom will be of Indian descent and these task forces will be conducting investigations including studies of legislation, jurisdiction, federal administration and reservation development.

Additionally, Section 2(4) "requires the collection of data regarding Indian needs of the present and near future". This section certainly applies to the interests of your office. Determining the real priorities of Indian people in the format of a consolidated Planning Program Budget which would apply to all agencies has been a problem. We intend to pursue this goal as outlined in the legislation.

There are other appropriate parts of the legislation which affect the Executive offices. Section 3(c) authorizes the Commission



to secure from any department, agency, or instrumentality of the Executive Branch of the government any information it deems necessary to carry out its functions under this resolution. Each department, agency, or instrumentality of the Executive Branch of the government is authorized and directed to furnish such information to the Commission and to conduct such studies and surveys as may be requested by the Chairman.

Section 6(b) provides that in performing its functions under this law the Commission is authorized to utilize the services, information facilities and personnel of the Executive departments and agencies of the government.

The study which the Commission is undertaking will be an extremely valuable one which may point the direction of Indian policy for many years to come. For this reason, I consider it vitally important that we solicit input from all relevant sources and welcome the assistance of all those willing to help. We are particularly anxious to secure the aid of those people with unique expertise and breadth of experience in Indian and governmental affairs. In this regard, the Commission staff has talked with Mr. Sidney Freeman on your staff about the possibility of helping us from time to time and he has agreed to do so.

We feel that Mr. Freeman could be of considerable assistance to us as a resource technician and management specialist. His familiarity with Department of the Interior and Bureau of Indian Affairs operations and his wide-ranging contacts with Indian people and leaders could be especially useful. We realize, of course, that he has important duties at OMB and we don't propose to interfere with those. But if he could be available to work with us intermittently on a flexible basis we would very much appreciate it.

The Director of the Commission is Ernie Stevens, an Oneida Indian from Wisconsin and the General Counsel is Kirke Kickingbird, a Kiowa from Oklahoma. We are attempting to establish a close working relationship with the Executive Branch from the outset. I have had a personal visit with Dr. Theodore Marrs of the White House staff. The substance and tone of our discussions seem to portend an excellent working relationship and Dr. Marrs has already assisted us considerably in these difficult and crucial early months.

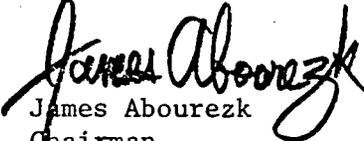
We would appreciate your cooperation and look forward to working



Mr. James T. Lynn letter  
Page 3

together in accomplishing the purposes of this very important Commission review.

Sincerely,

  
James Abourezk  
Chairman

Enclosure

cc: Congressman Lloyd Meeds  
Sidney Freeman



# Abourezk / news release

Senator James Abourezk (D. - S. Dak.)  
Senate Office Bldg.  
Washington, D.C. 20510

For further information contact:  
Allan Burke (202) 224-5842

## Background Information--Participants

American Indian Policy Review Commission  
Bureau of Indian Affairs Management Study

For Release 11 a.m. September 10, 1976

Washington, D.C., September 10 -- The Bureau of Indian Affairs Management Study Group, consisting of 10 executives and specialists, represents many different sectors of the nation's business and professional community. Their services, loaned by their employers on a full-time or special assignment basis, provided the manpower for a nonpartisan study of the bureau for the American Indian Policy Review Commission. To assist in the completion of project objectives, eight firms contributed approximately 4,000 man-hours of loaned executive time on an all-expense-paid basis.

Study Chairman A. T. Anderson, an Indian executive on loan from Union Carbide Corporation and special consultant to the commission for one year, was primarily responsible for general supervision of the project and recruitment of loaned executives. Mr. Anderson was born on the Grand River Indian Reservation in Ontario, Canada, and is a graduate of McMaster's University. He presently serves as manager of Public and Urban Affairs at Union Carbide Corporation. Mr. Anderson, a member of many societies and associations, has published numerous scientific papers and is a noted author, inventor and businessman. Mr. Ray Goetting, a member of Commission Task Force 3--Federal Administration and Structure of Indian Affairs--was responsible for the administration and project liaison with the commission. Mr. Goetting, an Oklahoma Caddo, is Treasurer for the National Congress of American Indians, where he is active in federal Indian programs and budget policies. He has extensive administrative experience in the Department of the Interior, Bureau of Reclamation, where he was a regional procedures analyst, regional management analyst and regional administrative officer. Mr. Goetting previously owned a business management and accounting firm in New Mexico serving mining companies, manufacturers, ranchers and other businesses.

Other members of Task Force 3 are Sam Deloria, a Standing Rock Sioux, who is the Executive Director of the American Indian Law Center at the University of New Mexico and Mel Tonasket, past Chairman and present member of the Colville Confederated Tribal Council and President of the National Congress of American Indians. Project management for the study was provided by Warren King and Associates, Inc., a Chicago-based management consulting firm.

The Management Study Group was divided into three functional teams, each headed by a member of the project's Executive Committee. Team leaders and their areas of responsibility include:

Budget Process--Dennis L. Rohlfing, Internal Management Consultant, Phillips Petroleum Company.  
Personnel Management--Donald W. Reed, Employee Relations Manager, Dow Chemical Company.  
Management Information--Kenneth R. Geiser, Public Affairs--Southwest, Honeywell, Inc.

Other participants in the Bureau of Indian Affairs Management Study and their employers include: Edwin M. Kennedy, Jr., J. C. Penney Co.; Stephen M. MacArthur, Carnation Co.; Lewis R. Newman, Colt Industries; Charles E. Peone, Jr., a member of the Wiyot tribe of California, from the Commission Staff; J. A. Palmer, Union Carbide Corporation; Dr. Joseph J. Walka, University of Arizona; and H. B. Walker, Union Carbide Corporation.

Regular business responsibilities of the study team members range from middle management to corporate executive levels. Their professional qualifications represent a wide range of business management skills, including civil and industrial engineering, public administration, data systems and procedures, finance and budgeting, personnel, law, plant management, public and corporate relations and other specialities.

# Abourezk / news release

Senator James Abourezk (D. - S. Dak.)  
Senate Office Bldg.  
Washington, D.C. 20510

For further information contact:  
Allan Burke (202) 224-5842

Prior Management Assessments of  
the Bureau of Indian Affairs

American Indian Policy Review Commission  
Bureau of Indian Affairs Management Study



For Release 11 a.m. September 10, 1976

Washington, D.C., September 10 -- The last major comprehensive review of Indian affairs before the creation of the American Indian Policy Review Commission was the Meriam Report of 1920, which helped foster widespread reforms during the 1930's. Since then, numerous studies have been initiated by other task force groups, committees, consultants, Indian organizations, federal agencies and individuals; all have identified problems and made specific recommendations. In establishing objectives for the present study, it was obvious that a comprehensive review of these materials should be made to pinpoint potential problem areas, to establish a basis for comparison with present findings and to ensure coverage of pertinent problem areas, to establish a basis for comparison with present findings and to ensure coverage of pertinent problem areas.

Over 75 representative reports written during the past 25 years were evaluated. Several comprehensive studies and a large number of topical reviews were presented during the last 5 to 10 years. With occasional exceptions, most studies were initiated by congressional committees or the Executive Branch.

The analysis indicated that prior studies directed more attention to programs, facilities, natural resources, government policies and financing than to management practices or related service functions. However, many managerial problem areas were identified. Of these, management practices, personnel administration and intergovernmental relations received the most attention. The budget process and management information--both extremely important to effective management--received substantially less emphasis. The study group also noted prior evaluations strongly suggested adopting improved management principles regarding planning, organization, leadership and control. Consequently, the following list of key findings from prior reviews is quite similar to those conclusions independently reached by this study.

- Recognition that top level management ability is as essential to program success as capital.
- Provision for developing adequate executive leadership at all organizational levels.
- Development of comprehensive, timely information for use by personnel to ensure effective planning, budgeting, and control.
- Installation of an improved communications system.
- Utilization of tribal long-range planning.
- Implementation of recommendations.

While prior assessments identified similar problems and resulted in appropriate recommendations, the study group realized past efforts fell short of their objectives primarily because the apparatus for implementation was not present. As a result, present study recommendations are presented with implementation guidelines to ensure activation.

The businessmen strongly suggested Congress act to develop a positive vehicle to expedite implementation. A Management Improvement Implementation Review Office, endorsed by Congress and organizationally located in the appropriate management division of the Office of Management and Budget, should be established. Quarterly reports and interim assessments should be distributed to the Commissioner of Indian Affairs, the Secretary of the Interior, appropriate congressional committees and the Executive Office. In addition, the Commissioner and the Secretary of the Interior should be required to highlight essential features of these reports in annual budget presentations to Congress.