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**MEMORANDUM
OF CALL**

TO:

Brad

YOU WERE CALLED BY— **YOU WERE VISITED BY—**

Sonia Rivero

OF (Organization)

245-6111 (Sec. Matthews off)

PLEASE CALL → **PHONE NO. CODE/EXT.** _____

WILL CALL AGAIN

IS WAITING TO SEE YOU

RETURNED YOUR CALL

WISHES AN APPOINTMENT

MESSAGE

Re: letter from Charles Tremble

*Neither will
get anything this
fiscal year*

RECEIVED BY

DATE

TIME



**NATIONAL
CONGRESS
OF
AMERICAN
INDIANS**

SUITE 700, 1430 K STREET, N.W., WASHINGTON, D.C. 20005 (202) 347-9520

*ACTION SRS
INFO BIVS SP
ONAP.*

September 27, 1976

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Cherokee

Honorable David Mathews
Secretary of Health, Education & Welfare
330 Independence Avenue, SW
Washington, D.C. 20201

Dear Mr. Secretary:

We would like to bring to your attention a matter of utmost concern to the National Congress of American Indians. This concerns the granting of a contract to study Title XX and the delivery of social services to Indian reservations.

On November 11, 1975, at the 32nd annual convention of the National Congress of American Indians, a resolutions was adopted by the convention to look into the utility and responsiveness of Title XX in the delivery of services to Indian people on reservations.

A subsequent meeting was held on January 23, 1976, which included a wide range of representatives from Indian country and from the various federal agencies serving Indian people. According to the report of the Social & Rehabilitative Service (SRS), "Mr. McGavich announced that a grant in the amount of \$450,000 would be available to the National Congress of American Indians to conduct the project," and that "the complete project responsibility for this project is to be assumed by the NCAI." The grant was to be funded, according to the agreement of the federal representatives of that meeting, by SRS (\$150,000), the Office of Native American Programs (\$150,000), and the Bureau of Indian Affairs & Indian Health Service (\$150,000 between them). BIA and IHS subsequently declined participation in the project.

NCAI held a series of meetings with representatives of SRS and ONAP, and representatives of tribal organizations from throughout the United States. In addition, NCAI submitted a number of proposals to secure the funding agreed to in the January 23 meeting. Aside from periodic verbal criticisms of the proposals, NCAI did not receive specific response from SRS.

At a meeting on June 23, 1976, between NCAI staff, James Burr and Sidney Netherly of SRS, and George Clarke of ONAP, NCAI was told that in order to improve its chances of getting the grant for the study funded, it should secure the services, via subcontract, of a university-based institute to do the technical preparation and conduct of the survey. That university-based institute, we were informed, should be the Denver Research Institute of the University of Denver.



At first, NCAI objected to the imposition of a non-Indian organization to do the study since it had already been agreed that the study would be done by NCAI. We did reluctantly agree to meet with representatives of DRI and SRS to discuss the matter, however, since we were informed that DRI had done some exemplary studies in that area before.

In the meeting with SRS, ONAP and Denver Research Institute representatives, which was held on July 8-9, 1976, in Denver, it was agreed that studies alone would not help change the abhorrent situation with Title XX and social services to Indian tribes, and that the role of NCAI in converting the studies into meaningful recommendations for change would be significant. It was agreed then that NCAI would assume the major role and that DRI would subcontract with NCAI for the highly-technical parts of the study.

It was agreed further that NCAI would submit a brief statement of understanding to DRI as to the roles of the two organizations in the study contract, and that DRI would prepare a proposal based on that understanding. The DRI proposal would then be sent to NCAI and NCAI would incorporate the technical proposal of DRI into the overall proposal and submit it to SRS. The proposal, it was agreed, would be done by August 30, 1976, in order to secure funding from the transitional fiscal period ending September 30, 1976.

On August 18, 1976, NCAI received a draft proposal from DRI and, based on the understanding of the Denver meeting, and receiving no negative feedback from DRI on the letter of understanding of the roles of the two contractor organizations, we incorporated the DRI proposal into our final proposal and submitted the proposal to SRS.

In mid-September, NCAI received a report from a tribal chairman that he had been told that, due to the fact that NCAI had "plagiarized" the DRI proposal, the entire contract would go to DRI. This information, which is simply not true, had to come from either DRI or SRS. The Denver Research Institute then submitted a separate proposal to SRS for the Title XX study contract, and their proposal called for no involvement with NCAI.

On September 18, 1976, NCAI received a letter from Mr. James Burr, Acting Director for Program Development of SRS, stating that he had received an independent proposal from the Denver Research Institute in addition to the one received from NCAI (which called for a substantial subcontract to DRI as agreed upon). Mr. Burr stated in his letter that he had understood that only ONE proposal was to be considered and, therefore, he was forced to base his decision on the merits and award to only one of the organizations. NCAI was shocked at this new development which was contrary to ALL agreements of the past. NCAI immediately expressed its concern to Mr. James Burr, Mr. Sidney Netherly, and Mr. George Clarke by telephone, and sent a letter on September 23, 1976, expressing our concern officially.

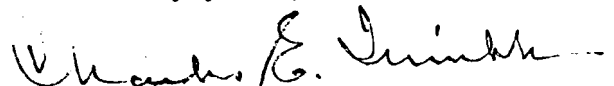
This morning I was told by Mr. Sidney Netherly that SRS has decided to make its recommendation that the Denver Research Institute be awarded the contract.

The National Congress of American Indians does not wish to hold up any further the study of Title XX, since it was held up for over nine months by indecision on the part of SRS and ONAP. We encourage SRS to grant the contract to begin the much needed studies. However, we request an official Departmental investigation into matters which we consider collusion, and possible conflict of interest. The following are our reasons for the request for investigation:

- Mr. Sidney Netherly is a graduate of the University of Denver and a former employee of the Denver Research Institute;
- The Denver Research Institute was imposed upon NCAI as a major sub-contractor, or co-contractor, by SRS;
- After securing the agreement of NCAI to include DRI in our proposal, Denver Research Institute was placed in the position of competing with NCAI for the contract (questionable sole-sourcing of a contract);
- NCAI was blamed for not complying with the agreement (although we did include DRI in a substantial role in our proposal), and DRI will be awarded the contract (although, contrary to our agreement, they did not include NCAI in any substantial role).

We request that members of Congress and the National Congress of American Indians be included in this investigation by the Department of Health, Education and Welfare.

Sincerely yours,



Charles E. Trimble
Executive Director

cc: Hon. Brad Patterson
Hon. Robert Fulton
Cong. Sidney Yates
Cong. Pat Schroeder
Sen. Floyd Haskell
Sen. Gary Hart

THE WHITE HOUSE

WASHINGTON

Bill - *(Morrill HEW)* October 26

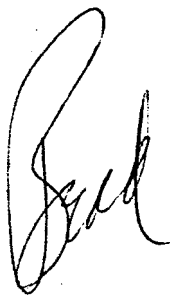
Much enjoyed seeing you at Nancy's soiree.

Bill, just this morning this came in to my desk. It is precisely the subject I want to talk with you about.*

I want to sit down with you and perhaps also (at your discretion) a few others from HEW and SRS like perhaps Julia Taft and George Bluespruce.

I'll be glad to come over your way if you can set up a little socratic session.

*- tho not limited to Arizona





INTER TRIBAL COUNCIL
of
ARIZONA

October 20, 1976

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

Dear Mr. Patterson:

The Inter-Tribal Council of Arizona has directed me to write to you concerning the failure of the Social Security Act Amendments of 1975 to deliver social services to Indian tribes in Arizona.

The Inter-Tribal Council of Arizona consists of 18 tribes. Each tribe is an independent, self-governing dependent sovereign under the Constitution of the United States. In this regard, none of the member tribes are subject to the jurisdiction of the State of Arizona or any political subdivision of the State. Arizona laws do not apply on the reservations.

In the Spring of 1975, the Inter-Tribal Council of Arizona reviewed the amendments to the Social Security Act of 1975, hereinafter referred to cumulatively as Title XX. Those amendments provided Federal funds to the State of Arizona for the provision of certain mandatory and optional social services to the general population of the State.

HEW drafted regulations implementing the above referenced amendments which improperly and illegally designated Indian tribes as political subdivisions of the State. Such regulations allow for the establishment of an Indian tribe or tribes as "authorities", which authorities may establish their own codes, regulations and standards concerning the administration of certain social services on the reservation. The regulations further allow tribes to contract with states to serve as such authorities.



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QUECHAN TRIBE
SALT RIVER TRIBE
SAN CARLOS APACHE TRIBE
YAVAPAI-PRESCOTT COMMUNITY

Mr. Bradley Patterson
October 18, 1976
Page 2

In addition to the illegal designation of Indian tribes as political subdivisions of the State, the State would require an Indian tribe to demonstrate that its codes, regulations and standards are suitable to the State. In addition to the lack of cultural understanding, two problems exist in this regard. One, the State has no jurisdiction to judge such codes, regulations and standards; and two, the Title XX funds are unavailable for the development or updating of codes, regulations and standards where such are not presently in a condition to meet "State standards".

Indian tribes would also be required to demonstrate that they presently have staff trained to administer such social services programs. Although not all tribes have sufficient staff to administer all such programs, the tribes could hire and train such personnel if Title XX funds could be used for this purpose.

In many instances, the State and Federal standards to be observed, whether for housing, institutional care, education level for staff, or otherwise, fail to recognize the substantial cultural differences on reservations. On most reservations for instance, housing standards cannot be met; and although tribal members could be trained to administer such programs, they would not qualify under State or Federal educational standards.

The Inter-Tribal Council of Arizona has been informed by the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) that funds for Indian social services by those agencies will be considered "residual" and such funds will not be provided where other funds are "otherwise available" through the State, such as Title XX. This interpretation by the BIA and IHS would result in a reduction of existing levels of social services to tribes.

Further complicating this area is the requirement under Title XX that certain mandatory services be provided. When the portion of the funds available to Indian tribes are divided on the State formula, the total sum available to each tribe under Title XX for social services is minimal. In many instances, the total funds available are insufficient to run any given existing program on the reservation and obviously fall far short of funds sufficient to administer all mandatory programs on the reservation.

The State's intention concerning one such program can be drawn from its letter to the Colorado River Tribal Council dated

Mr. Bradley Patterson
October 18, 1976
Page 3

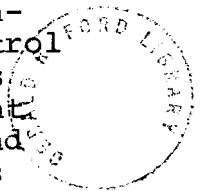
October 27, 1975 as follows:

"You are probably aware that Public Law 93-647 added part (d)...child support and establishment of paternity--to Title IV of the Social Security Act. Also ARS 4101954.1(c) was amended to require this department to administer 'income maintenance services, which shall include... child support collection services, establishment of paternity services...' Thus our Statewide child support enforcement program becomes part of the national network of similar programs.

"One of the Federal requirements levied upon the State at 45 CFR 302.34 is 'that the state will enter into written agreements for cooperative arrangements with appropriate courts and law enforcement officials. Such agreements may be entered into with a single official covering more than one court, official or agency, if such single official has the legal authority to enter into agreements on behalf of such courts, officials or agencies.' "

These paragraphs tend to indicate, without expressly stating, that the Social Security Act Amendments give the State authority in the above described area and require the State to enter into written agreements with appropriate courts and law enforcement officials, while leaving open the possibility that such courts may be tribal courts.

A pervasive problem exists where Federal regulations concerning "audit exception" require, if implemented, State control in monitoring of programs administered on Indian reservations where State control and jurisdiction is presently non-existent in Arizona. The problem is magnified by "audit exception" and the responsibility to "monitor" under the Federal regulations which gives the ultimate responsibility, and therefore the opportunity, for states to substitute their judgment in every area of Title XX administration.



This letter has not attempted to discuss the many complex legal-jurisdictional problems which make it impossible for Arizona Indian tribes to enter into agreements to administer such programs under the jurisdiction and supervision of the State or to allow the State to administer such programs, in the absence of such agreement, on the reservation. The Inter-Tribal

Mr. Bradley Patterson
October 18, 1976
Page 4

Council does, however, have substantial research and information available which demonstrates the overwhelming impossibility of such arrangements.

From early Spring 1975 until the present time, Inter-Tribal Council of Arizona has attempted to cooperate with HEW, IHS, BIA, NCAI, Arizona Department of Economic Security (DES), and other institutions responsible, interested or affected by the administration of Title XX.

Our organization developed an early expertise and knowledge in this area and pursuant to directions from our members, has attempted to inform other organizations, including State and Federal agencies, of the requirement for Federal legislation to remedy the fatal defects in Title XX. To this date, we have met with continued failure and frustration in our efforts to gain the cooperation of many of the organizations listed above. In this regard, the Arizona tribes, consisting of nearly half of the reservation Indian population in the United States, still are receiving substantially no social service programs under Title XX.

From the early inception, HEW has demonstrated a lack of understanding and appreciation of the special Federal relationship which Indian tribes in Non-Public Law 280 states have with the Federal Government. This lack of understanding has been manifest in HEW's representation that national studies were required to document the Title XX problems with reference to Indian tribes. Although Inter-Tribal Council of Arizona was reluctant to incur the delay of such national studies, it consented to such national studies in November 1975, providing that it would be allowed a substantial role in such studies and that such studies be implemented immediately so that at a point no later than the opening of the Congressional Session in January of 1977, the failure of the Social Security Act Amendments of 1975 would be documented.

For nearly a year, Inter-Tribal Council has worked with national organizations in an attempt to get such a study approved and implemented by HEW. Recently, on September 30, 1976, after months of delay by HEW, such a program was again thwarted by the efforts of persons who still fail to understand the exigency and needs of Arizona Indian tribes in the effort to receive social services under the Social Security Act Amendments of 1975.



Mr. Bradley Patterson
October 18, 1976
Page 5

It appears to be the present intention of HEW to wait until the Spring of 1977 to advertise for contracts for a national study in this regard. This contracting period will, no doubt, take months to culminate an executed contract and then more than a year to complete. Such action by HEW demonstrates total disregard for the needs of the Arizona Indian tribes with reference to Title XX. This conduct will result in a delay of two more years in order to document the fact that Arizona tribes are not receiving Title XX social services. At that time, such information would theoretically be introduced to Congress and the legislative process would begin to examine the possible amendment to the existing law. This delay and this conduct is intolerable.

Administration by the State of Arizona of Title XX would substantially interfere with the tribal right of self-government, the right to govern and administer the affairs of persons residing within the exterior boundaries of the reservation and the jurisdiction of the tribes.

The State of Arizona in the past and recently has suggested that "matching funds" under Title XX provided by the State of Arizona would be justification for imposing certain types of State taxes within the reservation boundaries, namely, leasehold taxes, water taxes, personal property taxes and mineral severance taxes. Such taxation is an erosion of tribal sovereignty and directly interferes with the right of Indian tribes to impose their own tax and regulate the persons operating and doing business within the exterior boundaries of the reservation. In this regard, Title XX allows for information obtained through the State administration of programs on the reservation to be made available to State officials. Such information can be used as a direct tool by the State in its efforts to tax Indian tribes.

We have authorized our attorneys to contact you and provide documentation which will illustrate specifically the areas discussed in this letter, including a proposed form of amendment which we believe will remedy most of the problems enumerated.

The members of the Inter-Tribal Council of Arizona desire to maintain a direct Federal relationship concerning the delivery of social services to persons dwelling within the exterior boundaries of the reservations. It is clearly impossible for that relationship to exist under the present status of the Social Security Act Amendments of 1975. Therefore, we are respectfully requesting that you immediately direct the Secretary of HEW to

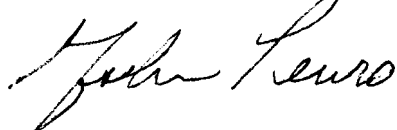
Mr. Bradley Patterson
October 18, 1976
Page 6

implement a program, which substantially involves the Inter-Tribal Council of Arizona, which would effectively deliver the information to Congress which is necessary to justify changes to the Social Security Act Amendments of 1975 when Congress reconvenes in January of 1977.

Your assistance would be greatly appreciated.

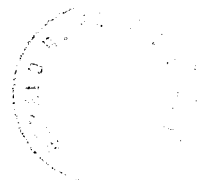
Yours very truly,

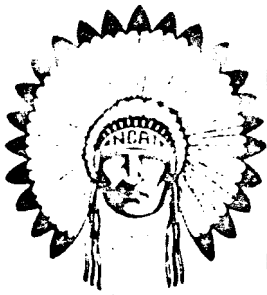
INTER-TRIBAL COUNCIL OF ARIZONA



John Lewis
Executive Director

jsm





**NATIONAL
CONGRESS
OF
AMERICAN
INDIANS**

SUITE 700, 1430 K STREET, N.W., WASHINGTON, D.C. 20005 (202) 347-9520

November 23, 1976

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Shoshone/Paiute

SOUTHEAST AREA

Jonathan Ed Taylor
Cherokee

Honorable David Mathews
Secretary, U.S. Department
Health, Education & Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Mathews:

Thank you for your letter of November 4, 1976, in response to our letter of September 27, 1976, in which we raised several issues concerning the funding of a study to look into the utility and responsiveness of Title XX in the delivery of services to Indian people living on reservations.

We find your response cursory inadequate and unacceptable. Unfortunately there seems to be no concern or realization on the part of the Department of Health, Education & Welfare of the following facts:

1. National Congress of American Indians (NCAI) is the only organization in the country uniquely qualified to conduct the proposed study.
2. NCAI is the only organization having the rapport with tribes nationally through membership in the country affected by Title XX Programs.
3. On the basis of the initial commitment of the Regional Committee of SRS, Mr. McGavich and Commissioner Young, NCAI and Indian tribes have spent countless hours meeting with various HEW representatives detailed in our letter of September 27, 1976.
4. 124 Indian tribes have spent countless hours during the annual NCAI conventions in November 1975 and October 1976, in the vain hope that the very least HEW could do to address this problem was to commission a study, so that the whole issue of social service delivery problem to Indian people can be studied; and comprehensive recommendations be made to HEW, that would have the complete input and support of Indian people.
5. NCAI has the staff and support capability to carry out the study effectively and efficiently.



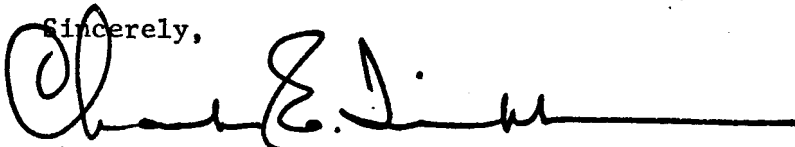
6. NCAI worked with the SRS and ONAP staff to rework its study design; to include the funding stipulations of both agencies only to then be told, first, that the contract would be awarded to the Denver Research Institute and when NCAI raised this concern in our letter of September 27, 1976; then to be told that SRS intends to have a competitive procurement by your letter of November 4.

All this, unfortunately, is the latest of the series of indicators that the federal government can twist, turn or ignore the wishes of Indian people almost at will. While HEW delays even the start of a study, thousands of Indian people go without basic social services, available to all Americans for years.

It has been generally agreed upon that there is no other organization so uniquely qualified to do the proposed study as NCAI. It has also been agreed upon by the agencies involved and Indian people that this study is very necessary. Therefore, we again request that funds be released to NCAI, so that we can start immediately with the proposed study, which has been delayed for more than a year and has cost countless manhours of NCAI, Tribe's and HEW's time.

We look forward to an early response.

Sincerely,



Charles E. Trimble
Executive Director

cc: Mr. Brad Patterson, White House
Mr. Robert Fulton, SRS
Mr. Dominic Mastrapasqua, ONAP
Mr. Peter Bourne, M.D., Office of Pres. Elect



Fulton stopped the
dressed TO the Dances
group.

SBS will expand
to the better. They
will try to get it to
NCAI.

Dances group is competent
& did a good study (copy away).
on child welfare.
Harper's Ferry conference.
TO discuss study.



THE WHITE HOUSE
WASHINGTON

Bob Fulton
NEW

245-6726

Freda Spencer
6446

THE WHITE HOUSE
WASHINGTON

SRS to stop
back, never, withdrawal
any grant, open it
up to a competition
bidding. you ad c/y funds

Clark is going
to talk a Tumble
SRS developer request
to little

