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LAW OFFICES OF
STRICKLAND & ALTAFFER

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WILLIAM E. STRICKLAND
DABNEY R. ALTAFFER

July 26, 1976

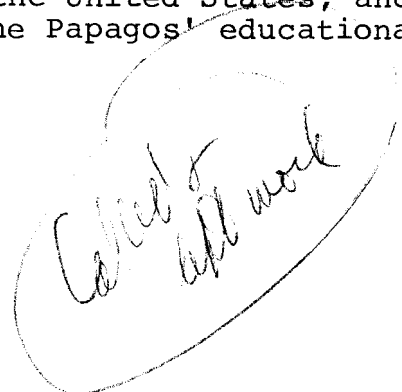
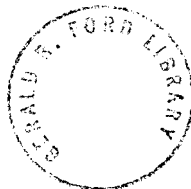
Mr. Bradley Patterson
Special Assistant to the President
The White House
Washington, D.C.

Dear Mr. Patterson:

Serious and lasting adverse effects on the Papago children attending B.I.A. schools are about to occur which for those students affected will be irreversible. On the 28th day of June, 1975, a letter was sent to your office setting forth the devastating effect the administration of the Permanent Personnel Ceiling was having on the Santa Rosa and San Simon Schools on the Papago Reservation. On July 9, 1975, the Papago Tribal Council sent a delegation of their people to Washington, D.C., to meet with Dr. Marrs, Congressmen, O.M.B, Department of Interior and other personnel to explain the seriousness of the problem and to request their valuable assistance to acquire an increase to the B.I.A.'s permanent personnel ceiling sufficient to protect the equal educational opportunities for Papago students. A copy of previous correspondence sent and received with pertinent attachment are enclosed herewith for your consideration.

This documentation will clearly establish that the Papago Tribe of the State of Arizona was guaranteed thirty (30) additional permanent status personnel (for teachers and administrative staff) for Santa Rosa School and sufficient permanent status personnel to provide teachers, administrators and Staff for San Simon School which will open January 1977.

It is vitally necessary and a legal requirement that these schools be maintained at a level to guarantee each and every Papago student the same equal opportunity to obtain an education as any other student in the State of Arizona and the United States. As of this date the education opportunities of Papago children are not equal to other students in the State of Arizona or the United States, and due to actions taken by the U. S. Government the Papagos' educational system will continue to be down-graded.



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

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July 26, 1976

It was recently brought to the attention of the Papago Tribal Administration and Tribal Council that there was an allocation of thirty (30) additional permanent status personnel positions for Santa Rosa School, and a short time later a letter was sent to the B.I.A. area office that a mistake was made and these additional permanent positions were deleted for the fiscal year 1977. It is our information that there are no permanent status personnel positions available for the additional 30 teachers, administrators and staff at Santa Rosa School discussed hereinabove, or for the necessary teachers, administrators, or staff for San Simon School.

The Chairman of the Papago Tribe, Mr. Cecil Williams; the Director of Education, Sister Kateri Cooper; members of the education committee, Mr. Pat Franco and Mrs. Ida Jose, and myself will be in Washington, D.C. on Monday, August 2 and Tuesday, August 3, 1976, and urgently request a short conference with you to answer questions, discuss the problems and possible solutions. Due to the time limitation I will call your office for confirmation of the meeting and the date and time.

The Papago people sincerely thank your office for all their past efforts on their behalf but, for the welfare of their children, find it vitally necessary to request your advice and services once again.

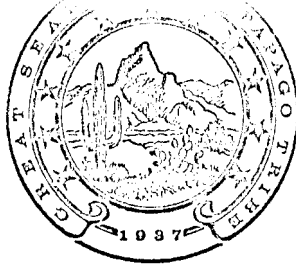
Very truly yours,

STRICKLAND & ALTAFFER



William E. Strickland
General Counsel for the Papago Tribe

WES/jc
encls.



THE PAPAGO TRIBE OF ARIZONA

P. O. Box 837 • Telephone (602) 383-2221
Sells, Arizona 85634

January 20, 1976

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



Dear Dr. Marrs:

I wish to acknowledge and thank you for your valuable assistance in obtaining 30 full-time permanent positions for the Santa Rosa School facility on the Papago Reservation.

The Papago Tribe will always be indebted to you for your sincere interest in the problems of the Papago people and your diligent and timely efforts expended on their behalf.

The Papago governing body has been successful in the establishment of an efficient and qualified administration dedicated to the improvement of overall status of the Papago people with the emphasis being as much as possible on self-help. Education is the most important key to the success in this type of philosophy program.

Recognizing the need and President Ford's necessary, but sometime unpopular, efforts to live within a realistic and feasible federal budget, it is my belief that the Papago Tribal Administration will omit all unnecessary monetary requests to Congress and will endeavor to set their request priorities on matters that will develop and expand self-help to the point where the Papago Nation will be self-sufficient.

Three major problems still exist in the field of Indian education that need to be resolved: 1) Construction has commenced on the San Simon boarding school, and it should be completed and ready for occupancy



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

January 20, 1976

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by September of this year. It is vitally necessary that sufficient full-time permanent positions be available to operate this school; 2) Due to the changing of the federal fiscal year from September 1st to August 31st, furlough positions will not be feasible because cooks, bus drivers, maintenance workers and dormitory attendants would be in a furlough status during the months of September and October of each year which would basically make the Indian School inoperative during this period of time; 3) The exercising of self-help through contracting of the Bureau of Indian Affairs' services is still not feasible due to the fact that the permanent personnel ceiling as it now exists would make retrocession, if it be necessary, totally ineffective.

I am sure that we all recognized that the releasing of thirty permanent positions for the Santa Rosa School in September 1975 was only an interim solution to this serious problem, and therefore the Papago people again request immediate action by the necessary departments in the releasing of an additional 77 full-time permanent positions to fully operate the Santa Rosa and San Simon Schools.

Attached hereto is a copy of the Emergency Request of the Papago Indian Tribe of Arizona submitted to your office on June 30, 1975.

Very truly yours,

THE PAPAGO TRIBE OF ARIZONA

Cecil Williams, Chairman

CW/j
attached



THE PAPAGO TRIBE OF ARIZONA

P. O. Box 837

• Telephone (602) 383-2221

Sells, Arizona 85634

January 20, 1976

Hon. Thomas S. Kleppe
Secretary of the Interior
U. S. Department of the Interior
Washington, D.C.

Dear Mr. Secretary:

Prior to your appointment as Secretary of the Interior, the Papago Tribe of Arizona submitted a request entitled "Emergency Request of the Papago Tribe of Arizona, to all pertinent offices in the United States Senate and House of Representative; O.M.B.; Dr. Theodore Marrs, Special Assistant to the President; and to the Secretary of the Interior. Due to the valuable assistance of all parties concerned 30 full-time permanent positions were acquired for the Santa Rosa School facility on the Papago Reservation.

The Papago governing body has been successful in the establishment of an efficient and qualified administration dedicated to the improvement of overall status of the Papago people with the emphasis being as much as possible on self-help. Education is the most important key to the success in this type of philosophy program.

Recognizing the need and President Ford's necessary, but sometime unpopular, efforts to live within a realistic and feasible federal budget, it is my belief that the Papago Tribal Administration will omit all unnecessary monetary requests to Congress and will endeavor to set their request priorities on matters that will develop and expand self-help to the point where the Papago Nation will be self-sufficient.



Hon. Thomas S. Kleppe
Secretary of the Interior
U. S. Department of the Interior
Washington, D.C.

Page Two

January 20, 1976

Three major problems still exist in the field of Indian education that need to be resolved: 1) Construction has commenced on the San Simon boarding school, and it should be completed and ready for occupancy by September of this year. It is vitally necessary that sufficient full-time permanent positions be available to operate this school; 2) Due to the changing of the federal fiscal year from September 1st to August 31st, furlough positions will not be feasible because cooks, bus drivers, maintenance workers and dormitory attendants would be in a furlough status during the months of September and October of year year which would basically make the Indian School inoperative during this period of time; 3) The exercising of self-help through contracting of the Bureau of Indian Affairs' services is still not feasible due to the fact that the permanent personnel ceiling as it now exists would make retrocession, if it be necessary, totally ineffective.

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Attached hereto is a copy of the Emergency Request of the Papago Indian Tribe of Arizona submitted to your office on June 30, 1975.

Very truly yours,

THE PAPAGO TRIBE OF ARIZONA

Cecil Williams, Chairman

CW/j
attached.



EMERGENCY REQUEST

of the

PAPAGO INDIAN TRIBE OF ARIZONA

(Field of Education - Teachers and Staff for B.I.A. Schools)

The Papago Tribe has recently been informed by the Phoenix Area Offices of the Bureau of Indian Affairs that the permanent personnel ceiling imposed upon this area is so limited that the Phoenix Area Office is unable to contract for the necessary permanent personnel positions to operate the two Bureau of Indian Affairs' Boarding Schools located on the Papago Reservation, and to fully operate the Phoenix Area Boarding Schools located in Riverside, California; Steward, Nevada; and Phoenix, Arizona. The Bureau of Indian Affairs recently offered to contract with the Tribe the management and running of said schools, but the Papago governing body decided that before considering this offer, the Tribe must develop an orderly transitional and training plan that would insure and protect the highest quality of educational standards. For this reason, the Papago Tribe finds it necessary to make the following requests, in order of their priority:

REQUESTS

FIRST PRIORITY

The immediate raising of the Bureau of Indian Affairs permanent personnel ceiling sufficient to contract 101 permanent personnel positions so that the necessary teachers and staff can be employed to operate the Santa Rosa Boarding School's new addition (66 additional teachers and staff), and the new San Simon Boarding School (35 teachers and staff), both located on the Papago Indian Reservation.

SECOND PRIORITY

The immediate raising of the Bureau of Indian Affairs permanent personnel ceiling to employ sufficient additional permanent personnel to fully operate the existing Indian Boarding Schools located in the Phoenix Area.

FACTS

SANTA ROSA BOARDING SCHOOL

In fiscal year 1974, the Papago Tribe of Arizona received

\$4,500,000 for the construction of the first phase of the Santa Rosa Boarding School of which the final addition will be completed in September or October of 1975. This school educates Papago children through the eighth grade, and the original buildings were designed for an enrollment of 350 students. Last year's school term enrollment was 444 students, and the expected enrollment for this fall with the completion of the new addition will be approximately 600 students. While adequate funding has been made available for the fiscal year of 1976 to employ the teachers and staff necessary to open these facilities, the Bureau of Indian Affairs permanent personnel positions ceiling is not high enough to permit them to do so.

SAN SIMON BOARDING SCHOOL

In fiscal year 1975, the Papago Tribe of Arizona received \$2,000,000 for the construction of San Simon Boarding School buildings 1, 2, 5, 6 and 7, including ten quarters, classrooms, kindergarten, library, administrative offices, multipurpose room and kitchen, which will be completed in December 1975, or January, 1976. The expected enrollment this fall will be approximately 200 to 250 Papago students. While adequate funding has been made available for the fiscal year of 1976 to employ the teachers and staff necessary to open these facilities, the Bureau of Indian Affairs permanent personnel positions ceiling is not high enough to permit them to do so.

PHOENIX AREA BOARDING HIGH SCHOOLS (Riverside, California; Steward, Nevada; Phoenix, Arizona)

The Papago Tribe has been informed that the Phoenix Area Boarding Schools' enrollment will be drastically reduced or one of the schools might have to be closed due to insufficiency of the Bureau of Indian Affairs permanent personnel ceiling. 500 Papago High School children attend these schools out of a total enrollment of approximately 2,000 Indian students. There is only one high school (public school) on the Papago Reservation, and it is over capacity, with classes being held in temporary classrooms. Any reduction in the enrollment of the Phoenix Area Boarding Schools will have the effect

of depriving Papago students of their high school education.

CONFLICT WITH EXISTING FEDERAL LEGISLATION

1. Public Law 93-638, Indian Self-Determination Act, (January 4, 1975), Declaration of Policy, Section 3(b).

"The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with the responsibility to the Indian people through the establishing of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct and administration of those programs and services."

The Administration's imposition of limitation of Bureau of Indian Affairs permanent personnel is contrary to and destroys the meaning of the key words of the paragraph, which are "orderly transition", and in effect inserts therein "forced transition".

2. Public Law 93-638, Indian Self-Determination Act, Declaration of Policy, Section 3(c).

"The Congress declares that a larger national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well being."

The failure of the Administration to provide sufficient Bureau of Indian Affairs permanent personnel positions necessary to staff both present and future Bureau of Indian Affairs' schools is in definite conflict with the Congressional declaration of policy set forth in this paragraph.

3. Public Law 93-638, Indian Self-Determination Act, Title 1, Section 102(a).

"The Secretary of the Interior is directed upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs or portions thereof, provided for in the Act of April 16, 1934 (48 Stat.596), as amended by this Act, any other programs, or portions thereof, which the Secretary of the Interior is authorized to administer for the benefit of Indians under the Act of November 2, 1921 (42 Stat.208), and any Act subsequent thereto:..."

Instead of contracting by tribal request, the Bureau of Indian Affairs permanent personnel ceiling creates forced contracting and as a direct result therefrom the position the Papago Tribe finds

itself in is "either to contract for the services or the services will not be provided".

4. Public Law 93-638, Indian Self-Determination Act, Title I, Retrocession, Section 106(d).

"...Providing, however, that whenever an Indian tribe requests retrocession of the appropriate Secretary for any contract entered into pursuant to this Act, said retrocession shall be effective upon a date specified by the appropriate Secretary not more than 120 days from the date of the request by the tribe, or at such later date as may be mutually agreed to by the appropriate Secretary and the Tribe."

The Bureau of Indian Affairs permanent personnel ceiling as it now exists would make retrocession an ineffective portion of the Act due to the fact that any permanent personnel position made available by tribal contracting of Bureau of Indian Affairs services will, by necessity, be filled in other areas where personnel shortages exist, and the Bureau of Indian Affairs would be unable to supply the necessary permanent personnel positions to honor the demands of a tribe to retrocede a service.

RESPECTFULLY SUBMITTED this 30th day of June, 1975.

THE PAPAGO TRIBE OF ARIZONA

By Cecil Williams
Cecil Williams
Chairman

THE WHITE HOUSE

WASHINGTON

September 3, 1975

Dear Mr. Strickland:

Thank you for your letter of June 30, 1975, forwarding the request of the Papago Indian Tribe of Arizona for an increase to the Bureau of Indian Affairs employment ceiling of 101 full-time permanent positions to operate the Santa Rosa and San Simon boarding schools.

With respect to the Santa Rosa School, I have been advised by the Department of the Interior that 30 full-time permanent positions have been made available for that facility. While, admittedly the additional 30 positions will not be sufficient to hire all the personnel required on a full-time basis, it will provide for hiring permanent personnel to fill the most critical positions; i.e., teachers, counselors, principal, etc. The remaining positions, consisting for the most part of cooks, bus drivers, maintenance workers and dormitory attendants, must perforce be staffed with individuals employed on furlough or part-time appointments. The Bureau is hopeful that these positions can be converted to permanent status at a later date through attrition and internal reallocation.

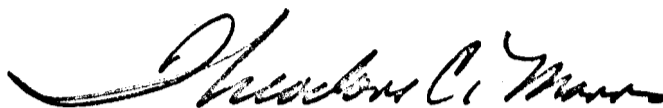
Regarding the San Simon boarding school, the Department has informed me that the facility will not be ready for operation during the upcoming school year due to unavoidable delays in planning and design. Accordingly, no positions will be required for this school in the current fiscal year. If construction is expected to be completed in time to open the school for the 1976-1977 academic year, arrangements for staffing will be made at that time.

RECEIVED SEP 8



We recognize that this approach represents only an interim solution to the problem and want to assure you that every effort will be made to improve the situation as soon as possible.

Sincerely yours,

A handwritten signature in cursive script, reading "Theodore C. Marrs".

Theodore C. Marrs
Special Assistant to the President

Mr. William E. Strickland
Attorney at Law
802 Transamerica Building
Tucson, Arizona 85701



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

Control No. 3494

RECEIVED FEB 18 1976

FEB 13 1976

Mr. Cecil Williams
Chairman, The Papago Council
Post Office Box 837
Sells, Arizona 85634

Dear Mr. Williams:

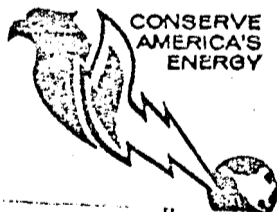
In response to your letter of January 19 and
the one you addressed to Secretary Kleppe on
January 20, this is to advise that in planning
Fiscal Year 1977 permanent employment ceiling,
additional ceiling will be provided for
San Simone School.

Sincerely yours,

Morris Thompson
Commissioner of Indian Affairs

Enclosure
Res. No. 37-75b

cc: Ed.
Account



Save Energy and You Serve America!

Memorandum

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

TO : All Area Directors

DATE: SEP 8 1975

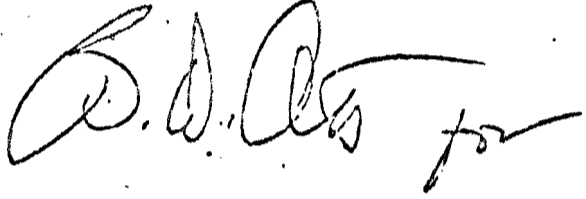
FROM : Director of Administration

SUBJECT: Employment Ceiling June 30, 1976

During Fiscal Year 1975 the Department withdrew 48 employment ceilings from the Bureau for the transfer of Job Corps to the Office of the Secretary. This revised our ceiling from 13,320 to 13,272.

Additional ceiling granted for Pine Ridge (+26), Nevada Agency (+12), and Santa Rosa School (+30) were sent as an increase to the 1975 base. This is not correct. We have been advised by the Department that this additional ceiling is authorization to exceed our ceiling; not an addition to our base.

The attached tabulation reflects the OMB ceiling by areas for FY 1976 and the over-ceiling allowed by the Department. Please correct your records to reflect the OMB ceiling and the addition as an over-ceiling authorization.



Enclosure

EMPLOYMENT CEILING
FY 1975

	<u>OMB Permanent Ceiling</u>	<u>Department Over Ceiling</u>
Aberdeen	1,405	26
Albuquerque	934	--
Anadarko	688	--
Billings	562	--
Eastern	365	--
Juneau	750	--
Minneapolis	228	--
Muskogee	465	--
Navajo	4,493	--
Phoenix	<u>1,438</u>	<u>42</u>
Portland	912	--
Sacramento	197	--
Central Office	<u>835</u>	<u>--</u>
Total	13,272	68