

**The original documents are located in Box 2, folder “Early Retirement Bill - H.R. 5465 (1)” of the Bradley H. Patterson Files at the Gerald R. Ford Presidential Library.**

### **Copyright Notice**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

6  
WILSON WOODGER  
PO BOX 238  
BROWNING MT 59417

*Pro- HR 5465*

**western union Mailgram**



2-029030E246 09/02/76 ICS IPMMTZZ CSP WSHB  
4063382911 MGM TDMT BROWNING MT 200 09-02 0119P EST

*JR-1*

PRESIDENT FORD  
WASHINGTON DC 20500

MY DEAR MR PRESIDENT

WE THE UNDERSIGNED EMPLOYED AT THE BLACKFEET INDIAN AGENCY BROWNING MONTANA URGENTLY REQUEST THAT YOU APPROVE HOUSE RESOLUTION HR 5465 THIS BILL WILL GREATLY BENEFIT BOTH INDIAN AND NON INDIAN EMPLOYEES OF THE BUREAU OF INDIAN AFFAIRS APPROVAL OF THIS BILL WILL ALSO CORRECT A GROSS INJUSTICE RESULTING FROM THE SUPREME COURT DECISION OF JUNE 1974 WHICH VIOLATED THE ORIGINAL EMPLOYMENT AGREEMENT OF THE NON INDIAN EMPLOYEES OF THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH SERVICE THE EMPLOYMENT AGREEMENT WAS CHANGED UNILATERALLY WITHOUT PRIOR ADVICE OR CONSENT OF THE EMPLOYEES INVOLVED

WILSON WOODGER  
CLAY STEPHENS  
GEORGE THOMPSON  
CLIFFORD ANDERSON  
GEORGE SHELHAMER  
PETER STIFFARM  
WAYNE SKOW  
MERCEDES NIGHTSHOOT  
GEORGE CROFF  
RAMONS PAPSEY  
LUCILLE RACINE  
VERA M SCHAAF  
WILLEENA HARWOOD  
HAZEL BEAN

PAUL MOORE  
RICHARD HELFENSTEN  
RAYNE PILGERAM  
CHARLOTTE MCKEOWN  
FRANCIS TURNER  
THOMAS MEDICINEHORSE  
ROY RIDESATTHEDOORE  
DENNIS JONES  
BILL THEO LEMIE  
GERALD GUARDAPEE  
JOHN BULLCHILD  
HELEN WIPPERT  
FAYE HOYT



13:37 EST

MGMCOMP MGM



The White House  
Washington

WHB021(2205) (2-064671E254)PD 09/10/76 2205

1976 SEP 10 PM 11 08

ICS IPMRNCZ CSP

5033634626 NL TDRN SALEM OR 238 09-10 0534P PDT

PMS PRESIDENT GERALD FORD

WHITE HOUSE DC 20500

DEAR MR PRESIDENT, BUREAU OF INDIAN AFFAIRS OUT PLACEMENT PROGRAM IS  
NON FUNCTIONAL. OUR BIA INSTALLATION EXPERIENCED A SEVERE REDUCTION  
IN FORCE DURING FISCAL YEAR 1975 AND NOT ONE EMPLOYEE WAS PLACED  
THROUGH OUR PLACEMENT EVEN THOUGH MANY WERE WELL QUALIFIED AND HAD  
MORE VALUABLE EXPERIENCE. THE UPWARD MOBILITY PROGRAM GUIDELINES  
FROM THE BIA CENTRAL OFFICE IN WASHINGTON DC CLEARLY STATE THE  
INDIAN PREFERENCE WILL BE ENFORCED IN THE UPWARD MOBILITY PROGRAM AS  
WELL AS FILING VACANT POSITIONS, LATERAL TRANSFER, PROMOTION  
TRAINING IN BIA.

WE DO NOT CRITICIZE THE SUPREME COURT DECISION INVOKING INDIAN

2  
3  
4  
5  
6



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

PREFERENCE IN THE BIA, WE ONLY ASK FOR AN OPPORTUNITY TO CONTRIBUTE VALUABLE SERVICE TO OUR GOVERNMENT AS FEDERAL EMPLOYEES. HOUSE RESOLUTION 5465 WILL GIVE US THE OPPORTUNITY TO DO THIS.

WE REQUEST THAT YOU CLOSELY SCRUTINIZE THE RESOLUTION ON YOUR DESK. WE FEEL CONFIDENT YOU WILL UNDERSTAND THE POSITION THE NON INDIAN IS PLACED IN WORKING IN THE BUREAU OF INDIAN AFFAIRS AND THAT YOU WILL SIGN THE BILL AND SEE THAT IT BECOMES LAW.

RESPECTFULLY SUBMITTED BY

WILBUR WOOD PRESIDENT NFFE LOCAL 241 CHEMAWA INDIAN SCHOOL  
SALEM OREGON 97303

ALICE ANDERSON, EDWARD BARTLETT, MARY BARTOLOME, RONALD BERG,  
NADINE BORDERS, CHARLES BROMLETTE, WILLIAM BURRIGHT, PEARL CARLSON,  
JAMES CRONE, HARRY COX, EARL DOUGLAS, ELBERT ELLISON, PAT ERNSTROM,

2  
3  
4  
5  
6



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

JAMES GOLDSMITH, JACKIE GRAPE, EDGAR HANSON, DUANE HILDEBRAND,  
CHARLES HOMES, LUTHER KNOX, FLORENCE KUBIN, PATTY LANE, LOUISE  
LINDAUER, FRANK LAMB, MARION MARSHALL, EUGENE MERWIN, ROSEWELL  
SEARE, ROBERT WITTMAN, WILBUR WOOD, THOMAS WRIGHT, MYRNA MCMURTY,  
GEORGANNA USREY, DOROTHY PENTECOST, ROY CARTER, GORDON FOSTER  
AND BEULAH GRAHAM  
NNNN



1  
2  
3  
4 WHB021(2205) (2-064671E254)PD 09/10/76 2205.

17N OCT 10 PM 11 09

5 ICS IPMRNCZ CSP

6 5033634626 NL TDRN SALEM OR 238 09-10 0534P PDT

7 PMS PRESIDENT GERALD FORD

8 WHITE HOUSE DC 20500

9  
10  
11 DEAR MR PRESIDENT, BUREAU OF INDIAN AFFAIRS OUT PLACEMENT PROGRAM IS  
12 NON FUNCTIONAL. OUR BIA INSTALLATION EXPERIENCED A SEVERE REDUCTION  
13 IN FORCE DURING FISCAL YEAR 1975 AND NOT ONE EMPLOYEE WAS PLACED  
14 THROUGH OUR PLACEMENT EVEN THOUGH MANY WERE WELL QUALIFIED AND HAD  
15 MORE VALUABLE EXPERIENCE. THE UPWARD MOBILITY PROGRAM GUIDELINES  
16 FROM THE BIA CENTRAL OFFICE IN WASHINGTON DC CLEARLY STATE THE  
17 INDIAN PREFERENCE WILL BE ENFORCED IN THE UPWARD MOBILITY PROGRAM AS  
18 WELL AS FILING VACANT POSITIONS, LATERAL TRANSFER, PROMOTION  
19 TRAINING IN BIA.  
20  
21  
22  
23

24  
25  
26 WE DO NOT CRITICIZE THE SUPREME COURT DECISION INVOKING INDIAN

2  
3  
4  
5  
6  
7 PREFERENCE IN THE BIA, WE ONLY ASK FOR AN OPPORTUNITY TO CONTRIBUTE  
8 VALUABLE SERVICE TO OUR GOVERNMENT AS FEDERAL EMPLOYEES. HOUSE  
9 RESOLUTION 5465 WILL GIVE US THE OPPORTUNITY TO DO THIS.  
10

11  
12 WE REQUEST THAT YOU CLOSELY SCRUTINIZE THE RESOLUTION ON YOUR DESK.  
13 WE FEEL CONFIDENT YOU WILL UNDERSTAND THE POSITION THE NON INDIAN IS  
14 PLACED IN WORKING IN THE BUREAU OF INDIAN AFFAIRS AND THAT YOU WILL  
15 SIGN THE BILL AND SEE THAT IT BECOMES LAW.  
16

17  
18 RESPECTFULLY SUBMITTED BY  
19

20 WILBUR WOOD PRESIDENT NFFE LOCAL 241 CHEMAWA INDIAN SCHOOL  
21 SALEM OREGON 97303  
22

23 ALICE ANDERSON, EDWARD BARTLETT, MARY BARTOLOME, RONALD BERG,  
24 NADINE BORDERS, CHARLES BROMLETTE, WILLIAM BURRIGHT, PEARL CARLSON,  
25 JAMES CRONE, HARRY COX, EARL DOUGLAS, ELBERT ELLISON, PAT ERNSTROM,  
26

2  
3  
4  
5  
6



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

JAMES GOLDSMITH, JACKIE GRAPE, EDGAR HANSON, DUANE HILDEBRAND,  
CHARLES HOMES, LUTHER KNOX, FLORENCE KUBIN, PATTY LANE, LOUISE  
LINDAUER, FRANK LAMB, MARION MARSHALL, EUGENE MERWIN, ROSEWELL  
SEARE, ROBERT WITTMAN, WILBUR WOOD, THOMAS WRIGHT, MYRNA MCMURTY,  
GEORGINNA USREY, DOROTHY PENTECOST, ROY CARTER, GORDON FOSTER  
AND BEULAH GRAHAM  
NNNN

EDWARD H. KENNEDY, MASS.  
WALTER F. MONDALL, MONT.  
FRANCE WATKINS, IND.  
CLARENCE BELL, R.I.  
THOMAS P. EARLETON, MD.  
JOHN V. TURNER, CALIF.  
LAWTON CHILES, FLA.  
DICK CLARK, IOWA

WILLIAM V. VICKROY, ILL.  
J. CLAY BELL, JR., MD.  
PETE V. DOMENICI, N. MEX.  
BILL BRONK, TENN.  
STANLEY P. BARTLETT, OKLA.

# United States Senate

## SPECIAL COMMITTEE ON AGING

(PURSUANT TO S. RES. 111, 94TH CONGRESS)

WASHINGTON, D.C. 20510

WILLIAM E. DRIDL, STAFF DIRECTOR  
DAVID A. APPELDT, CHIEF COUNSEL  
JOHN GUY MILLER, MINORITY STAFF DIRECTOR

September 14, 1976

The President  
The White House  
Washington, D. C. 20500

Dear Mr. President:

I respectfully urge you to sign H. R. 5465, a bill to provide early retirement benefits for certain non-Indian employees of the Bureau of Indian Affairs and the Indian Health Service. This legislation has passed both Houses of Congress following Conference Committee agreement, and is now on your desk awaiting further action.

Current law grants preference to Indians in promotions and personnel actions in the BIA and IHS. This has been the case since a 1972 court decision clarified the interpretation of the Wheeler-Howard Act of 1934. As a result many non-Indian BIA and IHS employees with long records of Federal service now find themselves blocked off from promotion or transfer. H. R. 5465 addresses this problem by providing early retirement benefits for these senior employees.

I know there are many non-Indian BIA and IHS employees in my own state who will benefit from this reasonable legislation.

I ask for your serious consideration and support for H. R. 5465.

With warm regards,

Very truly yours,

Pete V. Domenici  
United States Senator



PVD/dgcg

E9/15/76

Gordon J. Wilson  
456 S. 200 East  
Brigham City, UT  
84302

President Gerald Ford  
United States  
White House  
Washington, D.C. 20500

Mr. President:

I am writing you concerning HR 5465, a bill which would make it possible for B.I.A. and I.H.S. non-preference employees to retire if they meet certain requirements.

When you are considering the merits of this bill, there are several factors which you should weigh before making a decision:

1. All non-preference employees hired before about 1972, clearly were hired as merit system employees. Some understood that Indian Preference was involved but only with regards to initial employment. Further none of us hired before 1972, in anyway gave up our merit system rights (earned through competition) by virtue of being hired or transferred into I.H.S. or B.I.A.
2. The administrative extension of the Indian Preference was done by our superiors without public input, without consideration to the effects upon non-preference employees and in a manner that demonstrated an abuse of administrative discretion.
3. The B.I.A. has greatly increased its budget for the higher education of Indians. Now it is time they reap rewards from this expenditure. The retirement of the non-preference employee would make room for these Indians who have received this education, which would lead to the goal of Indian self-determination.
4. Some of the departmtnets have expressed a concern of a massive exodus of non-preference employees. This of course would not happen, the significant point here is that the vast majority of Indian Service employees have expressed their desire to continue working and provide the necessary training of Indian personnel to take over their positions, but they feel as though they must have a way out if things get to rough such as lives being threatened. They have devoted twenty or more years of their working career and would hate to drop all of their earned benefits.

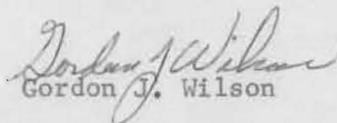


5. Another objection that has been expressed was the cost if this bill was implemented: the fact is that even greater cost would be paid if not passed when you consider these elements:
  - a. The poor moral of Indian Service employees, which greatly effects thrir productivity.
  - b. Salary savings, because new employees would be brought aboard at a lower G.S. rating.
  - c. Indians would be filling these jobs leading to Indian self determination.
6. Why should we be punished for something that happened in the past and had nothing to do with.
7. The effected employee's are at an age when it is difficult or impossible to start new careers.
8. This bill is one in which many Indian Tribes have expressed a desire to have passed. (Blackfeet Tribe, West Oklahoma, etc.)
9. Non-preference employees have had their congressional vested rights in the merit system and constitutional (due process, compensation for rights taken and other) illegally taken away.

I would like to refer you to the testimony given by Tom Goninion at the Senate hearings on S-509 and we are also air-mailing you material sent to the Comptroller General on December 9, 1975 and the General Accounting Office has completed its investigation and it should be available at the G.A.O. Office in Washington D.C.

It is hoped that you will consider these factors and make an affirmative decision on HR-5465.

Sincerely yours,

  
Gordon J. Wilson

President Gerald Ford  
The White House  
Washington D.C. 20500

Attn: Brad Patterson

Re: HR 5465

Material enclosed as stated in  
my letter

Jordan Wilson



SENDER: Complete items 1 and 2. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).  
 Show to whom and date delivered..... 15¢  
 Show to whom, date, & address of delivery.. 35¢  
 DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢  
 DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery ..... 85¢

2. ARTICLE ADDRESSED TO:  
 E. B. STRATS, COMPTROLLER GENERAL OF THE UNITED STATES  
 441 G ST NW WASH. DC

3. ARTICLE DESCRIPTION:  

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
_____	228675	_____

  
 (Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE *Deliver to addressee only.*  
*Dorothy Schumacher*

4. DATE OF DELIVERY *1/27/5* POSTMARK \_\_\_\_\_

5. ADDRESS (Complete only if requested) \_\_\_\_\_

6. UNABLE TO DELIVER BECAUSE: \_\_\_\_\_ CLERK'S INITIALS \_\_\_\_\_

RETURN PROTECTED BY INSURED AND CERTIFIED MAIL



December 9, 1975

Senator Ted Stevens  
U. S. Senate  
304 Old Senate Office Building  
Washington, D.C. 20510

Dear Senator Stevens:

For a number of weeks now members of your staff have informally been working with us regarding our efforts to regain our status in the Federal government's Merit employment system and to gain compensation for our documented losses caused by the operation of the Indian Preference laws. We appreciate your help and interest. We urge you to present the enclosed document (see enclosure) to the Comptroller General of the United States for us and further ask that you support our action with the full force of your office.

We must stress that our search for equity, reinstatement and due compensation for our losses, accepts the fact that Indian Preference laws are constitutional and operational. Our point or direction of attack stems only from the realization that the facts shown establish that those Public Administrators charged with the administration of the Indian Services have done so with results that clearly demonstrate an operation so exclusively against a particular class of persons (the special class citizens that indeed we are), as to warrant and require the conclusion that whatever may have been the intent of the Indian Preference laws, they are applied by those public administrators with a mind so unequal and oppressive as to amount to a practical denial by the U. S. Government of the equal protection of the laws, due process of law, and right to receive just compensation for private property taken for "public use," all of these rights being ours, as citizens, and secured by the Constitution (and its amendments) of the U.S.

Perhaps the Indian Preference laws are fair and just, as written, but the facts available demonstrate that the administration of these laws indeed have placed approximately 8,900 Federal employees in a special class alone: denied both earned and retained congressionally vested rights (with tremendous dollar value involved) and Constitutional Rights: forced by circumstances to suffer insults, indignation, mental anguish, to say nothing of the torment one must suffer when his family and church teachings, as well as professional training, receives almost daily degradation.

With this in mind, we sincerely seek your assistance.

Sincerely,

*London J. Wilson*

*JHS.  
Brighton City Utah.*

1 Enclosure

P. S. Your timely consideration of this matter is urgent because of not only the daily damages received by the special class citizen above referred to, but because of impending legislation such as S-509, HR-5858, etc.



TO : Comptroller General of U. S.

December 9, 1975

FROM : See Last Page

SUBJECT: Request for Intervention, Supervision and Resolution of a Problem

#### INTRODUCTION

This letter is our last resort within the U. S. Government system to resolve our problem. As individuals and as a group--we have been improperly denied a resolution--even confrontation of our problem by our own Agency(ies) and various levels and offices of the United States Civil Service Commission. We think the problem, below stated, is so clearly evident (and an illegal breach of our rights--earned and retained rights) that we as individuals and as a group should not be required to go outside "the system" and pay a private attorney to fight the issues for us. Even a U.S. Attorney's office has said his office is unable to assist us because the opposing party (certain Public Administrators of high government rank in the three concerned agencies) in our complaint could possibly have to seek the assistance of the U.S. Attorney's office in regard to our complaint.

#### GENERAL

It is now a well-known and accepted fact and practice, in the Federal Indian Services (BIA/IHS), that "Indian Preference" prevails and is a dominate factor in any Personnel Action. The writer and his associates do not wish to imply, much less make you think we are saying directly--we oppose Indian Preference: that would be untrue and an unfair assumption. We agree with the Congress and its utterances, relative to Indian Preference. However, since 1970, the senior public administrators involved in implementing the "Indian Preference Laws" (namely the Secretary of Interior, DHEW and the Chairman, U.S.C.S.C. and their senior level assistants) have done so in such a manner as to deny a limited and identifiable group of Merit System employees (herein called Special Class Citizens) both congressionally vested rights and constitutionally vested rights: To wit--

1. Congressionally vested rights stemming from earned and retained (because employees continually meet the requirements of continued employment and retention of those rights) career appointments in the CSC Merit System of Federal Employment (civilian); those rights--as an example--the right of promotions, training and education opportunities, transfers, etc.--based on Merit System principles and not influenced by Race: and

2. Constitutionally vested rights enjoyed by all citizens of this Nation--such as:

a. The Right of Due Process of Law! Why--because our vested rights to employment in the Federal Merit System was in fact withdrawn from us, as a limited and identifiable group, by both direct action and a lack of diligently adhering to ministerial responsibilities (duties) by certain Senior Federal Officials, in a manner that clearly was arbitrary, discriminatory and in fact, offended the right of due process.'

b. The Right of Equal Protection of the Laws! Why--because Preference Indians are promoted, trained educated, transferred, etc., within the Indian Service on a basis of RACE--they are in fact treated better, earn more money, get more responsible positions--through means other than allowed by the Merit System and the various Civil Rights laws, rules and regulations to the recorded and documented disadvantage of non-preference employees. This is invidious discrimination, and we, as a limited and identifiable group, have been denied equal protection of the laws by virtue of the manner of operation of the various laws concerned (Civil Rights Acts, Indian Preference Laws, etc.) and by simple failure on the part of certain specific Public Administrators of the concerned agencies to administer these programs, the laws applicable to these programs, etc.--within the house of the law, in accordance w/all laws applicable, the Common Law, the Supreme Court decisions, etc.

c. Our Civil Rights: Why--because we have been required to work under conditions that stress RACISM, allow a certain minority group to openly criticize other racial, ethnic and religious groups and do so without fear of retribution.

To provide the reader with basic evidence to establish Charges 1 and 2 above, see Enclosure.

#### SPECIFIC REQUEST

The purpose of this letter is to request your good offices to FULLY investigate this isolated problem, to take such appropriate action as is necessary to require the aforementioned Senior Public Administrators to implement the Indian Preference Laws in conjunction with ALL other appropriate laws, rules and regulations, and to take whatever action is appropriate to: (1) re-vest or recognize the rights of those of us serving in the Merit System, and (2) provide those of us that have been unwittingly made special class citizens, by virtue of the continued denial of our rights, benefits equal to the damages we have experienced to our careers.

In other words, we individually and as a group are asking the Comptroller General to determine if our charges are valid; if they are

so considered, we then ask your office to require the Public Administrators involved to take timely action to safeguard our rights as the duties of their respective offices require. We are saying (charging) specifically that the Secretaries of DHEW and Interior and the Chairman, USCSC et al have exercised their discretionary powers in such a manner as to give an exaggerated and unreasonable weight (towards the implementation of the various Indian preference laws) to the documented unwarranted expense and detriment of others (non-preference employees). We consider this an abuse of discretion. We are saying that DHEW, Interior and the USCSC made a clear and documented departure from earlier agency "policy" and that there is an apparent contemporaneous "inconsistency." It is this departure and inconsistency that we think should be fully investigated. Lastly, we are saying that although the Indian preference laws and related acts indeed apply to BIA and IHS--these acts and laws are but a few compared to the total number of acts and laws as well as rules and regulations that constitute the whole law applicable to the operation of BIA and IHS. These preference laws are but one segment and must be applied by the agency heads in harmony with the totality of the law applicable to the operation of the Indian Services. We are charging that the senior agency heads, above mentioned, have failed in executing their discretionary and ministerial functions (and duties) relative to preference in harmony with the whole law applicable to the Indian Services, thereby illegally damaging as well as illegally taking property rights away from each of us.

We ask only one favor and that is that our names and careers (already marked and diminished) be protected from retribution. A complaint and request such as this indeed will incur the wrath of our superiors, some of us can prove previous retribution by U.S. Government officials for our fight in trying to correct this situation, some of us can prove we have been denied jobs illegally because of race, and all of us can prove our careers have been dulled, if not killed, because certain senior public administrators failed to do their ministerial duty and/or failed to take timely action to protect our above mentioned rights. Some of us are currently serving under superiors who are equally as disturbed (regarding this matter) as we are, therefore, we suggest a full, impartial and searching investigation into our charges of both mal and misfeasance on the part of certain high level public administrators is mandatory.

#### CONCLUSION

We are willing to keep our problem "in-house" only to the extent that we can get the problem resolved to our satisfaction. We

truly hope your offices can assist us directly or point to a viable alternative. Without this kind of assistance, we will be forced into U.S. District Court using private funds. If this latter alternative is forced upon us, we are prepared to present the same evidence now offered your office, only our cause of action will be criminal in nature, larger stakes involved, and we fear the best interests of the U. S. Government and some individual high level Federal employees will not be served. We hope you understand the gravity of this matter.

Sincerely,

*See signature sheet  
next page*

## SYNOPSIS OF EVIDENCE

The reader is advised that attachments are indexed and tabbed in accordance with the below index.

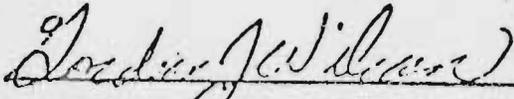
Charge 1: Violation of congressional and vested rights, i.e. illegal withdrawal of complainants from Federal Merit System: illegal taking of our property.

Charge 2: Violation of constitutional guarantees, i.e.:

- a. Right of Due Process  
Tabs 1, 2, 14, 15
- b. Right of Equal Protection of the Laws  
Tabs 5 and 14
- c. Civil Rights  
Tab 16

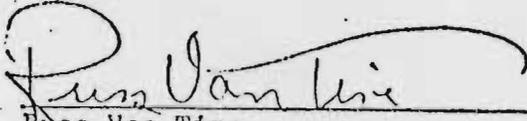
The writers suggest the tabs emphasize our main points; however, the total text of each attachment should be read to understand the grievous wrong perpetrated upon complainants. It is further suggested that a competent investigation to determine real damages, including passed, ongoing and certain future, occurring and anticipated would reveal startling further compulsion to pursue the matter.

SIGNATURE SHEET



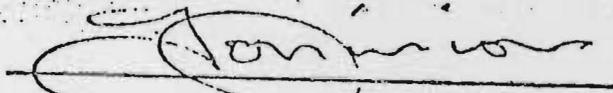
456 South 2nd East  
Brigham City, Utah 84302

I am signing for approximately  
50 B.I.A. and I. H. S. employees,  
who want their names held in  
strictest confidence because of  
fear of retribution.



Russ Van Tine  
2309 Fox Drive  
Billings, MT 59102

I am signing for approximately  
84 B.I.A. and I.H.S. employees,  
who want their names held in  
strictest confidence because of  
fear of retribution.



THOMAS H. GONINION  
902 South Jay Street  
Ab erdeen, SD 57401

I am signing for myself and  
approximately 1400 BIA and IHS  
employees whose names are a  
matter of public record



# Session explores bias against Indian

By DAVID T. EARLEY  
Gazette Staff Writer

An Equal Employment Opportunity conference opened Tuesday in Billings to train both Indian and non-Indian employees in how to recognize and eliminate racial bias in the Indian Health Service.

"OH! AND I both know it happens," Ed Monetathchi Jr., deputy EEO officer from IHS headquarters in Washington, D.C., explained during a break in the first session of a three-day meeting for selected representatives of the 400 men IHS area including reservations in Montana and Wyoming and an Indian school at Brigham City, Utah.

The intention, said Monetathchi, is not to stir up racial problems but to "get them out in the open" so they can be solved.

"UNCONSCIOUS bias" is perhaps the worst, said the Oklahoma Indian. Through lectures and group discussion sessions, those attending will come to realize cultural differences and biases—and then be able to eliminate them.

This is the second such conference, said Stanley J. Rogers, deputy area director of IHS, training those unable to attend a similar session last fall.

The Service's main concern is health on the reservations, said Rogers, and it is necessary to alternate attendance at the EEO sessions. Even so, some doctors will not be able to attend, he added, since they would have no replacements while spending three days in Billings...

EEO representatives in IHS have a special concern, beyond the responsibility for guarantee-

ing equal employment for minorities in other federal agencies, said Dona Gudgell, Monetathchi's associate deputy employed in the Billings IHS Office.

Both IHS and the Bureau of Indian Affairs are required to give employment preference to Indians. Mrs. Gudgell and her two assistants—termed "human resource development specialists"—work full time to assure compliance.

A three-page opinion poll concerning bias in IHS was filled out by those attending at the opening session and will be repeated at the end of the conference, said Monetathchi, but results will not be made public.

"I DON'T see what purpose it would serve...it could be misinterpreted by persons who don't know all the factors involved."

The Billings Gazette Wednesday, April 5, 1972  
Morning Edition

The enclosed newspaper articles (attachment 1) are clear evidence that some of the employees of IHS who attended that conference were, and are continuing to be denied equal conditions of employment because of the documented continuing series of insults and other type statements made by IHS employees and contract speakers that are degrading and unkind regarding one's culture and race.

It is apparent that within the IHS, and government in general, the same type statements concerning Indians and Indian culture (ala attached news clippings) are not allowed to be said, are not part and parcel to "training programs" and you don't hear or see similar points made as a part of policy; hence, those non-Indians witnessing these "training sessions", and similar exposures, are victims of race and culture discrimination, which is forbidden by the Civil Rights Act of 1964, the various executive orders covering federal employment in general and

# White man culture blasted by Indian

By DAVID FARLEY  
(Gazette Staff Writer)

"The Indian must know who he is . . . and the non-Indian must know, too."

This was the message brought Tuesday afternoon to an equal employment opportunity conference of the Indian Health Service by Ed McGaa, Sioux Indian and director of the Upper Midwest Indian Center, Minneapolis, Minn.

Indian culture is superior to the white man's in many ways, said McGaa, "and now we're going back to our Indian ways."

The ways of the white culture have degraded the Indians who sought to adopt them, McGaa said, and he cited mission boarding schools, religious persecution and general destruction of the Indians' culture.

THE PILGRIMS came to America, he said, because their former socio-economic system was inferior to that of the Indians. But then the new culture began to impose its ways on the native one, he continued.

One of the causes of juvenile problems among white children, for example, is the fact that their grandparents are in "old folks' homes" and the youngsters are raised by babysitters, McGaa said.

Whites imposed their will on the Indian by taking children away to mission boarding schools, he said, and — on top of that — decided Indian religion.

HE RECALLED an incident when a Catholic priest tried to interrupt a Sioux Sun Dance and, when warned to stay off the dance floor, commandeered a microphone and said "bad things" about the religious practice.

"Would I bargo into a Mass

and then, when asked to leave. Take a microphone and say bad things about it?" McGaa asked.

The law school graduate served as a Marine Corps fighter pilot in the Vietnam War where, he said, "we were forced to fight with one hand tied behind our backs" by not, for example, being allowed to attack North Vietnamese supply routes beginning at the Haiphong docks.

"THEN THERE were the Kennedys, the McGoerns and their eight-day truces," and on the ninth day, he added, the common men — "whether white, black or red" — were killed by freshly supplied North Vietnamese.

"I wish they'd fought the Indians that same way."

Such service in behalf of the white man's politicians hasn't seemed to help the Indian much, said McGaa. He recalled that during World War II the only way an Indian could be buying a drink was by posing as a Japanese. "We were fighting Japan

at that time."

But the Indian is returning to his own culture, said the Sioux, not to be separate from the rest of the country but to be a part of it as an Indian.

The Dullings Gazette

Wednesday, April 5, 1972  
Evening Edition

**HOW MUCH BETTER MUST A JUNIOR EMPLOYEE BE TO WIN A BID OVER A SENIOR MAN?**

**What Happened:** When personnel director Bob Nelson arrived and saw the two men impatiently pacing in front of his office, he mentally groaned: "Not before my morning coffee!"

Then he said: "I know, I know. Sam, here, feels he should have won that bid on the flaker operator job. But our plant manager, Jim Mayer, put up a convincing case for promoting the junior man."

"He may have convinced you," the steward replied, "but not us. We're here to give the company a chance to correct its mistake. Otherwise, we're going to fight this right through arbitration."

"Okay, let's go over it. We put up the job for bids. If two men are eligible, the senior man gets the job — provided abilities are relatively equal. Sam is the senior man, but he got turned down." The personnel director then enumerated the manager's 3 reasons:

1. The manager asked six foremen to evaluate the two men and to consider eight criteria: Mechanical aptitude, ability to follow written instructions, ability to keep written records, judgment, initiative and attitude, health, responsibility, seniority.
2. When the scores were in, every one of the six said that Ralph had the edge over Sam.
3. Also, Ralph had worked three months on the flaker job — so he even had experience.

"None of that proves Sam can't handle the job. The junior man may be a little better — but that doesn't give him the right to promotion over a senior man," persisted the steward.

**Was The Union: RIGHT  WRONG**

**What Arbitrator George Savage King ruled:** *The senior man gets the job.* "Before a junior employee is given preference, the company must be prepared to show that he is *head and shoulders* above the senior man in ability — where the senior man does have the basic ability to perform the tasks." (68-2 ARB 18614)

**COMMENT:** Neither the three months' experience nor the supervisors' ratings made much impression on the Arbitrator.

**What did impress him was:** *The company will deny that the senior man would probably work out — although it was convinced that the junior was the better man.*

**DO PLANT RULES HAVE TO REMAIN UNCHANGED FOR THE DURATION OF A UNION CONTRACT?**

**What Happened:** The personnel man who wrote the company's rule book must have been a dropout from the English language. The writing was so bad, the meanings so obscure, that workers and foremen had conflicts over almost every paragraph.

Finally the general manager ordered a complete overhaul of the booklet. "While we're at it," he told the editor, "we want to tighten up some old rules and put in some new ones."

Six months later a new rule book, in a bright cover, was distributed to employees. Whereupon the union hit the roof: "You can't change work rules in the middle of a contract any more than you can change wage rates or rest periods!"

When the company disagreed on the ground that nothing in the agreement froze the rules for the duration, the union called in its lawyer. The legal eagle quoted from a raft of decisions by the N.L.R.B., which held that "contents of plant rules are mandatory subjects of bargaining."

"But that applies to negotiations for a new contract. Our agreement still has two years to run. If you feel any of the rules are unfair, file a grievance. You want to throw out the whole book."

**Was The Company: RIGHT  WRONG**

**What Arbitrator John Larkin ruled:** *The company won.* "For some 16 years the union did not question the right of the company to revise or amend plant rules. Such past practice indicates that the union has accepted the fact that there was no restriction on management's right to issue new rules." (68-1 ARB 18263)

**COMMENT:** The right to issue and change rules should be incorporated into your union contract. However, the union can always challenge any rule that it feels is unreasonable.

**MUST A COMPANY DISCIPLINE EMPLOYEES WHO MAKE ANTI-RACIAL REMARKS?**

**What Happened:** When a member of a minority group breaks a company's barriers to employment, he sometimes finds he must then contend with the hostility of some of his superiors and co-workers.

Michael Stern, a civil engineer, was the first Jewish employee to be hired by the Grumman Corp.

hostility—which was in no way related to Michael's competence. Beatty disliked him solely because he was a Jew!

He loudly directed anti-Semitic slurs in Michael's direction. A few other bigoted employees took Beatty's remarks as a cue to utter their own epithets. Beatty's purpose was obvious — to humiliate Michael Stern into resigning.

The Granusk front office ignored Michael's request that his taunters be ordered to leave him in peace. So Michael sued his employer before the state anti-discrimination agency. He asked:

- What good does it do to stop a company from practicing discrimination in hiring — if it permits personnel to torment a minority group individual once he's taken on?

Company president Ed Granusk countered with:

- We do not approve of the racial insults. But I can't control what employees say. Also, I think Stern is being overly sensitive.

Was Michael Stern:  RIGHT  WRONG

What The N.Y. State Div. Of Human Rights ruled: For the engineer. It is management's responsibility to control actions of employees on the job.

"A man who suffers degradation and insult without any restraints by management is certainly being denied equal conditions of employment when such insults are directed at a man's creed."

The employer agreed to inform all employees that it would not tolerate racial and religious insults — and that those who voiced them would be disciplined. (Release #RK-1178)

COMMENT: Many companies anticipate this problem. Executives and employees are informed in letters and notices on bulletin boards that racial and religious derogatory remarks are strictly forbidden. The bigot should be prevented from poisoning the working atmosphere.

-4-

AFTER 2 YEARS, CAN A GOOD WORKER BE FIRED — FOR LYING ON HIS APPLICATION BLANK?

What Happened: Getting calls at home was a normal part of Jack Foster's harried life as general foreman. So when the phone jingled, Jack reached for his pencil and picked up the receiver.

The voice on the other end was muffled, mysterious — and female: "Mr. Foster, this is a friend." Foster gulped and quickly looked toward the kitchen, where his wife was preparing dinner.

The voice continued: "Sam X, who works for you, is a jailbird — an ex-con." Then there was a click as the anonymous caller hung up.

The personnel department investigated Sam's background — and sure enough, Sam had been convicted of a felony three years ago. He had lied on his employment application.

Out went a letter to the hapless worker:

"You are hereby discharged for dishonesty."

expect applicants to tell the truth.

2. We did not wait two years. When we received the anonymous call, we acted right away.

3. If we had known of your criminal record, wouldn't have hired you. That's our policy. This is a business — not a social agency!

Was The Company:  RIGHT  WRONG

What Arbitrator Langston T. Hawley ruled: No re-statement for Sam. Traditionally, a probationary period is used to determine how well an applicant functions on the job — not to investigate truthfulness of statements made on the application.

"The company had a right to rely upon the truthfulness of the employee's statements, acted with all speed upon discovering the falsification." (69-1 ARB 48114)

COMMENT: The onus for telling the truth is on the employee.

Furthermore, the seriousness of the lie is important. If the worker would not have been hired had the truth been known, delay in discovery will not protect him.

-5-

## QUIZ CASE

Test Your Skill As An Arbitrator

CAN MANAGEMENT COLLECT MONEY DAMAGES FROM A UNION FOR A WILDCAT STRIKE?

What Happened: Shop steward Elton Reynolds had a loyal following. When he got himself fired for fighting, 15 rank-and-filers followed him out of the plant. And they stayed out for three days.

The men rounded out the week without pay — for each received a two-day suspension for their "loyalty" to the union official.

The company decided to hit the union where it hurt the most — in its pocketbook. It sent the union a bill for \$16,323.98 for losses incurred during the wildcat strike — itemizing:

- Lost production time — and the cost of idle equipment;
- Overtime pay to employees assigned to fill in for the striking employees; and
- Supervisors' time helping out on production.

The union did some figuring on its own — defended its case before an Arbitrator:

1. Foremen are on salary and are paid anyway.
2. The company owns its equipment and therefore no loss was incurred by its idleness.
3. There was no real loss in production as other employees filled the gap.
4. Besides, who ever heard of suing a union for money damages? Our business agent got the men back to work as soon as possible.
5. The men already have paid for their inaction by losing five days' pay.

But The Union Pay: YES (1) NO (1)

# American Federation of Government Employees



ANN F. CRINER  
LOCAL PRESIDENT

AFFILIATED WITH THE AFL-CIO

CLYDE H. WEDDER  
EXECUTIVE VICE PRESIDENT

DOUGLAS H. KERHAW  
NATIONAL SEC. TREAS.

WASHINGTON, D. C.

MORTEN J. DAVIS  
NATIONAL VICE PRESIDENT  
ROOM 606  
610 SOUTHWEST BROADWAY  
PORTLAND, OREGON 97203  
TELEPHONE (503) 227-5039

\*\*\*\*\*

REFER TO FILE

November 10, 1972

Judge Oliver Seth  
Judge Howard Bratton  
Judge Edwin L. Machem  
U. S. District Court  
for the District of New Mexico  
Albuquerque, New Mexico 87100

Dear Sirs:

In the matter of Civil Suit No. 9626, C. R. Mancari, Anthony Franco, Wilbert Garrett and Jules Cooper, on behalf of themselves and all others similarly situated, vs. Rogers C. B. Morton, as Secretary of the Interior; Louis R. Bruce, as Commissioner of Indian Affairs; Walter O. Olson, as Area Director, Bureau of Indian Affairs, Albuquerque Area Office; and Anthony Lincoln, as Area Director, Bureau of Indian Affairs, Navajo Area Office; defendants, I desire to submit the following information pursuant to Rule 23 of the Federal Rules of Civil Procedure:

1. The U. S. Bureau of Indian Affairs is only one of two Indian Services directly affected by Title 25, USC Sections 44, 46, and 472; and that Indian Health Service (USPHS-DHEW) is the other;
2. That Title 25, Sections 44, 46, and 472 of the U. S. Codes is applicable only to positions in the Indian Services (Agencies) - i.e., BIA and IHS equally, which number approximately 26,000 employees (19,000 in BIA and 7,000 in IHS (USCSC 6-9-72 figures)); that about one-half of these positions are non occupied by Indians, the number of non-Indian employees potentially affected by the court action being about 13,000;
3. That the American Federation of Government Employees (AFL-CIO) represents a certain number of non-Indian employees of IHS;
4. That, because of fear of retribution by superiors, a portion of said non-Indian employees of IHS, have asked me to represent them in a response to the court's request for information (re Notice - pursuant to Rule 23 of the Federal Rules of Civil Procedure); and,

Judge Oliver Seth  
Judge Howard Bratton  
Judge Edwin L. Machem  
Albuquerque, New Mexico

November 10, 1972

5. That many of the non-Indian employees of IHS consider themselves in the identical situation of plaintiffs in No. 9626 Civil and consider the representation by the plaintiffs to be fair and accurate. Further, except for the fear of retribution, that some of my members indeed would want to join with plaintiffs and be party to that cause.

Sincerely yours,



Robert C. Nogler  
National Representative  
Eleventh District AFCE

RCN:jp

**PART III. TO BE COMPLETED BY EMPLOYEE**

RESIGNATION (IMPORTANT) ONLY TO EMPLOYEE. Use appropriate reasons for your resignation. Avoid generalized reasons, such as "ill health," "personal reasons."

I RESIGN FOR THE FOLLOWING REASONS

September 12, 1972

(Date resignation is written)

Present Bureau of Indian Affairs policy concerning employee promotions, reassignments etc. appears to be based primarily on Race and not on merit considerations. Other employment is available to me which will not impose racial restrictions on my ability to advance in skills and knowledge.

THE EFFECTIVE DATE OF MY RESIGNATION WILL BE September 29, 1972

Ray Christman

(Signature)

**PART IV. SEPARATION DATA**

FORWARD COMMUNICATIONS, INCLUDING SALARY CHECKS AND BONDS, TO THE FOLLOWING ADDRESS:

(Number and Street)

(City)

(State)

(ZIP Code)

**PART I. (Continued)**

F. REMARKS BY REQUESTING OFFICE:



**PART II. (Continued)**

30. STANDARD FORM 59 REMARKS

- SUBJECT TO COMPLETION OF 1 YEAR PROBATIONARY (OR TRIAL) PERIOD COMMENCING \_\_\_\_\_
- SERVICE COUNTING TOWARD CAREER (OR PERMANENT) TENURE FROM: \_\_\_\_\_
- SUCCESSOR POSITION—EMPLOYEE RETAINED IN THE COMPETITIVE SERVICE
- ENTRANCE PERFORMANCE RATING SATISFACTORY

SEPARATIONS: SHOW REASONS BELOW, AS REQUIRED. CHECK, IF APPLICABLE:  DURING PROBATION  FROM APPOINTMENT OF 6 MONTHS OR LESS

December 22, 1970

(Date resignation is written)

I RESIGN FOR THE FOLLOWING REASONS Believing in the precepts of our beloved Constitution, I can no longer work under the Communistic tactics and the 100% discrimination against the white race practiced by the Commissioner of Indian Affairs in general, and the Administrative Officers of the Aberdeen area Office, in particular, the Area Director and the Asst. Area Director in charge of Administration. They break U.S. Civil Service Laws and Regulations and even the Constitution of our United States means nothing to them. They refuse to consider a white person for promotion regardless of their merit. Mr. Briscoe is the immediate Supervisor of his wife a GS-11. All of this is completely undermining the morale of BIA employees. The white people are seriously discriminated against. I cannot and I will not be a part of dragging our flag through the mud and I will not be subservient to another race. WE ARE ALL EQUAL. That is what our forefathers fought and died for. I hereby tender my resignation in the service of the country I so love. God help these

United States.

*Evelyn O'Brien Morrison*  
Evelyn O'Brien Morrison

PART IV. SEPARATION DATA

FORWARD COMMUNICATIONS, INCLUDING SALARY CHECKS AND BONDS, TO THE FOLLOWING ADDRESS.

(Number and Street)

(City)

(State)

(ZIP Code)

417 No. Jay St.

Aberdeen,

South Dakota

57401

PART I. (Continued)

F. REMARKS BY REQUESTING OFFICE:

PART II. (Continued)

20. STANDARD FORM 50 REMARKS

SUBJECT TO COMPLETION OF 1 YEAR PROBATIONARY (OR TRIAL) PERIOD COMMENCING

SERVICE COUNTING TOWARD CAREER (OR PERMANENT) TENURE FROM:

SUCCESSOR POSITION—EMPLOYEE RETAINED IN THE COMPETITIVE SERVICE

ENTRANCE PERFORMANCE RATING SATISFACTORY

SEPARATIONS. SHOW REASONS BELOW, AS REQUIRED. CHECK, IF APPLICABLE.

DURING PROBATION

FROM APPOINTMENT OF 6 MONTHS OR LESS



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

Equal Employment  
Opportunity

OCT 16 1972

## Memorandum

To: Area Directors  
Area Equal Employment Opportunity Officers  
Equal Employment Opportunity Counsellors

From: Bureau Equal Employment Opportunity Officer

Subject: Discrimination Complaints based on Indian Preference

This office has received several letters complaining of alleged racial discrimination in promotional opportunities in the Bureau of Indian Affairs as a result of the Indian Preference Policy announced on June 23, 1972.

In Executive Order 11478, issued August 8, 1969, President Nixon assigned the Civil Service Commission overall responsibility for leadership and guidance of the Federal Government's internal equal employment opportunity program. The Executive Order prohibits discrimination in Federal employment on the basis of race, color, religion, sex, or national origin. It provides for an affirmative action program to assure equal opportunity in all aspects of Federal employment, and contains provisions for prompt, fair, and impartial processing of complaints of discrimination in Federal employment based on race, color, religion, sex, or national origin. Equal employment opportunity is national policy and is applicable to all citizens. It is not restricted to any particular segment or segments of our population.

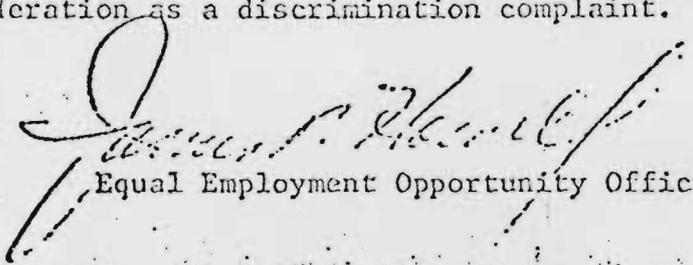
With reference to employment in the Bureau of Indian Affairs, however, there is a Federal policy of "Indian Preference" embodied in Section 12 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 985, 986; 25 U.S.C. 472). This legislation directs the Secretary of the Interior "to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil service laws, to the various positions maintained, nor or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indian shall

hereafter have the preference to appointments to vacancies in any such position." Indian preference eligibles are further defined as those having one-fourth or more degree of Indian blood. The Civil Service Commission supports and agrees with the announced interpretation of Indian preference laws and has indicated that this policy interpretation is consistent with programs administered by the Commission.

We have the responsibility of giving full effect to the Indian preference laws which Congress has enacted and that, of course, is the purpose of the policy revision approved by the Secretary. Any questions concerning the validity of those laws is not a matter of administrative determination. We are aware that our interpretations have been challenged in the United States District Court in New Mexico, and shall, of course, be bound by any final judicial decision resulting from that action.

The impact of Indian preference has been weighted against Veteran preference, by the Civil Service Commission, which is a program comparable in nature and intent. Incidentally, neither has been determined to be discriminatory, and it has been determined that in the Bureau of Indian Affairs, Indian preference prevails over Veteran preference.

The effect of the most recent legislation places the responsibility for monitoring Federal Employment Programs under the Civil Service Commission, and in view of the fact that they support the position on Indian preference announced by the Department, we do not regard this as an issue for consideration as a discrimination complaint.



Equal Employment Opportunity Officer

17

ORIGINAL TO: John Ratchford

COPY FYI TO: Brad Patterson

THE NAVAJO NATION  
WINDOW ROCK, ARIZONA 86515

PETER MacDONALD  
CHAIRMAN

September 15, 1976

JR-1

Dear Mr. President:

I am writing you to urge your signature on H.R. 5465 "An Act to revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, provide greater opportunity for advancement and employment of Indians and for other purposes." It has never been the intention that non-Indian employees of the government should unduly suffer from Indian preference or self determination. This bill should go a long way to insure equitable treatment while furthering Indian preference and your policy of Self-Determination.



Respectfully,

*[Handwritten signature]*  
Peter MacDonald, Chairman  
Navajo Tribal Council

1976 SEP 17 PM 1 43

WHITE HOUSE  
MAIL ROOM

The Honorable Gerald Ford  
President of the United States  
The White House  
Washington, D.C.

MEMORANDUM  
OF CALL

TO:

*Blad*

YOU WERE CALLED BY—  YOU WERE VISITED BY—

*Tom GONINION*

OF (Organization)

*Aberdeen - Ind. Health Serv.*

PLEASE CALL → PHONE NO. CODE/EXT. \_\_\_\_\_

WILL CALL AGAIN  IS WAITING TO SEE YOU

RETURNED YOUR CALL  WISHES AN APPOINTMENT

MESSAGE

*(605) 225-0250  
X 553*

*re: H. R. 5465*



RECEIVED BY

*pl.*

DATE

*9/16*

TIME

MEMORANDUM  
OF CALL

TO:

Brad

YOU WERE CALLED BY—  YOU WERE VISITED BY—

CARL Smith

OF (Organization)

So. Dakota B.I.A.

PLEASE CALL → PHONE NO. CODE/EXT. \_\_\_\_\_  
 WILL CALL AGAIN  IS WAITING TO SEE YOU  
 RETURNED YOUR CALL  WISHES AN APPOINTMENT

MESSAGE

Re: H.R. 5465

(605) 224-8865

RECEIVED BY

DATE

TIME

MEMORANDUM  
OF CALL

TO:

*Brad*

YOU WERE CALLED BY—  YOU WERE VISITED BY—

*Ted Kearns*

OF (Organization)

*Poplar, Montana B.I.A.*

PLEASE CALL → PHONE NO. CODE/EXT. \_\_\_\_\_

WILL CALL AGAIN  IS WAITING TO SEE YOU

RETURNED YOUR CALL  WISHES AN APPOINTMENT

MESSAGE

*support HR. 5465*  
*(406) 768-3441*

RECEIVED BY

*Ypt*

DATE

*9/16*

TIME

*2:13*

MEMORANDUM  
OF CALL

TO:

*Brad*

YOU WERE CALLED BY—  YOU WERE VISITED BY—

*Elvie Kolstead*

OF (Organization)

*Billings, Montana*

- PLEASE CALL → PHONE NO. CODE/EXT. \_\_\_\_\_
- WILL CALL AGAIN  IS WAITING TO SEE YOU
- RETURNED YOUR CALL  WISHES AN APPOINTMENT

MESSAGE

*(406) 245-6711  
X 6301*

RECEIVED BY

DATE

TIME

*pl*

MEMORANDUM  
OF CALL

TO:

*Brad*

YOU WERE CALLED BY—  YOU WERE VISITED BY—

*Fred Hamel*

OF (Organization)

*Billings, MT.*

PLEASE CALL → PHONE NO.  
CODE/EXT.

WILL CALL AGAIN

IS WAITING TO SEE YOU

RETURNED YOUR CALL

WISHES AN APPOINTMENT

MESSAGE

*Supports HR 5465*

*(406) 248-3284*

RECEIVED BY

DATE

TIME

MEMORANDUM  
OF CALL

TO:

*Brad*

YOU WERE CALLED BY—  YOU WERE VISITED BY—

*Nail McKenzie*

OF (Organization)

*Crow Agency, Mt. B.I.A.*

- PLEASE CALL → PHONE NO. CODE/EXT. \_\_\_\_\_
- WILL CALL AGAIN  IS WAITING TO SEE YOU
- RETURNED YOUR CALL  WISHES AN APPOINTMENT

MESSAGE

*H.R. 5465*

*Send support, please*

RECEIVED BY

*ypt.*

DATE

*9/16*

TIME

MEMORANDUM  
OF CALL

TO:

BRAD

YOU WERE CALLED BY—  YOU WERE VISITED BY—

John Fleming

OF (Organization)

Indian Health Services

PLEASE CALL → PHONE NO. CODE/EXT. \_\_\_\_\_  
 WILL CALL AGAIN  IS WAITING TO SEE YOU  
 RETURNED YOUR CALL  WISHES AN APPOINTMENT

MESSAGE

RE: H.R. 5465

(801) 723-2880



RECEIVED BY

DATE

TIME

IHS

No great needs  
of individuals  
600 in lifetime of  
bill. (5 yrs)

Would privately



My signature.

Mat over 20-30-40-50,  
(only 100 eligible as  
1st year)

(in 1st year so

~~2~~ <sup>32</sup>  
+ ~~30~~ over 5-year period

May try to override.

150-200  
out of  
600



MT:

Personally no problem in concept  
Too liberal a bill  
50 x 20 - 25 at any age

Congress would probably:  
24<sup>th</sup> but does - - 1 week left  
Speaker has a personal interest in it - -  
moved it out of BS&CS over objections  
of Henderson. Stevens' stay

MEMORANDUM  
OF CALL

TO:

Brad

YOU WERE CALLED BY—

YOU WERE VISITED BY—

Virginia Eubank

OF (Organization)

budget + appeals -

PLEASE CALL →

PHONE NO.  
CODE/EXT.

WILL CALL AGAIN

IS WAITING TO SEE YOU

RETURNED YOUR CALL

WISHES AN APPOINTMENT

MESSAGE

(406)

245-6711

X 6615

RECEIVED BY

oo

DATE

9/15

TIME

3:10

People will not be  
lost — they can be  
re-hired by tribes or  
re-employed annuitants.  
or consultants.

MEMORANDUM  
OF CALL

TO:

Brad

YOU WERE CALLED BY—

YOU WERE VISITED BY—

Krivit

- Daniel

OF (Organization)

PLEASE CALL →

PHONE NO.  
CODE/EXT.

WILL CALL AGAIN

IS WAITING TO SEE YOU

RETURNED YOUR CALL

WISHES AN APPOINTMENT

MESSAGE

5509 -  
net - benefit  
2808

544-1112-

RECEIVED BY

DATE

TIME

Calendar No. 971

94TH CONGRESS  
2D SESSION

# H. R. 5465

[Report No. 94-828]

[Report No. 94-1029]

---

## IN THE SENATE OF THE UNITED STATES

MAY 4, 1976

Read twice and referred to the Committee on Post Office and Civil Service

MAY 13, 1976

Reported by Mr. McGEE, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

JUNE 22 (legislative day, JUNE 18), 1976

Referred to the Committee on Appropriations

JULY 2 (legislative day, JUNE 18), 1976

Reported without amendment

---



## AN ACT

To allow Federal employment preference to certain employees of the Bureau of Indian Affairs, and to certain employees of the Indian Health Service, who are not entitled to the benefits of, or who have been adversely affected by the application of, certain Federal laws allowing employment preference to Indians, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 *That, for purposes of this Act—*

1 (1) "eligible employee" means an employee who—

2 (A) is employed in a position in the Bureau  
3 of Indian Affairs of the Department of the Interior,  
4 or in the Indian Health Service of the Department  
5 of Health, Education, and Welfare, under a career  
6 or a career-conditional appointment, and who has  
7 been so employed since June 17, 1974; and

8 (B) is not entitled to benefits under, or has  
9 been adversely affected by the application of—

10 (i) section 12 of the Act of June 18, 1934

11 (25 U.S.C. 472);

12 (ii) the first section of the Act of June 7,  
13 1897 (25 U.S.C. 274);

14 (iii) the Act of April 30, 1908, and sec-  
15 tion 23 of the Act of June 25, 1910 (25 U.S.C.  
16 47);

17 (iv) section 6 of the Acts of May 17, 1882,  
18 and July 4, 1884 (25 U.S.C. 46);

19 (v) section 2069 of the Revised Statutes  
20 (25 U.S.C. 45);

21 (vi) section 10 of the Act of August 15,  
22 1884 (25 U.S.C. 44); or

23 (vii) any other provision of Federal law  
24 providing Indians preferential employment con-  
25 sideration for positions within the Federal com-  
26 petitive service; and

1 (2) "vacancy" means a vacancy in a position in  
2 the competitive service for which the minimum rate of  
3 basic pay is less than the minimum rate for GS-16.

4 (3) by an employee of the Bureau of Indian Affairs  
5 who has received a specific notice of separation  
6 by reduction in force;

7 (5) by an employee of the Bureau of Indian Affairs  
8 who—

9 (A) must be reassigned because of circum-  
10 stances beyond his control which threaten his life  
11 or health; and

12 (B) cannot be reassigned to a position within  
13 the Bureau of Indian Affairs because of the opera-  
14 tion of any provision of law referred to in para-  
15 graph (1)(B) of the first section of this Act; or

16 (6) by an employee of the Trust Territory of the  
17 Pacific Islands who is displaced by a Micronesian and  
18 must be returned to the United States.

19 SEC. 3. When an appointing authority has twice con-  
20 sidered and passed over an eligible employee (disregarding  
21 any instance in which another eligible employee or an indi-  
22 vidual referred to in section 2(b) of this Act was appointed  
23 to the position); such eligible employee is entitled to appoint-  
24 ment to the next occurring vacancy in such Department for  
25 which he applies, unless the appointing authority deter-  
26 mines that compelling reasons exist for passing over such  
employee; and files such reasons in writing with the Civil

1 Service Commission. The Commission shall make such  
 2 reasons a part of the record of the eligible employee and  
 3 may require the submission of more detailed information in  
 4 support of the passing over of such employee. The Commis-  
 5 sion shall determine the sufficiency or insufficiency of the  
 6 reasons submitted and shall send its findings to the appoint-  
 7 ing authority, who shall comply with the findings of the  
 8 Commission. The eligible employee or his representative, on  
 9 request, is entitled to a copy of—

10 (1) the reasons submitted by the appointing  
 11 authority; and

12 (2) the findings of the Commission.

13 SEC. 4. An eligible employee who is passed over for  
 14 compelling reasons determined to be sufficient by the Civil  
 15 Service Commission under section 3 of this Act, upon his  
 16 application, shall be—

17 (1) separated from the service and, if otherwise  
 18 eligible, shall be entitled to an annuity under the pro-  
 19 visions of section 8336(d) of title 5, United States  
 20 Code; or

21 (2) entitled to appointment, in accordance with  
 22 section 3 of this Act, to the next occurring vacancy  
 23 for which he is qualified.

24 A separation under paragraph (1) of this section shall be  
 25 deemed to be an involuntary separation from the service. An  
 26 application for separation under paragraph (1) of this section

1 shall be submitted not later than the 90th day following the  
 2 date of the determination of the Civil Service Commission  
 3 under section 3 of this Act.

4 SEC. 5. The appointment to each vacancy occurring in  
 5 the Department of Health, Education, and Welfare (other  
 6 than a vacancy occurring in the Indian Health Service)  
 7 shall be made, with respect to applicants who are eligible  
 8 employees of the Indian Health Service, in accordance with  
 9 the provisions of sections 2, 3, and 4 of this Act. For the  
 10 purposes of applying such provisions, references therein to  
 11 the Bureau of Indian Affairs shall be deemed to be refer-  
 12 ences to the Indian Health Service, and references to the  
 13 Department of the Interior shall be deemed to be references  
 14 to the Department of Health, Education, and Welfare.

15 SEC. 6. (a) The Civil Service Commission shall pre-  
 16 scribe such regulations as it deems necessary to carry out  
 17 the provisions of this Act.

18 (b) The foregoing provisions of this Act shall apply  
 19 with respect to vacancies occurring during the 3-year period  
 20 beginning with the month which begins more than 90 days  
 21 following the effective date of this Act, except that the Civil  
 22 Service Commission may extend such period 1 additional year  
 23 with respect to vacancies—

24 (1) in the Department of the Interior; or

1           (2) in the Department of Health, Education, and  
2           Welfare, or

3           (3) in both Departments.

4           (e) The foregoing provisions of this Act shall take effect  
5           on October 1, 1976, or on the date of the enactment of the  
6           Act, whichever date is later.

7           That section 8336 of title 5, United States Code, is amend-  
8           ed by redesignating subsection (h) as subsection (i) and in-  
9           serting the following new subsection:

10          “(h) An employee is entitled to an annuity if he (1)  
11          is separated from the service after completing 25 years of  
12          service before December 31, 1985, or after becoming 50 years  
13          of age and completing 20 years of service before December 31,  
14          1985, (2) was employed in the Bureau of Indian Affairs  
15          or the Indian Health Service continuously from June 17,  
16          1974, to the date of his separation, (3) is not otherwise  
17          entitled to full retirement benefits, (4) is not an Indian  
18          entitled to a preference under section 12 of the Act of  
19          June 18, 1934 (48 Stat. 986) or any other provision of  
20          law granting a preference to Indians in promotions and  
21          other personnel actions, and (5) can demonstrate that he  
22          has been passed over on at least two occasions for promotion,  
23          transfer, or reassignment to a position representing career  
24          advancement because of section 12 of the Act of June 18,  
25          1934 (48 Stat. 986) or any other provision of law grant-

1          ing a preference to Indians in promotions and other personnel  
2          actions.”.

3          SEC. 2. Section 8339 of title 5, United States Code, is  
4          amended—

5                 (1) by inserting in subsection (f), immediately  
6                 after “subsections (a)–(c)”, the following: “and (n)”;

7                 (2) by inserting in subsection (i), immediately  
8                 after “subsections (a)–(h)”, the following: “and (n)”;

9                 (3) by inserting in subsections (j) and (k)(1),  
10                immediately after “subsections (a)–(i)” each time it  
11                appears, the following: “and (n)”;

12                (4) by inserting in subsection (l), immediately  
13                after “subsections (a)–(k)”, the following: “and (n)”;

14                (5) by inserting in subsection (n), immediately  
15                after “subsections (a)–(e)”, the following: “and (n)”;

16                and

17                (6) by adding at the end thereof the following:

18                “(n) The annuity of an employee retiring under section  
19                8336(h) of this title is:

20                         “(A)  $2\frac{1}{2}$  percent of his average pay multiplied by  
21                         so much of his total service as does not exceed 20 years;

22                         plus

23                         “(B) 2 percent of his average pay multiplied by so  
24                         much of his total service as exceeds 20 years.”.

1        *SEC. 3. (a) Section 8341 of title 5, United States Code,*  
 2 *is amended—*

3            *(1) by inserting in subsection (b) (1), immediately*  
 4 *after “section 8339(a)–(i)”, the following: “and (n)”;*  
 5 *and*

6            *(2) by striking out of subsection (d) “section 8339*  
 7 *(a)–(f) and (i)” and inserting in lieu thereof the*  
 8 *following: “section 8339 (a)–(f), (i), and (n)”.*

9            *(b) Section 8344(a)(A) of such title is amended by*  
 10 *striking out “and (i)” and inserting in lieu thereof “(i),*  
 11 *and (n)”.*

12        *SEC. 4. The amendments made by this Act shall take*  
 13 *effect on October 1, 1976, or on the date of enactment of this*  
 14 *Act, whichever date is later, and shall only apply to em-*  
 15 *ployees separated from the service on and after June 17,*  
 16 *1974.*

Amend the title so as to read: “An Act to revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, provide greater opportunity for advancement and employment of Indians, and for other purposes.”.

Passed the House of Representatives May 3, 1976.

Attest:        EDMUND L. HENSHAW, JR.,

*Clerk.*

Calendar No. 971

94<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5465

[Report No. 94-828]

[Report No. 94-1029]

---

---

## AN ACT

To allow Federal employment preference to certain employees of the Bureau of Indian Affairs, and to certain employees of the Indian Health Service, who are not entitled to the benefits of, or who have been adversely affected by the application of, certain Federal laws allowing employment preference to Indians, and for other purposes.

---

---

MAY 4, 1976

Read twice and referred to the Committee on Post  
Office and Civil Service

MAY 13, 1976

Reported with an amendment, and an amendment to  
the title

JUNE 22 (legislative day, JUNE 18), 1976

Referred to the Committee on Appropriations

JULY 2 (legislative day, JUNE 18), 1976

Reported without amendment

5  
Pro - HR 5465 Conference Rpt Passed Fri  
9/10  
4806  
Boigstrom OMB.  
The White House  
Washington,  
non-Indians - early retirement

JR-1

1  
2  
3 WHD016 719P EDT SEP 9 76 WAG318(1706)(2-042630E253)PD 09209/768  
4

5 ICS IPMNTZZ CSP

6 7045866024 IDMT SYLVA NC 30 09-09 0426P EST

7 PMS PRESIDENT GERALD FORD

8 WHITE HOUSE

9 WASHINGTON DC

10 I WOULD LIKE TO REQUEST YOUR FAVORABLE CONSIDERATION OF BILL HR5465  
11 BECAUSE IT IS FELT THAT THIS BILL IS THE ONLY EQUITABLE ONE FOR  
12 INDIAN AND NON INDIAN EMPLOYEES.

13 BONNIE COGDILL BIA EMPLOYEE CHEROKEE AGENCY CHEROKEE NC

14 NNNN  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



White House

Washington

1  
2  
3 WHDO16 719P EDT SEP 9 76 WAG318(1706)(2-042630E253)PD 09/09/76

4 ICS IPMMTZZ CSP

1976 SEP 9 PM 7 20

5  
6 7045866024 TDMT SYLVA NC 30 09-09 0426P EST

7  
8 PMS PRESIDENT GERALD FORD

9  
10 WHITE HOUSE

11  
12 WASHINGTON DC

13 I WOULD LIKE TO REQUEST YOUR FAVORABLE CONSIDERATION OF BILL HR5465  
14 BECAUSE IT IS FELT THAT THIS BILL IS THE ONLY EQUITABLE ONE FOR  
15 INDIAN AND NON INDIAN EMPLOYEES.

16  
17 BONNIE COGDILL BIA EMPLOYEE CHEROKEE AGENCY CHEROKEE NC

18  
19 NNNN  
20  
21  
22  
23  
24  
25  
26

2  
3  
4  
5  
6

*Dr HR 5465*

*35*  
*352a*

*JK-1*

The White House  
Washington



1  
2  
3  
4 **WHA008(1100)(2-011247A253)PD 09/09/76 1059**

1976 SEP 9 PM 12 05

5 **ICS IPMAFUB AHG**

6  
7 **202 A 06007 POM JUNEAU ALASKA 15 09-09 855A PDT**

8 **PMS PRES FORD**

9  
10 **WHITENHOUSE DC**

11 **PLEASE APPROVE HR5465 THE EMPLOYMENT OPPORTUNITY**

12  
13 **FOR INDIANS**

14 **ROGER FITZGERALD**

15  
16 **RR4 BOX 4473 JUNEAU AK 99803**

17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**NNNN**

2  
3  
4  
5  
6



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

WHA008(1100)(2-011247A253)PD 09/09/76 1059

ICS IPMAFUB AHG

SEP 12 9 14 12 0

202 A 06007 POM JUNEAU ALASKA 15 09-09 855A PDT

PMS PRES FORD

WHITEHOUSE DC

PLEASE APPROVE HR5465 THE EMPLOYMENT OPPORTUNITY

FOR INDIANS

ROGER FITZGERALD

RR4 BOX 4473 JUNEAU AK 99803

NNNN

Dr HR 5465

35  
3520a

The White House  
Washington



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

JR-1

WHAD10(1148)(2-021493E253)PD 09/09/76 1148

ICS IPMBNGZ CSP

1976 SEP 9 PM 12 56

5059886271 POM TDBN SANTA FE NM 14 09-09 1148A EST

PMS PRESIDENT GERALD FORD

WHITE HOUSE DC

PLEASE SIGN HOUSE BILL 5465 SUPPORTING NON INDIAN GOVERNMENT

EMPLOYEES DEPRIVED OF MERIT PROMOTION

CAL E ROLLINS2937 BELLAMAH DR/SANTA FE/NM 87501

NNNN

2  
3  
4  
5  
6

The White House  
Washington, D.C.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

WHA010(1148)(2-021493E253)PD 09/09/76 1148

1976 SEP 9 PM 12 56

ICS IPMBNGZ CSP

5059886271 POM TDBN SANTA FE NM 14 09-09 1148A EST

PMS PRESIDENT GERALD FORD

WHITE HOUSE DC

PLEASE SIGN HOUSE BILL 5465 SUPPORTING NON INDIAN GOVERNMENT

EMPLOYEES DEPRIVED OF MERIT PROMOTION

CAL E ROLLINS2937 BELLAMAH DR/SANTA FE/NM 87501

NNNN

Bro HR 5465

35  
35 2nd

The White House  
Washington

JK-1

WHB005(1032) (2-015154E253)PD 09/09/76 1032

1976 SEP 9 PM 12 06

ICS IPMNTZZ CSP

7044979131 POM TDMT CHEROKEE NC 9 09-09 1032A EST

PMS PRESIDENT GERALD FORD

WHITE HOUSE DC

REQUEST YOUR FAVORABLE CONSIDERATION OF HR5465. THANK YOU

JAKE HYATT BOX 493 CHEROKEE NC 28719

NNNN

2  
3  
4  
5  
6  
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

WHB005(1032)(2-015154E253)PD 09/09/76 1032

ICS IPMMTZ CSP

1976 SEP 9 PM 12 06

7044979131 POM TDMT CHEROKEE NC 9 09-09 1032A EST

PMS PRESIDENT GERALD FORD

WHITE HOUSE DC

REQUEST YOUR FAVORABLE CONSIDERATION OF HR5465. THANK YOU

JAKE HYATT BOX 493 CHEROKEE NC 28719

NNNN

FORM 6005 PRINTED BY THE STANDARD REGISTER COMPANY, U. S. A.

20 T COGDILL  
PO BOX 941  
SILVA NC 28779

pro HR 5465

**western union Mailgram**



2-044618E254 09/10/76 ICS IPMMTZ CSP WSHB  
7045866697 MGM TDMT SILVA NC 100 09-10 0354P EST

PRESIDENT GERALD FORD  
WHITE HOUSE  
WASHINGTON DC 20510

WOULD LIKE TO REQUEST YOUR FAVORABLE CONSIDERATION OF HR 5465 BECAUSE  
IT IS FELT THAT THIS BILL IS THE ONLY EQUITABLE ONE FOR INDIAN AND NON  
INDIAN EMPLOYEES

MARGARET O COGDILL  
CIA EMPLOYEE  
CHEROKEE AGENCY  
CHEROKEE NC

15:55 EST

MGMCOMP MGM



MEMORANDUM  
OF CALL

TO:

*Brad*

YOU WERE CALLED BY—  YOU WERE VISITED BY—

*John Fleming*

OF (Organization)

*Service Unit Dir., Utah*

PLEASE CALL → PHONE NO. CODE/EXT. \_\_\_\_\_

WILL CALL AGAIN  IS WAITING TO SEE YOU

RETURNED YOUR CALL  WISHES AN APPOINTMENT

MESSAGE

*Re: Stevens Bill*

*He is tele FAXing some information to you this morning.*

RECEIVED BY

*ypt*

DATE

*9/26*

TIME

*10:01*



218-679-3341

Boyer J



1631 elgato

\$42 → \$107

Pearce



\$98 BIA

14 IHS

\$42 → \$107

JDE

THE WHITE HOUSE  
WASHINGTON



Maurice  
Reichlow  
Navajo Plant M  
BIA - Window B  
or Gallery

THE WHITE HOUSE  
WASHINGTON

Jim Pearce

737 0585



NFFB

MEMORANDUM OF CALL

TO: Brad

YOU WERE CALLED BY—  YOU WERE VISITED BY—

Carl Smith

OF (Organization)

PLEASE CALL → PHONE NO. CODE/EXT.

WILL CALL AGAIN  IS WAITING TO SEE YOU

RETURNED YOUR CALL  WISHES AN APPOINTMENT

MESSAGE  
(605) 224-8865 245 6296

hm - 605 224-7098

RECEIVED BY *M* DATE 9/16 TIME 4-

STANDARD FORM 63 REVISED AUGUST 1967 GSA FPMR (41 CFR) 101-11.6 GPO : 1969-645-16-80341-1 232-259 63-108

MEMORANDUM OF CALL

TO: Brad

YOU WERE CALLED BY—  YOU WERE VISITED BY—

Charles Weinman

OF (Organization)

Montano

PLEASE CALL → PHONE NO. CODE/EXT.

WILL CALL AGAIN  IS WAITING TO SEE YOU

RETURNED YOUR CALL  WISHES AN APPOINTMENT

MESSAGE  
1 (406) 638-2671 X 53

re: H. R. 5465



RECEIVED BY *Pat* DATE 9/16 TIME 10:21

STANDARD FORM 63 REVISED AUGUST 1967 GSA FPMR (41 CFR) 101-11.6 GPO : 1969-645-16-80341-1 232-259 63-108

MEMORANDUM  
OF CALL

TO:

Brad

YOU WERE CALLED BY—  YOU WERE VISITED BY—

Dr. Rhodes

OF (Organization)

OKLAHOMA City

PLEASE CALL → PHONE NO.  
CODE/EXT.

WILL CALL AGAIN

IS WAITING TO SEE YOU

RETURNED YOUR CALL

WISHES AN APPOINTMENT

MESSAGE

(405) 272-9876  
X 325

Indian Health Bill

RECEIVED BY

DATE

TIME

MEMORANDUM  
OF CALL

TO:

*Brad*

YOU WERE CALLED BY—  YOU WERE VISITED BY—

*Ehsie Kolstead*

OF (Organization)

*Billings, Mt. BIA*

- PLEASE CALL  $\rightarrow$  PHONE NO. \_\_\_\_\_  
CODE/EXT. \_\_\_\_\_
- WILL CALL AGAIN  IS WAITING TO SEE YOU
- RETURNED YOUR CALL  WISHES AN APPOINTMENT

MESSAGE

*Support for H.R. 5465*

RECEIVED BY

DATE

TIME

*pl*

*9-17*

STANDARD FORM 63  
REVISED AUGUST 1967  
GSA FPMR (41 CFR) 101-11.6

GPO : 1969-O-48-16-80341-1 382-889

63-108

MEMORANDUM  
OF CALL

TO:

Brad

YOU WERE CALLED BY—

YOU WERE VISITED BY—

OF (Organization)

James Lindberg

BI A - Poplar North

PLEASE CALL →

PHONE NO.  
CODE/EXT.

WILL CALL AGAIN

IS WAITING TO SEE YOU

RETURNED YOUR CALL

WISHES AN APPOINTMENT

MESSAGE

NR 5465



RECEIVED BY

DATE

TIME

m

9/17

9-

STANDARD FORM 63

REVISED AUGUST 1967

GSA FPMR (41 CFR) 101-11.6

GPO : 1969 O-48-18-80241-1 332-380

63-108

MEMORANDUM  
OF CALL

TO:

Brad

YOU WERE CALLED BY—  YOU WERE VISITED BY—

Dr. Rhodes

OF (Organization)

Okla City

PLEASE CALL → PHONE NO. CODE/EXT. \_\_\_\_\_  
 WILL CALL AGAIN  IS WAITING TO SEE YOU  
 RETURNED YOUR CALL  WISHES AN APPOINTMENT

MESSAGE

Re  
HR 5465-

(405) 272-9876  
X325

RECEIVED BY

m

DATE

9/17

TIME

3:20

THE WHITE HOUSE  
WASHINGTON

DATE 9/17

MEMO TO: Brad Patterson  
FROM: KAREN KEESLING kk

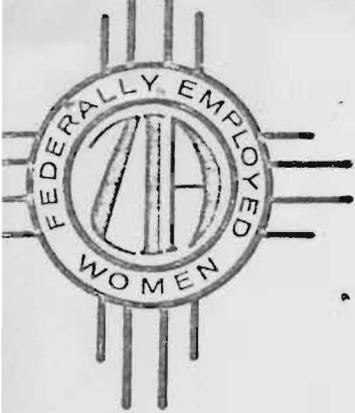
For appropriate handling \_\_\_\_\_

For your information \_\_\_\_\_

Per your request \_\_\_\_\_

Remarks:

Do you know anything  
about this bill?



# ZIA - F.E.W.

FEDERALLY EMPLOYED WOMEN



P. O. BOX 1699  
ALBUQUERQUE N.M. - 87103

2 Sep 76

To The President  
The White House  
Washington D.C. - 20000

Sir:

As President of the Albuquerque (Zia) Chapter of Federally Employed Women, Inc., I urge you to favorably consider HR-5465, granting Early Retirement to non-preference employees of the Bureau Of Indian Affairs and the Indian Health Service.

It is my responsibility to represent all women Civil Servants in my area and, because HR-5465 will be of great assistance to both Indians and non-Indians, I can assure you that "Early Retirement is the only way to go". The Government and the Nation have pledged Self Determination to the American Native peoples and the most effective way to achieve this is to give them an Agency that truly understands their problems. Yet we cannot in all conscience refuse non-preference employees their rights under the Civil Service Act.

A copy of this letter is being forwarded to Major General Jeanne Holm of your staff, and I do hope that you will find the time to confer with her concerning the ramifications of this bill on women employees serving in both the BIA and IHS.

Most Respectfully,

*Bel Moore*

Isobel M. Moore  
President



✓ Personal Copy To:  
Maj. Gen. Jeanne Holm

902 South Jay Street  
Aberdeen, South Dakota 57401

September 17, 1976

The President  
White House  
Washington, D. C.

Attn: Mr. Brad Patterson

Dear Mr. Patterson:

In accordance with our conversation on September 16, 1976, I am sending you a copy of the testimony presented to the House Subcommittee on Retirement and Employee Benefits hearings on HR 5465 on February 3 and 4, 1976. I believe this document covers the principal points in support of the legislation.

A major concern of both the Secretary of the Interior and the Secretary of Health, Education, and Welfare, seems to be that the passage of HR 5465 would cripple the Bureau of Indian Affairs and the Indian Health Service through the retirement of an inordinate number of skilled mid and upper level employees. I cannot speak for BIA nor for the other IHS Areas, but the following table demonstrates that the Aberdeen and Bemidji Areas of the Indian Health Service (Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, and Iowa) will lose only 53 employees between July 1, 1976 and June 30, 1981. The initial eligibility of 26 in 1976-77 accounts for almost one-half of the total. The average for the next five years (7/1/77 and 6/30/81) is only 5.4 employees per year. This is less than one percent of the total Area employees.

HR5465 RETIREMENT ELIGIBLES - ABERDEEN AND BEMIDJI AREAS - IHS

As of 6/30/76:	50/20	21	
	any age/25	<u>5</u>	26
As of 6/30/77	50/20	6	
	aa/25	<u>0</u>	6
As of 6/30/78	50/20	2	
	aa/25	<u>0</u>	2
AS of 6/30/79	50/20	3	
	aa/25	<u>1</u>	4
As of 6/30/80	50/20	6	
	aa/25	<u>2</u>	8



As of 6/30/81

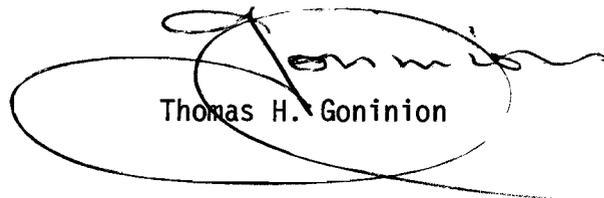
50/20  
aa/25

$$\begin{array}{r} 7 \\ 0 \\ \hline 7 \\ 53 \end{array}$$

I'm sure you will agree that such an attrition rate is far better than the normally expected turnover.

I would welcome the opportunity to sit down with you to explain the desperate need for this legislation. If you could arrange the time to see me before you prepare the summary of recommendations for the President, my colleagues and I would be grateful. You may reach me at (605) 225-0250, extension 553, or my home (605) 225-7978, if you believe a visit would be useful.

Sincerely,



Thomas H. Goninion

ABERDEEN AREA  
BUREAU OF INDIAN AFFAIRS AND  
INDIAN HEALTH SERVICE  
FEDERAL CIVIL SERVICE EMPLOYEES

STATEMENT FOR HEARINGS ON HR 5858 AND HR 5465  
BEFORE  
THE SUBCOMMITTEE ON RETIREMENT AND EMPLOYEE BENEFITS  
AND THE  
SUBCOMMITTEE ON MANPOWER AND CIVIL SERVICE  
OF THE  
COMMITTEE ON POST OFFICE AND CIVIL SERVICE  
UNITED STATES HOUSE OF REPRESENTATIVES  
NINETY-FOURTH CONGRESS, SECOND SESSION



WASHINGTON, DC  
FEBRUARY 3-4, 1976

BOTH THE PREFERENCE AND NON-PREFERENCE EMPLOYEES OF THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH SERVICE HAVE BEEN PLACED IN A VIRTUALLY UNTENABLE EMPLOYMENT SITUATION BY THE SUDDEN RIGID APPLICATION OF THE INDIAN PREFERENCE PROVISIONS OF THE WHEELER - HOWARD ACT OF JUNE 18, 1934, BY THE SECRETARIES OF HEALTH, EDUCATION AND WELFARE AND INTERIOR, FORTY-TWO YEARS AFTER ENACTMENT! IN RESPONSE TO THE DECISION OF THE SUPREME COURT OF THE UNITED STATES IN MORTON VS. MANCARI (No. 73-362 JUNE 17, 1974) AND THE U. S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA IN FREEMEN VS. MORTON (No. 327-71 DECEMBER 21, 1972) THESE AGENCIES HAVE BROADENED THEIR POLICY TO APPLY INDIAN PREFERENCE TO ALL PERSONNEL MOVEMENTS IN THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH SERVICE.

THE SUPREME COURT HELD THAT:

"CONTRARY TO THE CHARACTERIZATION MADE BY APPELLEES THIS (INDIAN) PREFERENCE DOES NOT CONSTITUTE 'RACIAL DISCRIMINATION'. INDEED, IT IS NOT EVEN A RACIAL PREFERENCE. RATHER, IT IS AN EMPLOYMENT CRITERION REASONABLY DESIGNED TO FURTHER THE CAUSE OF INDIAN SELF-GOVERNMENT AND TO MAKE THE BIA MORE RESPONSIVE TO THE NEEDS OF ITS CONSTITUENT GROUPS."

THE LEGALITY OR CONSTITUTIONALITY OF THE SEVERAL INDIAN PREFERENCE STATUTES, DATING BACK TO 1789, IS NOT AT ISSUE. ON THE CONTRARY, THE COURTS HAVE DECIDED THAT THIS PREFERENCE IS A REASONABLE ATTEMPT TO ASSURE THE INDIAN TRIBES OF THE RIGHT TO GOVERN THEMSELVES AND TO OPERATE THE GOVERNMENT PROGRAMS WHICH AFFECT THEM. THIS RIGHT HAS BEEN REITERATED BY THE CONGRESS IN NUMEROUS ACTS AND IS SUPPORTED BY THE COURTS IN CASE AFTER CASE. WE DO NOT QUAREL WITH THE DECISION OF THE COURTS AND WE MUST ABIDE WITH THEM.

HOWEVER, THE ACTIONS OF THE COURTS HAVE, IN EFFECT, INFORMED SEVERAL THOUSAND FEDERAL CIVIL SERVANTS THAT THERE ARE NO FURTHER OPPORTUNITIES FOR NON-PREFERENCE EMPLOYEES IN EITHER THE BIA OR THE IHS. THE PROTECTIONS OF THE CIVIL SERVICE MERIT SYSTEM HAVE BEEN JUDICIALLY AND ADMINISTRATIVELY ERASED. THE PRIMARY CRITERION FOR PROMOTION, TRANSFER, IN FACT, ANY PERSONNEL ACTION, IS INDIAN DESCENT! POTENTIAL ADVANCEMENT IS EFFECTIVELY BLOCKED, NOT ONLY FOR NON-PREFERENCE EMPLOYEES, BUT FOR THE PREFERENCE EMPLOYEES AS WELL, BECAUSE THEIR ADVANCEMENT IS IMPEDED BY THE PRESENCE OF THE NON-PREFERENCE EMPLOYEES.

IN HIS REMARKS IN CONNECTION WITH THE INTRODUCTION OF HIS SENATE BILL 4070 IN THE 93<sup>RD</sup> CONGRESS, SENATOR TED STEVENS OF ALASKA SAID:

"THESE PERSONS (NON-INDIAN BIA AND IHS EMPLOYEES), NOT TOLD DIFFERENTLY, QUITE RIGHTLY ASSUMED THAT THEY WOULD BE ABLE TO DEVELOP THEIR FULL CAREER POTENTIAL WITHIN EACH OF THESE TWO PRINCIPAL ORGANIZATIONS SERVING THE NEEDS OF THE INDIAN PEOPLE."

SINCE THE NON-PREFERENCE EMPLOYEES OF THESE AGENCIES WERE NOT ONLY "NOT TOLD DIFFERENTLY", AND WE WERE REPEATEDLY AND EMPHATICALLY ASSURED THAT WE WOULD, INDEED, BE ABLE TO DEVELOP OUR "FULL CAREER POTENTIAL", THERE WAS NO NEED TO ASSUME OTHERWISE. NOW, HOWEVER, IT APPEARS THAT WE WERE SERIOUSLY, AND IN SOME CASES PERHAPS DELIBERATELY AND CALLOUSLY, MISLED BY AUTHORIZED AGENTS OF THE UNITED STATES GOVERNMENT. WE WERE HIRED UNDER THE RULES AND REGULATIONS OF THE U. S. CIVIL SERVICE COMMISSION CONCERNING CRITERIA FOR EMPLOYMENT IN THE FEDERAL CIVIL SERVICE: ABILITY, TRAINING, EDUCATION, SKILLS AND EXPERIENCE.

ITEM: MEMORANDUM TO ALL BIA EMPLOYEES FROM THE COMMISSIONER OF INDIAN AFFAIRS, JULY 30, 1970:

"I HAVE ISSUED INSTRUCTIONS FOR A REVIEW OF PERSONNEL POLICIES TO (1) PLACE MAXIMUM ATTENTION ON INDIAN PREFERENCE IN INITIAL EMPLOYMENT; (2) PROVIDE MAXIMUM TRAINING OPPORTUNITIES FOR ALL EMPLOYEES...; AND (3) ASSURE ADVANCEMENT OPPORTUNITIES ON MERIT PROMOTION PRINCIPLES, WITH SAFEGUARDS TO SEE THAT THIS IS ACHIEVED."  
(EMPHASIS ADDED)

ITEM: COMMISSIONER OF INDIAN AFFAIRS MEMORANDUM, THREE MONTHS LATER:

"THE BUREAU'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM ... WILL EMPHASIZE THE FACT THAT INDIAN PREFERENCE WILL BE GIVEN ONLY IN INSTANCES OF INITIAL EMPLOYMENT AND RE-EMPLOYMENT. PROMOTIONS SHALL BE MADE ONLY ON THE BASIS OF MERIT. BUREAU EMPLOYEES ARE FEDERAL EMPLOYEES, AND AS SUCH, THE NATURE OF THEIR EMPLOYMENT IS CONTROLLED BY CIVIL SERVICE COMMISSION REGULATIONS."  
(EMPHASIS ADDED)

ITEM: MEMORANDUM FROM THE PRESIDENT OF THE UNITED STATES TO HEADS OF DEPARTMENTS AND AGENCIES, MARCH 6, 1975:

"OUR NATION'S STRENGTH IS BASED UPON THE CONCEPT OF EQUAL OPPORTUNITY FOR ALL OUR CITIZENS. DECISIONS MOTIVATED BY FACTORS NOT RELATED TO THE REQUIREMENTS OF A JOB HAVE NO PLACE IN THE EMPLOYMENT SYSTEM OF ANY EMPLOYER AND PARTICULARLY THE FEDERAL GOVERNMENT."

ITEM: LETTER FROM THE CHAIRMAN OF THE U. S. CIVIL SERVICE COMMISSION TO SENATOR GALE W. MCGEE, CHAIRMAN, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U. S. SENATE, SEPTEMBER 15, 1974:

"THE GENERAL RULE UNDER COMMISSION REGULATIONS IS THAT EVERY EMPLOYEE IN THE COMPETITIVE CIVIL SERVICE IS ELIGIBLE TO MOVE "NONCOMPETITIVELY" THAT IS, WITHOUT FURTHER COMPETITION WITH THE GENERAL PUBLIC IN CIVIL SERVICE EXAMINATIONS-- TO ANY OTHER POSITION IN THE COMPETITIVE SERVICE HE QUALIFIES FOR."

IT WOULD BE DIFFICULT, IF NOT IMPOSSIBLE, TO FIND CLEARER STATEMENTS OF THE COMMITMENT OF THE UNITED STATES GOVERNMENT TO THE INTENTIONS OF THE CONGRESS THAT FEDERAL PERSONNEL SYSTEMS BE CONDUCTED ON THE BASIS OF MERIT, WITHOUT REGARD TO MATTERS OF RACE, SEX, RELIGION, NATIONAL ORIGIN, OR AFFILIATION. HOWEVER, CONSIDER THE FOLLOWING MEMORANDUM FROM THE COMMISSIONER OF INDIAN AFFAIRS, MORRIS THOMPSON, TO ALL BIA AREA DIRECTORS, PERSONNEL OFFICERS, AND EQUAL EMPLOYMENT OPPORTUNITY OFFICERS ON APRIL 4, 1975:

SUBJECT: ADHERENCE TO REGULATIONS, LAW, COURT ORDERS AND POLICY GOVERNING INDIAN PREFERENCE IN ALL ACCESSION ACTIONS IN THE BIA:

"ON MARCH 11, 1975, WE FURNISHED YOU A COPY OF A TELETYPE TO THE ANADARKO AREA WHICH REQUESTED A REPORT OF AN ALLEGED REASSIGNMENT OF A NON-INDIAN EMPLOYEE WITHOUT COMPETITION. THE ATTACHED COPY OF OUR TELETYPE OF MARCH 31 DIRECTS THE CANCELLATION OF THE REASSIGNMENT. DURING THE THIRTY DAYS SINCE THIS ACTION WAS TAKEN, WE HAVE HAD NUMEROUS REPORTS OF IT AND QUESTIONS ABOUT IT.

CRITICAL EMERGENCY SITUATIONS WHICH DICTATE THE MOVEMENT OF AN EMPLOYEE OCCUR IN EVERY AREA AS WELL AS THIS OFFICE. THESE ARE THE KINDS OF CASES WHICH WERE PRESENTED TO THE APPEALS COURT WHEN WE ASKED FOR LIMITED AUTHORITY FOR THE COMMISSIONER OR THE SECRETARY TO BE ABLE TO MAKE EXCEPTIONS FOR REASSIGNMENT OF NON-INDIAN EMPLOYEES. THE THREE-JUDGE COURT DENIED THE APPEAL. THEREFORE, IN CASES WHICH INVOLVE NON-INDIAN EMPLOYEES WHO MUST BE MOVED BECAUSE OF LOSS OF EFFECTIVENESS WITH THE INDIAN PEOPLE, THREATS TO LIFE AND PROPERTY, HEALTH REASONS, ETC., THERE MUST BE MAXIMUM CO-OPERATION AMONG AREAS TO LOCATE JOBS FOR WHICH QUALIFIED INDIAN CANDIDATES ARE NOT AVAILABLE. WHEN THESE EMERGENCY SITUATIONS ARISE, EFFORTS MUST BE INITIATED IMMEDIATELY TO LOCATE SUITABLE VACANCIES FOR WHICH THE EMPLOYEE MAY APPLY OR MAY BE NOMINATED. THIS ACTION SHOULD NOT BE DELAYED UNTIL DETAILS FROM DUTY STATIONS HAVE REACHED OR EXCEEDED THE TIME LIMITS.

WE ARE HOPEFUL THE OUTPLACEMENT PROGRAM WHICH WE ARE PUTTING INTO FINAL FORM FOR THE BUREAU AND THOSE PROGRAMS WHICH ARE BEING DISCUSSED IN THE CONGRESS FOR EARLY RETIREMENT AND OUTPLACEMENT ASSISTANCE WILL BE OF BENEFIT TO THE AFFECTED EMPLOYEES.

THE MEMORANDUM OF JUNE 28, 1974 (COPY ATTACHED) STATES THE BUREAU POLICY. ALL APPOINTMENTS, REINSTATEMENTS, REASSIGNMENTS, AND PROMOTIONS MUST CONFORM TO THE FREEMAN COURT DECISIONS

WHICH PROVIDE FOR ABSOLUTE INDIAN PREFERENCE IN FILLING VACANCIES HOWEVER CREATED."

ITEM: LETTER TO SENATOR ROMAN HRUSKA OF NEBRASKA FROM ASSISTANT SECRETARY OF THE INTERIOR FOR MANAGEMENT, RICHARD HITE, MARCH, 1975:

"THE POSITION OF THE DEPARTMENT ON THE REFERENCED BILL S-509 DEALING WITH EARLY RETIREMENT FOR NON-INDIANS IS THAT IS DOES NOT REPRESENT A VIABLE SOLUTION TO THE PROBLEM. IT COULD DEPRIVE THE BUREAU OF AN INORDINATELY LARGE NUMBER OF HIGHLY EXPERIENCED EMPLOYEES AT A TIME WHEN THEIR EXPERTISE IS MOST NEEDED. WE BELIEVE THAT SUFFICIENT ALTERNATIVES ARE AVAILABLE TO THOSE NON-INDIAN EMPLOYEES WHO FEEL RESTRICTED, EITHER THROUGH DEPARTMENTAL MANDATORY OR PRIORITY PLACEMENT ASSISTANCE."

(EMPHASIS ADDED)

GENTLEMEN, THE POSITION OF THE DEPARTMENT OF THE INTERIOR AND THE INDIAN HEALTH SERVICE IS ABUNDANTLY CLEAR. TO WIT: WE MUST ABIDE WITH THE LAW CONCERNING INDIAN PREFERENCE. FURTHERMORE, THESE DEPARTMENTS ARE CONVINCED THAT THEY HAVE SUFFICIENT ALTERNATIVES TO EARLY RETIREMENT THROUGH THE NON-EXISTANT OUTPLACEMENT PROGRAMS OF THE DEPARTMENT OF THE INTERIOR AND THE CIVIL SERVICE COMMISSION. AND, THESE DEPARTMENTS HAVE CONCLUDED THAT THEY CANNOT PERFORM THEIR STATUTORY FUNCTIONS WITHOUT THE SERVICES OF "A LARGE NUMBER OF HIGHLY EXPERIENCED EMPLOYEES". CONSIDER, FOR A MOMENT, THE IMPLICATIONS OF THE SEVERAL STATEMENTS JUST RECITED:

- I. FEDERAL CIVIL SERVICE EMPLOYEES OF THE BIA AND IHS ARE DEPRIVED OF THEIR POTENTIAL FOR ADVANCEMENT.

2. AT A TIME WHEN MILLIONS OF AMERICANS ARE ON THE DOLE FOR WANT OF EMPLOYMENT, THESE EMPLOYEES ARE OFFERED THE ALTERNATIVE OF ACCEPTING THE STATUS QUO OR RESIGNING!

THERE IS A VERY UGLY WORD WHICH DESCRIBES SUCH A SITUATION IN WHICH AN EMPLOYEE IS FORCED TO ACCEPT THE TERMS OF EMPLOYMENT OR STARVE - PEONAGE!

THERE ARE SEVERAL REFERENCES TO DEPARTMENTAL OUTPLACEMENT PROGRAMS IN THE MASS OF STATEMENTS IN OPPOSITION TO THE PROPOSED LEGISLATION WHICH HAVE BEEN OFFERED BY THE REPRESENTATIVES OF THE ADMINISTRATION. YET, TO OUR KNOWLEDGE, THERE IS NO SUCH PROGRAM. WE SUGGEST THAT YOU INQUIRE OF THE REPRESENTATIVES OF THE DEPARTMENT OF THE INTERIOR, THE CIVIL SERVICE COMMISSION AND THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE:

- I. HOW MANY NON-PREFERENCE EMPLOYEES OF BIA AND IHS HAVE BEEN TRANSFERRED TO OTHER PROGRAMS THROUGH IN-HOUSE OR CSC OUT-PLACEMENT MECHANISMS?



THE INDIAN HEALTH SERVICE HAS HISTORICALLY FOLLOWED THE LEAD OF THE BUREAU OF INDIAN AFFAIRS IN PERSONNEL POLICY MATTERS. WE ARE CONVINCED THAT THIS HAS BEEN DONE IN VIOLATION OF THE INTENT OF THE CONGRESS AND OF THE "EQUAL PROTECTION" CLAUSES OF THE CONSTITUTION OF THE UNITED STATES. EVEN THE MOST CURSORY PERUSAL OF THE LEGISLATIVE HISTORY OF THE ACT OF AUGUST 5, 1954, WHICH TRANSFERRED THE INDIAN HEALTH RESPONSIBILITIES FROM THE SECRETARY OF THE INTERIOR TO THE SECRETARY OF HEALTH, EDUCATION AND WELFARE, WILL REVEAL THAT THE FUNDAMENTAL FACTOR INFLUENCING THIS TRANSFER WAS THE INABILITY OF THE BUREAU OF INDIAN AFFAIRS TO ATTRACT SUFFICIENT QUALIFIED PERSONNEL TO OPERATE THE INDIAN HEALTH FACILITIES. EVEN THE SUPREME COURT LEFT THIS MATTER OPEN WHEN THEY DEVOTED ONLY A FOOTNOTE TO

THE MANCARI DECISION TO THE MATTER:

"PRESUMABLY, DESPITE THIS TRANSFER, THE REFERENCE IN SECTION 12 TO THE 'INDIAN OFFICE' HAS CONTINUING APPLICATION TO THE INDIAN HEALTH SERVICE."

WE ARE SURE A THOROUGH TEST IN THE COURTS WOULD DEMONSTRATE THE ERROR OF THIS PRESUMPTION.

AS FURTHER EVIDENCE OF THE CAVALIER ATTITUDE OF THE DEPARTMENT OF THE INTERIOR AND THE BUREAU OF INDIAN AFFAIRS IN GIVING LIP SERVICE TO EMPLOYEE RIGHTS AND CONCERNS WHILE CONTINUING TO HOLD THE NON-PREFERENCE EMPLOYEES IN ECONOMIC PEONAGE, WE WOULD LIKE TO CALL THE ATTENTION OF THE COMMITTEE TO TWO RECENT EVENTS:

THE FIRST IS A MEMORANDUM FROM MR. JOSE ZUNI, DIRECTOR, OFFICE OF ADMINISTRATION, BUREAU OF INDIAN AFFAIRS, TO THE COMMISSIONER OF INDIAN AFFAIRS OUTLINING A PROPOSED ACTION BY THE DEPARTMENT WHICH CAN ONLY BE INTERPRETED AS BEING DESIGNED TO EFFECTIVELY SCUTTLE ANY OUTPLACEMENT PROGRAM.

MR. ZUNI'S MEMORANDUM TRANSMITS THE RESULTS OF AN "INFORMAL SURVEY" WHICH PURPORTS TO INDICATE THE NUMBER OF BIA EMPLOYEES WHO WOULD DESIRE OUTPLACEMENT ASSISTANCE ALONG WITH A FEW HIGH PRIORITY OUTPLACEMENT EMPLOYEES WHO WE ASSUME MUST BE MOVED BUT HAVE NO PLACE TO GO IN THE BUREAU OF INDIAN AFFAIRS. THE NUMBER DESIRING OUTPLACEMENT ASSISTANCE AS GIVEN IN THE MEMORANDUM REPRESENTS LESS THAN ONE-SIXTH (1/6) OF THE BIA STAFF PERSONNEL. IT IS EXTREMELY DIFFICULT FOR ANYONE FAMILIAR WITH THE SITUATION IN THE INDIAN SERVICES TO ACCEPT THIS ESTIMATE; HOWEVER, IT WOULD SEEM TO CONTRADICT THE BUREAU'S ARGUMENT THAT EARLY RETIREMENT OR AN EFFECTIVE OUTPLACEMENT PROGRAM WOULD BE EXTREMELY COSTLY AND RESULT IN AN UNPRECEDENTED EXODUS OF "HIGHLY EXPERIENCED EMPLOYEES WHEN THEIR EXPERTISE IS MOST NEEDED"... CONTRARY TO THE OPINIONS PRESENTED BY THE OPPONENTS OF THE PROPOSED LEGISLATION,

THE EMPLOYEES WITH WHOM WE ARE FAMILIAR WHO WISH TO LEAVE THE INDIAN SERVICES WANT TO GET OUT BY WHATEVER ROUTE IS AVAILABLE TO THEM, NOT ONLY TO CONTINUE THEIR CAREERS IN THE FEDERAL CIVIL SERVICE, OR, IF THEY MUST, ATTEMPT TO BEGIN NEW ONES, BUT ALSO, ALTHOUGH IT MAY SEEM UNREALISTICALLY ALTRUISTIC IN VIEW OF THE TREATMENT THEY HAVE SUFFERED, TO PROVIDE AN OPPORTUNITY TO THE INDIAN EMPLOYEES WHO WILL REPLACE THEM. THEREFORE, THE TOTAL WHO DESIRE OUTPLACEMENT SHOULD PROVIDE AN INDICATION OF THE NUMBER OF BIA EMPLOYEES WHO MIGHT TAKE ADVANTAGE OF EARLY RETIREMENT, BUT OF COURSE, THE ACTUAL NUMBER WOULD BE MUCH LESS BECAUSE MANY EMPLOYEES WOULD NOT BE ABLE TO AFFORD IT.

THE SECOND RECENT EVENT WE WOULD LIKT TO CALL TO YOUR ATTENTION IS THE MEMORANDUM FROM THE COMMISSIONER OF INDIAN AFFAIRS TO ALL BUREAU OF INDIAN AFFAIRS EMPLOYEES, DECEMBER 1, 1975, SUBJECT: DEPARTMENT CAREER PLACEMENT ASSISTANCE PROGRAM. A COPY OF THIS MEMORANDUM IS ALSO ATTACHED. AMONG THE PREREQUISITS AN EMPLOYEE MUST FULFILL TO MEET THE OUTPLACEMENT ASSISTANCE ELIGIBILITY CRITERIA OF THE BUREAU OF INDIAN AFFAIRS IS ONE WHICH REQUIRES THE EMPLOYEE TO SUBMIT EVIDENCE THAT HE HAS APPLIED FOR AT LEAST TWO VACANCIES FOR WHICH HE WAS QUALIFIED AND FOR WHICH A PREFERENCE CANDIDATE WAS SELECTED OVER HIM. IT IS APPARENTLY NOT SUFFICIENT HUMILIATION TO BE A DE FACTO SECOND CLASS EMPLOYEE, THE EMPLOYEE MUST HIMSELF PROVIDE THE EVIDENCE WHICH AFFORD THE ADMINISTRATION THE OPPORTUNITY TO REMIND HIM OF THAT DISTRESSING FACT AT LEAST TWICE. THE FINAL SECTION OF THE "OUT PLACEMENT PROGRAM", SECTION 4, COUNSELLING, CONTAINS THIS STATEMENT:

"THERE ARE PRESENTLY 46 FORESTERS GS-9 IN THE ENTIRE BUREAU. TWO INDIAN AND FORTY-FOUR NON-INDIAN. WITH THIS RATIO, THE NON-INDIAN FORESTER STILL HAS OPPORTUNITY FOR ADVANCEMENT IN THE BUREAU."

IF THIS WAS MEANT TO IMPLY THAT THEIR CHANCES FOR ADVANCEMENT HAVE NOT BEEN

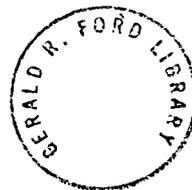
SERIOUSLY LIMITED, IT IS PATENTLY FALSE! IN THE FACE OF THIS LIMITED RATIO OF NON-PREFERENCE TO PREFERENCE EMPLOYEES, THE BUREAU STILL HAD TO FILL THE AGENCY'S TOP FORESTRY POSITION WITH A PREFERENCE CANDIDATE. THE TWO PREFERENCE GS-9'S, ALONG WITH OTHER PREFERENCE FORESTERS AT OTHER GRADE LEVELS WOULD, AS A MATTER OF STATUTORY ENTITLEMENT, HAVE THE CHOICE OF JOBS, LEAVING ONLY THE LESS DESIRABLE POSITIONS AND LOCATIONS FOR THE NON-PREFERENCE CANDIDATE. WHEN A SITUATION SUCH AS THIS EXISTS, IT CANNOT BE DENIED THAT THE AFFECTED EMPLOYEES HAVE BEEN DAMAGED, NOR CAN IT BE ARGUED THAT THEIR CAREER OPPORTUNITIES HAVE NOT BEEN SERIOUSLY AFFECTED BY THE INTRANSIGENT ATTITUDE OF THE AGENCIES.

IT IS FURTHER SUBMITTED FOR YOUR CONSIDERATION THAT NO CLASS OR PROFESSION EMPLOYED IN THE INDIAN SERVICES CAN BE DEMONSTRATED NOT TO HAVE SUFFERED SIGNIFICANT DAMAGE AS A RESULT OF THE INDIAN PREFERENCE REQUIREMENT OF THE ACT OF 1934. MOST INDIVIDUALS, WHEN JOINING AN ORGANIZATION, LOOK VERY CAREFULLY AT THE CAREER DEVELOPMENT OPPORTUNITIES IN THE ORGANIZATION AS A WHOLE, NOT WITHIN A NARROW SEGMENT OF IT. IN THE PAST, FORESTERS HAVE HAD THE OPPORTUNITY TO MOVE UP; TO BECOME ADMINISTRATORS, REALTY SPECIALISTS, PROGRAMMERS, ETC. THESE AVENUES OF UPWARD MOBILITY, ADVANCEMENT, AND CAREER DEVELOPMENT HAVE BEEN CLOSED. THIS IS TRUE NOT ONLY FOR FORESTERS, BUT FOR NON-PREFERENCE EMPLOYEES IN OTHER DISCIPLINES AS WELL. THERE IS NOT, AND WITH THE PRESENCE OF THE INDIAN PREFERENCE STATUTE, THERE CANNOT BE AN EQUAL EMPLOYMENT OPPORTUNITY IN THE BUREAU OF INDIAN AFFAIRS NOR IN THE INDIAN HEALTH SERVICE. THERE IS EITHER PREFERENCE OR NON-PREFERENCE, AND ANY SEMBLANCE OF OPPORTUNITY FOR NON-PREFERENCE EMPLOYEES IS AT BEST, SUPERFICIAL AND EPHEMERAL.



UNDER THE CONSTITUTION OF THE UNITED STATES ONLY THE CONGRESS HAS THE

AUTHORITY TO LEGISLATE IN INDIAN COUNTRY, AN EXHAUSTIVE REVIEW OF THE LEGAL HISTORY OF UNITED STATES - INDIAN TRIBAL RELATIONS, AND THE LEGAL STATUS OF INDIANS AND INDIAN COUNTRY, SUBMITTED TO THE SECRETARY OF THE INTERIOR BY HIS SOLICITOR GENERAL, MR. NATHAN R. MARGOLD ON OCTOBER 25, 1934, LEAVES NO ROOM FOR CONJECTURE ON THIS POINT. IT IS THE LAW OF THE UNITED STATES AND ONLY THE CONGRESS OF THE UNITED STATES HAS THE POWER TO PROVIDE AN EQUITABLE REMEDY FOR THE UNFORTUNATE INTERPRETATION OF THE INTENT OF THE CONGRESS WHICH HAS BEEN HANDED DOWN BY THE JUDICIARY.



CONGRESSMEN RUNNELS OF NEW MEXICO, PRESSLER OF SOUTH DAKOTA AND YOUNG OF ALASKA, THREE STATES WITH SUBSTANTIAL INDIAN CONSTITUENCIES, HAVE PROPOSED LEGISLATION WHICH WE BELIEVE WILL GO FAR TOWARD SOLVING THIS DILEMMA BY ALLOWING NON-PREFERENCE CIVIL SERVICE EMPLOYEES HAVING COMPLETED TWENTY (20) YEARS OF SERVICE BEFORE DECEMBER 31, 1985, AND CONTINUOUSLY WITH THE BUREAU OF INDIAN AFFAIRS OR THE INDIAN HEALTH SERVICE SINCE JUNE 17, 1974, THE DATE OF THE SUPREME COURT'S DECISION IN MANCARI, TO RETIRE FROM THE FEDERAL SERVICE, THEREBY PROVIDING ADDITIONAL OPPORTUNITIES FOR THE EMPLOYMENT AND ADVANCEMENT OF INDIANS. IN ORDER FOR THE INDIAN PEOPLE TO ASSUME TOTAL CONTROL AND RESPONSIBILITY FOR THE GOVERNMENT PROGRAMS WHICH MOST AFFECT THEIR LIVES, THEY MUST CONTROL THESE POWERFUL AGENCIES WHICH ARE MOST CLOSELY RELATED TO THEM. TO ACCOMPLISH THIS END, THEY MUST, OF NECESSITY, DISPLACE THE NON-INDIAN AND NON-PREFERENCE EMPLOYEES OF THESE AGENCIES. WE CAN BE SURE THE INDIAN PEOPLE WILL APPROVE OF THIS; THEY WANT THESE OPPORTUNITIES, THERE WILL BE NO LACK OF PREFERENCE APPLICANTS FOR EVERY VACANCY. WHEN THE NON-PREFERENCE EMPLOYEES LEAVE FEDERAL SERVICE, THERE WILL BE NO VACUUM IN BIA OR IHS.

SUBSTANTIAL OPPOSITION TO THIS PROPOSAL HAS BEEN VOICED BY THE COMMISSIONER OF INDIAN AFFAIRS, THE CHAIRMAN OF THE CIVIL SERVICE COMMISSION,

AND THE DIRECTOR OF THE INDIAN HEALTH SERVICE. THE MOST FREQUENT ARGUMENT IS THAT THE EXODUS OF THE NON-PREFERENCE EMPLOYEES WOULD DEPRIVE THE INDIAN SERVICE OF LARGE NUMBERS OF HIGHLY EXPERIENCED EMPLOYEES AT A TIME WHEN THEY ARE DESPERATELY NEEDED TO FULFILL THE MISSION OF THE BUREAU AND INDIAN HEALTH SERVICE. HOWEVER, THERE IS NO OPPORTUNITY FOR ADVANCEMENT.... AGAIN, THIS IS TANTAMOUNT TO PEONAGE.

ANOTHER FREQUENTLY HEARD ARGUMENT AGAINST THE ENACTMENT OF THIS LEGISLATION IS THAT THIS PROPOSAL WOULD CREATE A "SPECIAL CASE" FOR A RELATIVELY SMALL SEGMENT OF THE FEDERAL CIVIL SERVICE. SUCH AN ARGUMENT IS ILLOGICAL AND IGNORES THE FACTS OF THE MATTER. THE CONGRESS AND JUDICIARY HAVE ESTABLISHED THAT A SPECIAL CASE EXISTS; IN THE INDIAN PREFERENCE STATUTES. PURE LOGIC DEMANDS THAT IF "A" IS A SPECIAL CASE BEFORE THE LAW AND "B" IS AFFECTED BY THE APPLICATION OF THE STATUTES, THEN "B" IS ALSO A SPECIAL CASE. RES IPSA LIQUITUR! THE THING SPEAKS FOR ITSELF.

THERE ARE ADDITIONAL PRECEDENTS: THE UNITED STATES MILITARY ENJOYS TWENTY-YEAR RETIREMENT FOR WHICH THEY ARE NOT REQUIRED TO CONTRIBUTE A SUBSTANTIAL PERCENTAGE OF THEIR ANNUAL GROSS INCOME. SIMILAR "EARLY RETIREMENT" BENEFITS HAVE BEEN PROVIDED FOR LAW ENFORCEMENT AND FIREFIGHTERS; FOR AIR TRAFFIC CONTROLLERS; LEGISLATION IS PENDING WHICH WILL EXTEND THIS SAME RETIREMENT OPTION TO EMPLOYEES OF THE CUSTOMS SERVICE.

THE PROPOSAL BEFORE YOU HAS BEEN WRITTEN TO PLACE THE ANNUITY INTO CLOSE AGREEMENT WITH THE PROVISIONS OF THE FEDERAL LAW ENFORCEMENT AND FIREFIGHTER'S RETIREMENT ACT, AS HERE BRIEFLY QUOTED FROM THE FEDERAL EMPLOYEE'S ALMANAC, 1975:

"THE BASIC ANNUITY OF AN EMPLOYEE WHO RETIRES UNDER THE SPECIAL PROVISIONS FOR LAW ENFORCEMENT AND/OR FIREFIGHTING PERSONNEL IS FIGURED BY TAKING 2-1/2 PERCENT OF THE "HIGH 3" AVERAGE PAY AND MULTIPLYING THE RESULT BY 20 YEARS (INCLUDING CREDIT SICK LEAVE). THEY ALSO TAKE NO CUT IN ANNUITY FOR RETIRING UNDER AGE 55."

IN YOUR DELIBERATIONS OF THE RETIREMENT ANNUITY COMPUTATION PROVISIONS OF THIS LEGISLATION, WE BEG YOU TO TAKE INTO ACCOUNT THE FACT THAT THE ANNUITY BENEFIT AN EMPLOYEE WILL RECEIVE WILL BE BASED ON HIS "HIGH 3" AVERAGE PAY AND THAT THIS BASELINE FIGURE WILL BE DETERMINED BY HIS GRADE LEVEL AND YEARS OF SERVICE. QUITE FRANKLY, WE KNOW OF VERY FEW, IF ANY, AFFECTED EMPLOYEES IN EITHER THE BIA OR IHS WHO WILL BE ABLE TO CONTINUE HIS OR HER PRESENT LIFESTYLE ON THE 50% OF THEIR SALARY THEY WOULD BE ENTITLED TO RECEIVE UNDER THIS LEGISLATION. THE AVERAGE GRADE OF THE ABERDEEN AREA EMPLOYEES WHO WOULD BE AFFECTED BY THIS ACT IS GS-9, WHICH WOULD RESULT IN AN AVERAGE RETIREMENT PENSION OF \$6,750.00 PER YEAR OR \$130.00 PER WEEK WHICH IS LESS THAN MANY SO-CALLED DISADVANTAGED PERSONS RECEIVE IN PUBLIC ASSISTANCE.

THIS RAISES ANOTHER OF THE OPPOSITION'S FAVORITE ARGUMENTS AGAINST THE ENACTMENT OF THIS LEGISLATION: THE COST! IF ALL OF THE SEVERAL HUNDRED EMPLOYEES OF THE BIA AND THE IHS WHO WERE ELIGIBLE WERE TO RETIRE ON THE DATE THE LAW TOOK EFFECT, THE COST TO THE CIVIL SERVICE RETIREMENT SYSTEM WOULD ACTUALLY BE LESS THAN 1% OF THE BIA-IHS BUDGET FOR FISCAL YEAR 1974!

IN FEBRUARY, 1975 WE WROTE A LETTER TO MR. ROBERT HAMPTON, CHAIRMAN OF THE UNITED STATES CIVIL SERVICE COMMISSION, ASKING HIM FOR A STATEMENT OF THE COMMISSION'S POSITION OF SENATE BILL S-509, THE COMPANION LEGISLATION

TO THE BILLS NOW UNDER CONSIDERATION. OUR INQUIRY WAS PROMPTLY ACKNOWLEDGED, AND ON JUNE 2, 1975 WE FINALLY RECEIVED A REPLY FROM MR. JOHN G. MCCARTHY, ASSOCIATE DIRECTOR OF THE BUREAU OF RETIREMENT, INSURANCE AND OCCUPATIONAL HEALTH, U. S. CIVIL SERVICE COMMISSION, FROM WHICH THE FOLLOWING IS QUOTED:

"WE RECOGNIZE THAT CURRENT BIA AND IHS PERSONNEL POLICIES DO LIMIT NON-INDIAN EMPLOYEE CAREER PROSPECTS, AND THUS WE CAN UNDERSTAND YOUR CONCERN IN THIS MATTER. HOWEVER, IT SHOULD BE CONSIDERED THAT THE CIVIL SERVICE RETIREMENT SYSTEM IS A STAFF RETIREMENT PLAN; ITS PRIMARY INTENTION IS TO REWARD THE PERFORMANCE OF CAREER SERVICE FOR THE FEDERAL GOVERNMENT BY PROVIDING BENEFITS AT RETIREMENT IN AMOUNTS DIRECTLY RELATED TO AN EMPLOYEE'S FEDERAL SERVICE AND SALARY HISTORY. IN LIGHT OF THIS OBJECTIVE, WE HAVE GENERALLY OPPOSED THE INTRODUCTION OF EMPLOYMENT FACTORS INTO THE RETIREMENT ANNUITY COMPUTATION PROCEDURES WHICH ARE ESSENTIALLY UNRELATED TO THE LENGTH OF AN EMPLOYEE'S FEDERAL SERVICE OR TO HIS SALARY HISTORY DURING THE PERIOD."

(EMPHASIS ADDED)

THE BALANCE OF THIS LETTER INDICATES THAT THE AGENCY WHOSE ENTIRE REASON FOR BEING SINCE ITS INCEPTION ALMOST A CENTURY AGO HAS BEEN TO PROTECT THE FEDERAL CIVIL SERVICE FROM THE SPOILS SYSTEM IN FEDERAL EMPLOYMENT AND STAND AS A SAFEGUARD AGAINST MANIPULATION AND COERSION OF EMPLOYEES AND CONTRAVENTION OF MERIT PRINCIPLES, CONSIDERS THE CIVIL SERVICE RETIREMENT SYSTEM A "MANAGEMENT TOOL" AND A "REWARD". GENTLEMEN, "... BENEFITS AT RETIREMENT IN AMOUNTS DIRECTLY RELATED TO AN EMPLOYEE'S FEDERAL SERVICE AND SALARY HISTORY" ARE AT THE HEART OF THE MATTER HERE UNDER DISCUSSION!

IT SHOULD BE OBVIOUS THAT ANY RESTRICTION OF AN EMPLOYEE'S CAREER

POTENTIAL OR UPWARD MOBILITY MUST, OF NECESSITY, PLACE A SIMILAR RESTRICTION ON HIS ULTIMATE RETIREMENT BENEFITS. IN EFFECT, WE ARE BEING ASKED TO SACRIFICE OUR OPPORTUNITIES TO EARN REASONABLE SECURITY AND A MODICUM OF DIGNITY FOR OUR TWILIGHT YEARS ON THE ALTAR OF EXPEDIENCY. THE NON-PREFERENCE CAREER CIVIL SERVANTS OF THE BIA AND IHS ARE REQUIRED, AS A MATTER OF LAW, TO ACCEPT LESS THAN THEIR ABILITIES, SKILLS AND EFFORTS MIGHT ACHIEVE BECAUSE OTHERS MIGHT BE ENCOURAGED TO SEEK "SPECIAL" BENEFITS AND THAT WOULD DIMINISH THE RETIREMENT SYSTEM'S VALUES AS A "MANAGEMENT TOOL", AND THE CIVIL SERVICE COMMISSION VIEWS THIS AS A "HIGHLY UNDESIRABLE PROSPECT". FURTHERMORE, IF RETIREMENT IS INDEED A REWARD, WHY THEN ARE WE ASKED TO CONTRIBUTE 7% OF OUR ANNUAL GROSS INCOME TO THE RETIREMENT FUND? MY COPY OF WEBSTER'S NEW WORLD DICTIONARY OF THE AMERICAN LANGUAGE, COLLEGE EDITION, DEFINES "REWARD" AS:

"SOMETHING GIVEN IN RETURN FOR GOOD OR, SOMETIMES, EVIL OR FOR SERVICE OR MERIT."

THERE IS NOTHING THERE CONCERNING CONTRIBUTIONS ON THE PART OF THE RECIPIENT OTHER THAN SERVICE OR MERIT. CIVIL SERVICE RETIREMENT IS NOT A REWARD ANY MORE THAN DEATH BENEFITS PAID BY AN INSURANCE COMPANY. ON THE CONTRARY, IT IS A HARD-WON, EARNED AND PAID FOR BENEFIT, AND AS SUCH, IS A SUBSTANTIAL PORTION OF THE COMPENSATION OF EVERY FEDERAL EMPLOYEE.

IN ALL CANDOR, CAN THE CONDITIONS OF EMPLOYMENT WITH THE BIA OR IHS BE CALLED ANYTHING OTHER THAN PEONAGE? "TAKE WHAT WE GIVE YOU OR GET OUT!" "DON'T COMPLAIN OR ATTEMPT TO EXERCISE YOUR CONSTITUTIONAL RIGHTS AS FREE CITIZENS OR YOU MAY BE SUBJECTED TO THE WRATH OF THE ADMINISTRATION." CAN ANYONE OFFER ANOTHER SINGLE WORD WHICH SO ACCURATELY DESCRIBES THIS SITUATION?

MR. HENDERSON HAS OFFERED AN ALTERNATIVE TO EARLY RETIREMENT. HOUSE

BILL 5465 WOULD PROVIDE FOR MANDATORY OUTPLACEMENT PREFERENCE FOR AFFECTED NON-PREFERENCE EMPLOYEES TO MIGRATE TO OTHER FEDERAL AGENCIES. AT A TIME WHEN MILLIONS OF OTHER AMERICANS ARE UNEMPLOYED, WHILE GOVERNMENT AGENCIES ARE BEING REQUIRED TO REDUCE THEIR WORKFORCES, IT IS PROPOSED THAT DISPLACED NON-PREFERENCE EMPLOYEES OF BIA OR IHS SHOULD BE GIVEN PREFERENCE IN FILLING VACANCIES IN OTHER FEDERAL AGENCIES! SUCH A PROGRAM WOULD BE AS PATENTLY UNFAIR TO THE PRESENT EMPLOYEES OF THE RECEIVING AGENCIES AS THE EXISTING INDIAN PREFERENCE POLICY IS TO US.

SOME TIME AGO, MR. PAUL HARVEY DEVOTED ONE OF HIS BROADCASTS TO THIS ISSUE. IN COMMENTING ON THE RECENT PROLIFERATION OF AFFIRMATIVE ACTION PLANS, HIRING QUOTAS AND OTHER SCHEMES TO "CORRECT" PRIOR DISCRIMINATION, MR. HARVEY STATED THAT, IF DISCRIMINATION, FOR WHATEVER REASON, IS WRONG, THAT WRONG CANNOT BE CORRECT BY "REVERSE" DISCRIMINATION, BECAUSE, AS IS SO ELOQUENTLY ENUNCIATED IN THE FIRST PRINCIPLE OF SOCIAL BEHAVIOR MOST OF US LEARNED AT OUR MOTHER'S KNEE: TWO WRONGS DON'T MAKE A RIGHT!

THERE IS AN ADDITIONAL ARGUMENT AGAINST THE VIABILITY OF ANY OUTPLACEMENT MEASURE. IT IS THE FACT THAT THERE IS A DISTINCT STIGMA OF LESS THAN COMPLETE PROFESSIONAL COMPETENCE CONNECTED WITH EMPLOYMENT IN THE INDIAN SERVICES. WE ARE QUITE CERTAIN THAT THIS ALLEGATION WILL BE VIGOROUSLY DENIED BY THE CIVIL SERVICE COMMISSION AND OTHERS OPPOSED TO THE ADOPTION OF THIS LEGISLATION. BUT, BELIEVE ME, JUST AS CERTAINLY AS THERE IS AN IMAGINARY EQUATORIAL LINE WHICH DIVIDES NORTH FROM SOUTH ON THIS WHIRLING BALL OF MUD, THIS BARRIER TO MIGRATION TO OTHER FEDERAL AGENCIES OR DEPARTMENTS WITHOUT A SUBSTANTIAL AND HUMILIATING REDUCTION IN GRADE AND SALARY EXISTS.

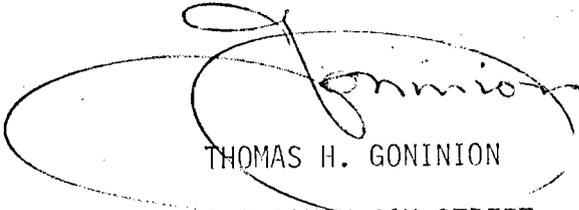
IN THE FACE OF THE DECEMBER 31, 1985 LIMIT WRITTEN INTO THE PROPOSALS, SOME PROVISION MUST BE MADE FOR THOSE NON-PREFERENCE EMPLOYEES WHO WILL NOT COMPLETE THE REQUIRED TWENTY YEARS OF FEDERAL SERVICE BY THE DEADLINE DATE. FOR THESE PEOPLE, AN OUTPLACEMENT PROGRAM IS THE ONLY ALTERNATIVE. BUT, BEAR IN MIND THAT ANY SUCH MEASURE MUST HAVE SUFFICIENT STRENGTH TO OVERCOME THE NATURAL RELUCTANCE OF PROGRAM DIRECTORS TO ACCEPT PERSONNEL IMPOSED UPON THEM BY OUTSIDE AGENCIES.

WE WHO ARE URGING THE ADOPTION OF THESE PROPOSED STATUTES ARE NOT RESPONSIBLE FOR ANY OF THE ALLEGED WRONGS OR DISCRIMINATION THE INDIAN PEOPLE MAY HAVE SUFFERED DURING THE PAST THREE HUNDRED YEARS. NONE OF US ARE IN POSITIONS TO CONTROL THE POLICIES OF THE UNITED STATES GOVERNMENT TOWARD THE INDIAN PEOPLE. WE HAVE DONE OUR UTMOST TO FULFILL OUR OBLIGATIONS TO GIVE AN HONEST DAY'S WORK IN RETURN FOR AN HONEST DAY'S PAY. MOST OF US HAVE REACHED THAT STAGE IN OUR LIVES WHERE THE POSSIBILITIES OF DEVELOPING NEW CAREERS ARE EXTREMELY LIMITED. YET WE ARE BEING TOLD THAT THERE ARE NO MORE RUNGS TO OUR LADDERS. ELIGIBILITY FOR PROMOTION, TRANSFER, TRAINING, IN SHORT ALL OF THE USUAL PERSONNEL MOVEMENTS IS RESERVED FOR OTHERS..... NOT BECAUSE THEY HAVE DONE ANY MORE TO EARN THEM THAN WE, BUT BECAUSE THE LAW SAYS IT IS THEIR RIGHT. IN ALL SINCERITY, WE CANNOT DISPUTE THE RIGHT OF THE INDIAN PEOPLE TO ATTEMPT TO RULE THEIR OWN DESTINIES. AS WE STATED EARLIER, HOWEVER, IN ORDER FOR THEM TO ACCOMPLISH THIS GOAL, THEN WE, THE NON-PREFERENCE EMPLOYEES, MUST BE DISPLACED TO MAKE ROOM FOR THEM. IF THEY ARE TO BE ALLOWED TO DEVELOP TO THEIR POTENTIAL, IT IS NEITHER JUST NOR EQUITABLE TO RESTRAIN THIS NATURAL PROCESS BY IMPEDING THEIR UPWARD MOBILITY.

ONE FINAL WORD: CUSTER DID NOT DIE FOR OUR SINS! IF THE AMERICAN INDIAN ETHNIC IDENTITY, THE SURGING TIDE OF THEIR CULTURAL AWARENESS IS

TO BE GIVEN THE OPPORTUNITY TO MEET THE CHALLENGES OF TODAY, THE NON-PREFERENCE EMPLOYEES WHO NOW OCCUPY MID-LEVEL AND SUPERVISORY POSITIONS MUST BE GIVEN AN INCENTIVE TO RETIRE AND LEAVE THE FIELD WITH HONOR.

For myself and other concerned Federal Civil Service Employees of the Indian Health Service and Bureau of Indian Affairs.



THOMAS H. GONINION  
902 SOUTH JAY STREET  
ABERDEEN, SOUTH DAKOTA

ABERDEEN AREA  
BUREAU OF INDIAN AFFAIRS AND  
INDIAN HEALTH SERVICE  
FEDERAL CIVIL SERVICE EMPLOYEES

STATEMENT FOR HEARINGS ON HR 5858 AND HR 5465  
BEFORE  
THE SUBCOMMITTEE ON RETIREMENT AND EMPLOYEE BENEFITS  
AND THE  
SUBCOMMITTEE ON MANPOWER AND CIVIL SERVICE  
OF THE  
COMMITTEE ON POST OFFICE AND CIVIL SERVICE  
UNITED STATES HOUSE OF REPRESENTATIVES  
NINETY-FOURTH CONGRESS, SECOND SESSION

WASHINGTON, DC  
FEBRUARY 3-4, 1976

MY COLLEAGUES AND I HAVE PREPARED A STATEMENT OF OUR VIEWS ON THE MATTERS BEFORE THIS HEARING, BUT IN DISCUSSIONS WITH THE SUBCOMMITTEE STAFF WE LEARNED THAT YOU PREFERRED NOT TO DUPLICATE THE TESTIMONY PRESENTED TO THE SENATE SUBCOMMITTEE HEARINGS, RATHER, YOU WERE INTERESTED IN HEARING OF SPECIFIC CASES. THEREFORE, WITH YOUR PERMISSION, I WILL PRESENT OUR PREPARED STATEMENT TO THE CLERK FOR THE RECORD, AND CONFINE MY REMARKS HERE TO MORE DEFINITE EVIDENCE OF THE EFFECTS THE APPLICATION OF SECTION 12 OF THE INDIAN REORGANIZATION ACT OF 1934 HAS HAD ON THE NON-PREFERENCE FEDERAL CIVIL SERVICE EMPLOYEES OF THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH SERVICE.

AT THE OUTSET IT IS NECESSARY TO OVERCOME THE DIFFICULTY OF SHIFTING THE BURDEN OF PROOF OF OUR ALLEGATIONS FROM THE EMPLOYEES TO THE AGENCIES. WE RECOGNIZE THIS AS CONTRARY TO THE BASIC TENETS OF JURISPRUDENCE, AND RESPECTFULLY SUGGEST THAT IN THIS INSTANCE YOU SHOULD SET ASIDE THIS CONCEPT, AND SEEK THE TRUTH, WHEREVER IT MAY BE FOUND. WE BELIEVE IT WILL BE FOUND IN THE FILES OF THE AGENCIES.

IN THE REAL WORLD, IT IS NOT ALWAYS POSSIBLE TO PRODUCE PROOFS IN ACCORDANCE WITH THE RULES OF EVIDENCE. I WILL PRESENT SEVERAL CASES OF WHICH I HAVE PERSONAL KNOWLEDGE AND AM ABLE TO ANSWER YOUR QUESTIONS. HOWEVER, I WILL GIVE YOU, FOR THE RECORD, A SUBSTANTIAL VOLUME OF DOCUMENTARY AND OTHER EVIDENCE FOR CONSIDERATION, AND REQUEST THAT YOU FORWARD THIS MATERIAL TO THE COMPTROLLER GENERAL OF THE UNITED STATES FOR INVESTIGATION.

WITH YOUR PERMISSION, I WILL PRESENT THIS TO THE CLERK FOR THE RECORD. COPIES HAVE BEEN MADE AVAILABLE TO MEMBERS OF THE SUBCOMMITTEE STAFF. BRIEFLY, WE ASK THE COMPTROLLER GENERAL TO INVESTIGATE OUR ALLEGATIONS THAT CERTAIN OFFICERS OF THE UNITED STATES HAVE FAILED TO FULFILL THEIR MINISTERIAL DUTIES IN THE APPLICATION OF SECTION 12 TO THE PERSONNEL POLICY OF THE INDIAN SERVICES; THAT THEY HAVE IGNORED THE WHOLE BODY OF CIVIL SERVICE LAW AND REGULATION IN ABROGATING THE CONSTITUTIONAL, STATUTORY AND CIVIL RIGHTS OF THE NON-PREFERENCE EMPLOYEES OF THESE AGENCIES, WHO ARE CAREER FEDERAL CIVIL SERVICE PERSONNEL.

ACCUSE IS PERHAPS TOO STRONG A WORD TO DESCRIBE THIS SITUATION. THIS WORD IMPLIES SOME SORT OF MALEVOLENT INTENTION ON THE PART OF THE COMMISSIONER OF INDIAN AFFAIRS AND THE DIRECTOR OF THE INDIAN HEALTH SERVICE, THE SECRETARIES OF THE INTERIOR AND HEALTH, EDUCATION AND WELFARE, AND THE CHAIRMAN OF THE UNITED STATES CIVIL SERVICE COMMISSION. NO ONE INVOLVED BELIEVES SUCH A THING. HOWEVER, MANY PEOPLE HAVE BEGUN TO BELIEVE THAT THERE IS NO HOPE OF ANY REMEDY, SHORT OF AN APPEAL TO THE COURTS FOR RELIEF. WE ARE CONVINCED THAT THE UNITED STATES GOVERNMENT, IN THE ADMINISTRATION OF THE INDIAN SERVICES HAS ERRED GRIEVOUSLY IN THE APPLICATION OF THE INDIAN PREFERENCE LAWS. WE CANNOT BELIEVE THAT THE CONGRESS OF THE UNITED STATES INTENDED TO DESTROY THE CAREERS OF ALMOST 9,000 CIVIL SERVANTS WHEN THIS LAW WAS ENACTED! FURTHERMORE, WE ARE CONVINCED THAT THE SEVERAL CASES INVOLVING INDIAN PREFERENCE WERE SO NARROWLY DRAWN THAT THE COURTS HAD NO CHOICE; THEY WERE FORCED TO DECIDE THESE CASES ON THEIR MERITS AND THE VARIOUS ARGUMENTS PRESENTED.

FOR EXAMPLE, NOWHERE IN THE DECISIONS, EITHER FREEMAN VS. MORTON OR IN MORTON VS. MANCARI, HAVE WE FOUND ANY REFERENCE TO THE EQUAL PROTECTION CLAUSES OF THE VARIOUS AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES. WE THINK THIS CONCEPT OF EQUAL PROTECTION UNDER THE LAW AS HANDED DOWN BY THE SUPREME COURT OF THE UNITED STATES IN YICK WO VS. HOPKINS, AND BROWN VS. BOARD OF EDUCATION APPLY TO OUR SITUATION.

WE ARE CERTAIN THE COURT ERRED IN THE DECISIONS IN FREEMAN AND MANCARI, AND WE FULLY EXPECT THEM TO BE REVERSED, JUST AS PLESSY VS. FURGUSON AND OTHER LANDMARK CASES HAVE BEEN REVERSED. BUT IT TAKES TIME FOR THE SUPREME COURT TO RECONSIDER AND CORRECT AN ERROR IN A DECISION. FOR THIS REASON, WE HAVE BROUGHT OUR PLIGHT TO THE CONGRESS. THE FACT THAT WE ARE INVITED HERE TODAY IS AN INDICATION OF THE CONCERN OF THE CONGRESS, AND ALSO OF THE VARIOUS CONSTITUENCIES, THAT THERE IS A WRONG HERE WHICH MUST BE REDRESSED.

BEFORE I BEGIN THIS RECITATION OF GRIEVANCES, PLEASE LET ME ASSURE YOU THAT WE ARE NOT ATTACKING THE INDIAN PEOPLES IN ANY WAY. WE DO NOT INTEND TO IMPLY THAT THE THOUSANDS OF HARDWORKING, COMPETENT AND DEDICATED INDIANS EMPLOYED IN THE INDIAN SERVICES ARE THE CAUSE OF THIS PROBLEM. ON THE CONTRARY, THE INDIAN PEOPLES ARE AS MUCH VICTIMS OF THE SYSTEM AS THE NON-INDIANS! THE PRESENCE OF THE NON-PREFERENCE EMPLOYEES IMPEDES THEIR PROGRESS TOWARD FULL SELF DETERMINATION AND REALIZATION OF THEIR GOALS JUST THE SAME AS THE APPLICATION OF INDIAN PREFERENCE TO ALL PERSONNEL ACTIONS IN THE BUREAU OF INDIAN AFFAIRS AND



THE INDIAN HEALTH SERVICE INTERFERES WITH THE CAREERS OF NON-PREFERENCE EMPLOYEES.

IF YOU HAVE ANY QUESTIONS ON ANY OF THESE CASES, PLEASE DON'T HESITATE TO LET ME TRY TO ANSWER THEM. AS I SAID, I WILL GO INTO DETAILS ONLY ON THOSE CASES OF WHICH I HAVE PERSONAL KNOWLEDGE, AND TRUST YOU TO INVESTIGATE THE OTHERS.

--THE FIRST CASE INVOLVES A SECRETARY IN MY OFFICE. THIS EMPLOYEE WORKED IN THE SAME POSITION FOR 6 1/2 YEARS IN A FULL-TIME TEMPORARY STATUS. THE ABERDEEN AREA INDIAN HEALTH SERVICE BRANCH OF PERSONNEL MANAGEMENT DETERMINED THAT IN ORDER TO CONVERT THIS POSITION FROM TEMPORARY TO PERMANENT CAREER STATUS IT WOULD HAVE TO BE ADVERTISED FOR SEVEN (7) DAYS. THE INCUMBENT EMPLOYEE WAS THE ONLY QUALIFIED APPLICANT. SHE WAS SELECTED BY HER SUPERVISOR, WITH THE CONCURRENCE OF THE OFFICE DIRECTOR AND THE SIGNED SELECTION CERTIFICATE WAS FORWARDED TO THE AREA EQUAL EMPLOYMENT OPPORTUNITY OFFICE. THE ACTING EQUAL EMPLOYMENT OPPORTUNITY OFFICER RECOMMENDED THAT THE POSITION BE READVERTISED FOR AN ADDITIONAL 30 DAYS IN ORDER TO ALLOW MORE TIME FOR INDIAN CANDIDATES TO APPLY. THE EQUAL EMPLOYMENT OPPORTUNITY OFFICER PERSONALLY RECRUITED PREFERENCE CANDIDATES TO APPLY, TWO (2) OF WHOM DID SO. ONE DECLINED THE POSITION, AND AN UNKNOWN INDIVIDUAL INFORMED THE OTHER THAT SHE HAD BEEN SELECTED BEFORE THE SELECTION CERTIFICATE HAD BEEN SIGNED OR THE CANDIDATE INTERVIEWED! THE CASE IS NOW IN THE FORMAL GRIEVANCE PROCESS IN THE INDIAN HEALTH SERVICE.

--THE SECOND CASE CONCERNS A SUPERVISORY STATISTICAL ASSISTANT, NON-INDIAN, FEMALE, WITH TEN (10) YEARS PROGRESSIVELY RESPONSIBLE EXPERIENCE SINCE 1964 IN THE INDIAN HEALTH SERVICE PROGRAM ANALYSIS AND STATISTICS BRANCH, SIX YEARS AT THE GS-9 LEVEL, WHO APPLIED FOR THE ANNOUNCED GS-11 PUBLIC HEALTH ANALYST AND CHIEF, PROGRAM ANALYSIS BRANCH, POSITION ON THE RETIREMENT OF HER SUPERVISOR. SHE HAD PREVIOUSLY BEEN GIVEN A TEMPORARY PROMOTION TO GS-11 TO PROVIDE A TEMPORARY BRANCH CHIEF WHILE HER SUPERVISOR WAS IN EXTENDED LEAVE (TRIAL RETIREMENT) STATUS FROM DECEMBER 1973 TO MARCH 1974. FROM THE TIME OF HER SUPERVISOR'S RETIREMENT IN OCTOBER 1974 UNTIL AN INDIAN CANDIDATE WAS SELECTED IN APRIL 1975, SHE WAS DESIGNATED ACTING BRANCH CHIEF. THE PREFERENCE CANDIDATE WAS APPOINTED IN AN INITIAL CLASS B EXCEPTED CATEGORY AT GS-11 UNTIL HE HAS COMPLETED A YEAR'S EXPERIENCE. THE NON-PREFERENCE INCUMBENT RECEIVED A LETTER OF NON-SELECTION.

--THE NEXT ONE DEALS WITH THE SERVICE UNIT DIRECTOR POSITION AT ONE OF OUR IHS HOSPITALS. THE NON-INDIAN, FEMALE ACTING SERVICE UNIT DIRECTOR WAS PASSED OVER BY THE SELECTING OFFICIAL (THE TRIBAL HEALTH BOARD!!) ALTHOUGH SHE HAD FUNCTIONED IN THE POSITION IN ALL BUT TITLE AND SALARY FIVE YEARS, BEFORE ENOUGH POLITICAL PRESSURE WAS BROUGHT TO BEAR TO PUT AN INDIAN IN THE POSITION. THE INDIVIDUAL SELECTED TO FILL THE POSITION IS NOW IN AN ON-THE-JOB TRAINING PROGRAM UNDER THE WOMAN HE REPLACED! SHE STAYS ON THE JOB BECAUSE SHE HAS A DEEP LOVE AND RESPECT FOR THE PEOPLE SHE SERVES AND CANNOT BEAR TO SEE THEM SUFFER BECAUSE OF HER MISFORTUNE! SHE HAS ALSO INVESTED OVER FIFTEEN (15) YEARS OF HER LIFE IN HER CAREER.



--THEN THERE IS THE CASE OF ROY MAX JOHNSON, A GS-9 FORESTER, STAFF ASSISTANT, IN THE MINNESOTA AGENCY BIA, WHO APPLIED FOR THE POSITION OF FORESTER, GS-9/11 IN THE FORT WASHAKIE, WIND RIVER AGENCY. MR. JOHNSON HAS SERVED OVER TEN (10) YEARS AS A BIA FORESTER, IN PROGRESSIVELY RESPONSIBLE POSITIONS. A PREFERENCE CANDIDATE WITH LESS THAN TWO (2) YEARS LIMITED EXPERIENCE WAS SELECTED OVER HIM BY THE TRIBAL COUNCIL! MR. JOHNSON ASKED IN HIS FORMAL EQUAL OPPORTUNITY COMPLAINT WHETHER THE UNITED STATES CIVIL SERVICE COMMISSION REGULATIONS INCLUDE THE REVIEW OF APPLICATIONS FOR FEDERAL EMPLOYMENT (STANDARD FORM 171, PERSONAL QUALIFICATIONS STATEMENT) BY OTHER THAN AUTHORIZED APPOINTING OFFICIALS AND SELECTING OFFICIALS.

(IT IS NOW ROUTINE PRACTICE IN BOTH THE BIA AND THE IHS FOR APPLICATIONS FOR FEDERAL EMPLOYMENT TO BE REFERRED TO NON-FEDERAL PERSONS AND AGENCIES FOR REVIEW AND SELECTION FOR POSITIONS IN THE FEDERAL CIVIL SERVICE!)

--THE HIGHLY QUALIFIED AND EXTREMELY COMPETENT HOSPITAL MAINTENANCE FOREMAN WHO WAS PASSED OVER FOR A SIMILAR POSITION IN ALASKA.

--THE GS-9 TEACHER AT FORT THOMPSON WHO WROTE A SPECIAL RECOURCES PROJECT (AND SUCCESSFULLY OPERATED IT) WHO WAS INFORMED THAT IT SHOULD BE A GS-11, BUT SHE WOULDN'T WANT TO LOSE HER SITUATION WOULD SHE? IT WOULD HAVE TO BE ADVERTISED AND A PREFERENCE APPLICANT WOULD BE CERTAIN TO BE APPOINTED . . .

--THE TEACHER WHO LOST OUT ON A TRANSFER TO THE FOREST SERVICE BECAUSE HIS PRINCIPAL DIDN'T THINK HE COULD OPERATE THE SCHOOL WITHOUT HIM AND REFUSED TO PROVIDE A FAVORABLE RECOMMENDATION . . .



- THE GS-13 HEALTH EDUCATOR WHO WAS OFFERED A GS-14 POSITION, BUT WHEN HIS AREA DIRECTOR REFUSED A RECOMMENDATION THE OFFER WAS WITHDRAWN . . .
- THE ISOLATED INDIAN DAY SCHOOL THAT OPERATED WITHOUT A PRINCIPAL FOR OVER A YEAR, BEFORE A PREFERENCE CANDIDATE WAS FOUND WHO WOULD ACCEPT THE ASSIGNMENT . . .
- HOWARD P. EDWARDS, HOUSING PROGRAM COORDINATOR WHO HAS APPLIED FOR AT LEAST SIX (6) POSITIONS, ALL BUT ONE OF WHICH HAS BEEN FILLED BY A LESS WELL QUALIFIED PREFERENCE CANDIDATE, AND HAD HIS EEO COMPLAINTS ANSWERED BY QUOTATIONS OF EEO TECHNICALITIES AND BUREAUCRATIC DOUBLE-TALK . . .
- FRANK E. PICK, GS-9, EDUCATION SPECIALIST, WAS DETAILED FROM THE EDUCATION DEPARTMENT OF THE NAVAJO AREA TO THE U. S. INDIAN POLICE TRAINING & RESEARCH CENTER, ACADEMY UNIT, BRIGHAM CITY, UTAH, FOR ONE MONTH. HE HAS BEEN THERE OVER TWO (2) YEARS, WITHOUT AN OFFICIAL POSITION DESCRIPTION AND WITHOUT ORDERS. DURING THIS TIME HE HAS LOST OVER 200 HOURS OF ACCUMULATED ANNUAL LEAVE BECAUSE HE WAS REQUIRED TO ASSIST WITH THE TRAINING PROGRAM . . .
- VERNON L. ERICKSON, GS-9, CRIMINAL INVESTIGATOR, WITH OVER TWELVE (12) YEARS PROGRESSIVELY RESPONSIBLE EXPERIENCE IN BIA LAW ENFORCEMENT. PASSED OVER FOR A PREFERENCE CANDIDATE WHO WAS MINIMALLY QUALIFIED . . . ALSO PASSED OVER FOR A MINIMALLY QUALIFIED CANDIDATE WHO HAD FLUNKED OUT OF THE BIA POLICE TRAINING ACADEMY WHERE MR. ERICKSON TAUGHT . . .
- JOHN FLEMING, GS-13, ASSISTANT AREA DIRECTOR, PASSED OVER FOR A GS-14 PUBLIC HEALTH ADVISOR POSITION IN THE DENVER REGIONAL OFFICE, LIAISON BETWEEN IHS AND THE REGIONAL OFFICE . . . HIGHLY QUALIFIED, TRAINING

IN ADMINISTRATIVE LAW. A SCHOOL TEACHER WITH A CLOUDED EMPLOYMENT RECORD WAS SELECTED, BUT REJECTED BY THE DIRECTOR, INDIAN HEALTH SERVICE . . . . THE POSITION WAS READVERTISED, A PREFERENCE CANDIDATE FROM OKLAHOMA WAS SELECTED, MR. FLEMING WASN'T EVEN CONSIDERED, YET HIS APPLICATION WAS ON FILE IN THE PERSONNEL OFFICE!

--JERRY OCHSNER, ENGINEERING DRAFTSMAN, GS-4, SINCE SEPTEMBER 1974, DISPLACED BY A QUALIFIED PREFERENCE APPLICANT . . . .

--LA YWAUNA JEAN HATWAN, GS-3, CLERK-TYPIST FROM JULY 1970 UNTIL A "QUALIFIED" PREFERENCE APPLICANT WAS LOCATED FOR THE POSITION IN NOVEMBER 1971 . . . .

--DONALD LEE KELLER, BACKHOE OPERATOR FROM MARCH 1971 UNTIL FEBRUARY 1975, THE JOB HAD TO BE ADVERTISED AND A "QUALIFIED" INDIAN TOOK THE JOB FROM HIM, . . . .

--PAUL EDWARD KELLER, CONSTRUCTION INSPECTOR, GS-7 FROM JULY 1970 UNTIL THE BRANCH WAS INSTRUCTED TO ADVERTISE THE POSITION AND A "QUALIFIED" INDIAN WAS LOCATED . . . .

--ROBERT J. KRAMER, CONSTRUCTION INSPECTOR, GS-5 FROM OCTOBER 1970. THE JOB WAS ADVERTISED AND A "QUALIFIED" INDIAN APPLIED . . . . MR. KRAMER RESIGNED EFFECTIVE JANUARY 21, 1975 . . . .

--ELDORIS SCHAMBER, SECRETARY, GS-5 ENTERED ON DUTY 1968, RESIGNED OCTOBER 16, 1975. THE POSITION WAS ADVERTISED AND NO QUALIFIED CANDIDATES APPLIED. MISS SCHAMBER RETURNED WHEN THE JOB WAS RE-ADVERTISED, BUT COULDN'T BE HIRED FOR HER OLD JOB BECAUSE A QUALIFIED INDIAN APPLIED . . . .

- DONNA WAGNER, CLERK-TYPIST, GS-4 FROM APRIL 1970 UNTIL SEPTEMBER 1972 WHEN HER JOB WAS ADVERTISED AND A "QUALIFIED" INDIAN APPLIED . . .
- IN 1975 THE BILLINGS AREA OFFICE, INDIAN HEALTH SERVICE, ADVERTISED FOR A CONTRACTING OFFICER, GS-12. K.L. THOMPSON, GS-11 CONTRACT SPECIALIST IN THE ABERDEEN AREA OFFICE FOR FOUR (4) YEARS, THIRTEEN (13) YEARS IN INDIAN HEALTH SERVICE HOSPITAL ADMINISTRATION, 1 1/2 YEARS AS PROPERTY AND SUPPLY OFFICER SERVICES, APPLIED BUT WAS PASSED OVER IN FAVOR OF A GS-9 APPLICANT WITH NO PREVIOUS INDIAN HEALTH SERVICE EXPERIENCE BUT WITH A MINIMAL AMOUNT OF INDIAN BLOOD . . .
- A GS-13 SAFETY OFFICER IN THE BUREAU OF INDIAN AFFAIRS AREA OFFICE ELECTED TO ACCEPT A REDUCTION IN GRADE AND SALARY TO TRANSFER TO THE U. S. FISH AND WILDLIFE SERVICE . . .
- IN DECEMBER 1973 A GS-7 PROPERTY MANAGEMENT ASSISTANT (NON-INDIAN), WITH TEN (10) YEARS OF PROCUREMENT EXPERIENCE WAS ADVISED VERBALLY (LATER BY MEMO) SHE WAS BEING DETAILED TO THE PROCUREMENT SECTION AS ACTING PROCUREMENT OFFICER (THE POSITION WAS CLASSIFIED GS-9). IN FEBRUARY OF 1974, THE AREA PROPERTY MANAGEMENT OFFICER (NON-INDIAN) WAS ADVISED HE WOULD BE RESPONSIBLE FOR AND SUPERVISING THE PROCUREMENT SECTION IN ADDITION TO HIS OTHER DUTIES; THIS ALSO BY MEMO. BOTH OF THE EMPLOYEES WERE LED TO BELIEVE THAT THE SITUATION WAS TEMPORARY - UNTIL A RECLASSIFICATION OF THEIR JOBS COULD BE MADE. IN AUGUST OF 1974 BOTH EMPLOYEES WERE SUMMONED BY THE ACTING DEPUTY AREA DIRECTOR TO HIS OFFICE. HE SAID HE HAD BEEN ADVISED BY THE BRANCH OF PERSONNEL THAT IF THEIR JOBS WERE RECLASSIFIED TO INCLUDE THE ADDITIONAL DUTIES, THE JOBS WOULD HAVE TO BE ADVERTISED, AND IF ONE PERSON WITH INDIAN PREFERENCE APPLIED AND WAS EVEN MINIMALLY QUALIFIED HE/SHE WOULD BE SELECTED AND THE TWO (2) EMPLOYEES WOULD "BE OUT IN THE COLD"! HE

SAID UNDER THESE CONDITIONS IF HE WERE THEM HE'D "SURE GET OUT OF BIA, THERE'S NOT MUCH FUTURE FOR EITHER ONE OF YOU HERE." HE SAID THE PROPERTY MANAGEMENT OFFICER WAS BEING RELIEVED OF HIS ADDITIONAL DUTIES IMMEDIATELY. THE GS-7 WOULD CONTINUE AS ACTING PROCUREMENT OFFICER, HOWEVER, SHE WAS BEING GIVEN A TEMPORARY PROMOTION TO GS-9, NOT TO EXCEED 120 DAYS - THIS ACTION WAS "TO BUY TIME UNTIL WE CAN DECIDE WHAT TO DO." UPON TERMINATION OF THE TEMPORARY PROMOTION, A GS-5 PURCHASING AGENT (NON-INDIAN) WAS DESIGNATED AS ACTING PROCUREMENT OFFICER (BY MEMO) FOR THE NEXT SIX MONTHS, THROUGH JUNE 30, 1975; SINCE THAT DATE THE OFFICE HAS BEEN WITHOUT A PROCUREMENT OFFICER!

--THE PROPERTY MANAGEMENT OFFICER GS-9 (NON-INDIAN) HAS SINCE BEEN ADVISED THAT DUE TO RESTRUCTURING OF THE AREA OFFICE HE WAS TO BECOME A DIVISION HEAD, AGAIN WITH ADDITIONAL DUTIES: PROCUREMENT, OFFICE SERVICES, SUPERVISION OF EIGHT (8) SUBORDINATE POSITIONS, BUT THERE WOULD BE NO PROMOTION. SUCH AN ADVANCE WOULD HAVE TO BE ADVERTISED . . .

--EMPLOYEE, NON-INDIAN, GS-4, WITH TEN (10) YEARS EXPERIENCE APPLIED FOR THE FOLLOWING POSITIONS DURING CALENDAR YEAR 1975:

ACCOUNTING TECHNICIAN, GS-5

CLERK-TYPIST, GS-4

CONTRACT CLERK, GS-3/4

GENERAL CLERK, GS-5

EACH TIME THIS EMPLOYEE WAS PASSED OVER AND PREFERENCE APPLICANT INDIANS WITH LITTLE OR NO PREVIOUS EXPERIENCE WERE HIRED . . .

--ONE EMPLOYEE WAS SELECTED FOR A GS-5 SECRETARIAL POSITION, BUT WAS NOT GIVEN THE JOB IN SPITE OF THE FACT THAT OF THE THIRTEEN (13) APPLICANTS SHE WAS THE ONLY PERSON "HIGHLY QUALIFIED". THREE (3)



APPEALS, THE LAST ONE BEING TO THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE WERE DENIED ON THE BASIS OF INDIAN PREFERENCE. THIS EMPLOYEE APPLIED FOR TWO (2) OTHER VACANCIES AND WAS NOTIFIED THAT OTHER APPLICANTS HAD BEEN SELECTED IN ACCORDANCE WITH THE PROVISIONS OF THE AGENCY PROMOTION PLAN . . .

--IN 1973 A PHOENIX AREA EMPLOYEE WITH TWENTY-ONE (21) YEARS EXPERIENCE IN ADMINISTRATIVE SERVICES, INCLUDING APPROXIMATELY TWO (2) YEARS IN THE ABERDEEN AREA OFFICE APPLIED FOR THE BRANCH CHIEF'S JOB IN ALBUQUERQUE. HE WAS RATED AS THE BEST QUALIFIED OF ALL THE APPLICANTS FOR THE JOB BUT WAS PASSED OVER FOR A PREFERENCE APPLICANT INDIAN WHO WAS RATED THIRD ON THE REGISTER.

--IN 1974, THIS SAME INDIVIDUAL APPLIED FOR THE AREA PROPERTY MANAGEMENT OFFICER'S JOB IN ANCHORAGE, ALASKA. HE WAS PASSED OVER FOR AN INDIAN WHO HAD NO GOVERNMENT EXPERIENCE, AND VIRTUALLY NO EXPERIENCE IN PROPERTY MANAGEMENT - HE WORKED FOR A COMMERCIAL TRUCKING FIRM IN ANCHORAGE . . .

--IN 1973 THIS SAME EMPLOYEE APPLIED FOR THE JOB OF ASSISTANT CHIEF, ADMINISTRATIVE SERVICES BRANCH IN THE ABERDEEN AREA OFFICE. HE WAS PASSED OVER FOR AN INDIAN WITH NO EXPERIENCE IN THE FIELD OF ADMINISTRATIVE SERVICES. THEN AN ABERDEEN AREA NON-PREFERENCE EMPLOYEE, (WHO WAS ELIGIBLE BUT ELECTED NOT TO APPLY) WAS ASKED TO TRAIN THE PREFERENCE APPLICANT WHO WAS SELECTED. A DIFFICULT SITUATION, TRAINING YOUR SUPERVISOR!

--IN 1973 A GRADE GS-12 EMPLOYEE IN THE ABERDEEN AREA ADMINISTRATIVE SERVICES BRANCH APPLIED FOR THE JOB OF ASSISTANT CHIEF, ADMINISTRATIVE SERVICES AND WAS BYPASSED FOR A PREFERENCE APPLICANT WHO HAD NO EXPERIENCE IN THE FIELD OF ADMINISTRATIVE SERVICES . . .

--IN EARLY 1974 THE ABERDEEN AREA OFFICE ISSUED A VACANCY NOTICE FOR A POSITION IN FINANCIAL MANAGEMENT. A NON-PREFERENCE, HIGHLY QUALIFIED INDIVIDUAL WAS SELECTED. BEFORE A FORMAL OFFER WAS MADE, IT WAS DISCOVERED THAT AN INDIVIDUAL ELIGIBLE FOR INDIAN PREFERENCE WAS INTERESTED AND THE CERTIFICATE REOPENED AND THE PREFERENCE ELIGIBLE CANDIDATE HIRED.

--IN OCTOBER 1975 THE ABERDEEN AREA INDIAN HEALTH SERVICE AREA CLASSIFICATION AND POSITION MANAGEMENT POSITION WAS ADVERTISED UNDER THE PROMOTION PROGRAM. THREE (3) WELL QUALIFIED NON-INDIAN CANDIDATES WERE CERTIFIED TO THE SELECTING OFFICIAL, HOWEVER, NO SELECTION WAS MADE FROM THIS CERTIFICATE. ON JANUARY 4, 1976, AN INDIAN WITH NO CLASSIFICATION EXPERIENCE WHATSOEVER WAS APPOINTED TO THIS CRITICAL MANAGEMENT POSITION . . .

--AN ASSISTANT DIRECTOR OF NURSING POSITION WAS FILLED WITH AN OUTSIDE PREFERENCE APPLICANT ALTHOUGH TWO (2) HIGHLY QUALIFIED NURSES WHO WERE ALREADY EMPLOYED IN THE INDIAN HEALTH SERVICE HAD APPLIED . . .  
IT IS NOT ONLY IN THE AREA OF FEDERAL CIVIL SERVICE CAREER APPOINTMENTS THAT THIS REVERSE DISCRIMINATION EXISTS. IT HAS BEEN EXTENDED TO INCLUDE THE VARIOUS PROGRAMS PROVIDED BY THE CONGRESS TO ENABLE STUDENTS AND OTHERS TO OBTAIN VALUABLE WORK EXPERIENCE AND INCOME.

ITEM: THE ABERDEEN AREA DIRECTOR, BIA, A GS-15 HAS ONE SON EMPLOYED WITH THE IHS AS A GS-3. HIS DAUGHTER WAS ALSO EMPLOYED BY THE IHS DURING THE PAST SUMMER AND NOW WORKS PART-TIME WHILE ATTENDING THE LOCAL HIGHSCHOOL. ANOTHER SON WAS EMPLOYED DURING THE 1974-75 SCHOOL TERM AND WAS EMPLOYED FULL TIME DURING THE SUMMER



WITH THE INDIAN HEALTH SERVICE. IN AUGUST 1975 HE RESIGNED TO ATTEND COLLEGE IN ANOTHER CITY.

IN THE SAME VEIN, THE ABERDEEN AREA IHS TRIBAL AFFAIRS OFFICER, GS-14, AND HIS WIFE, WHO IS EMPLOYED BY THE BUREAU OF INDIAN AFFAIRS, HAVE A DAUGHTER WHO IS EMPLOYED AS A STUDENT AIDE WHILE ATTENDING SCHOOL . . . MEANWHILE, THE CHILDREN OF LESS AFFLUENT FAMILIES ARE DENIED ACCESS TO THESE SUPPOSEDLY PUBLIC PROGRAMS OF STUDENT ASSISTANCE . . .

--A GS-12 EMPLOYEE OF THE INDIAN HEALTH SERVICE WITH OVER 25 YEARS SERVICE ACCEPTED A DOWNGRADE TO GS-9 AND TRANSFER TO ANOTHER FEDERAL AGENCY IN 1974 BECAUSE HE WAS CONVINCED THERE WAS NO OPPORTUNITY IN THE INDIAN HEALTH SERVICE AND HE FEARED HIS CAREER WAS IN JEOPARDY. . .

--ANOTHER IHS EMPLOYEE WITH A NUMBER OF YEARS OF SERVICE TRANSFERRED TO THE U. S. FOREST SERVICE AS A GS-7 BECAUSE HE FELT HIS CAREER WAS BLOCKED IN IHS. HE IS NOW A PERSONNEL OFFICER WITH THAT AGENCY . . .

--A NON-INDIAN EMPLOYEE APPLIED FOR TRAINING ON THREE OCCASIONS DURING THE PAST THREE (3) YEARS AND WAS TURNED DOWN EACH TIME, ALTHOUGH PREFERENCE ELIGIBLE EMPLOYEES WHO APPLIED WERE APPROVED. WE HAVE TWO STANDARDS - ONE FOR INDIANS AND ONE FOR NON-INDIANS . . .

--IN YET ANOTHER CASE, A MINIMALLY QUALIFIED INDIAN EMPLOYEE APPLIED FOR A TOP BRANCH CHIEF POSITION TOGETHER WITH EIGHT WELL QUALIFIED NON-INDIAN EMPLOYEES. THE SUPERVISOR WANTED DESPERATELY TO HIRE THE BEST QUALIFIED INDIVIDUAL BUT WAS FORCED TO APPOINT THE MINIMALLY QUALIFIED PREFERENCE CANDIDATE.

--IN THE MANAGEMENT TRAINEE PROGRAM, IN ONE INDIAN HEALTH SERVICE AREA OFFICE, TRAINEE POSITIONS WERE FILLED WITH PREFERENCE CANDIDATES AT

GRADES GS-5, 7, AND EVEN 12. AGAIN, WELL QUALIFIED NON-INDIANS WERE AVAILABLE AND EAGER FOR THE OPPORTUNITIES OFFERED BY THIS PROGRAM, BUT NONE WERE SELECTED. MANY OTHERS ARE INTERESTED IN THIS PROGRAM BUT DO NOT APPLY BECAUSE THEY KNOW THAT IT IS RESERVED STRICTLY FOR PREFERENCE CANDIDATES IN THE INDIAN SERVICES . . .

TO A GREAT EXTENT NON-INDIAN CANDIDATES ARE NO LONGER APPLYING FOR ADVERTISED VACANCIES IN THE INDIAN SERVICES BECAUSE AFTER BEING TURNED DOWN TIME AFTER TIME THEY HAVE LEARNED THAT THE PREPARATION AND SUBMITAL OF AN APPLICATION IS AN EXERCISE IN FUTILITY. "WHAT'S THE USE?" IS THE PREVAILING ATTITUDE. ABOUT THE ONLY VACANCIES BEING FILLED BY NON-PREFERENCE CANDIDATES EITHER BY INITIAL APPOINTMENT OR PROMOTION ARE THE HARD TO FILL OR HIGHLY SKILLED PROFESSIONAL AND PARA-PROFESSIONAL DISCIPLINES OR AT ISOLATED OR OTHERWISE LESS DESIRABLE LOCATIONS. THE NON-INDIAN POPULATION OF THE INDIAN RESERVATIONS KNOW THAT THEY ARE NOT WELCOME, SO WHY SHOULD THEY APPLY? ALSO, ALL NON-INDIANS ARE WELL AWARE OF THE "WOUNDED KNEE" SITUATION AT PINE RIDGE AND ROSEBUD AND THE ACTIVITIES OF CERTAIN MILITANT INDIAN GROUPS ON THESE RESERVATIONS, AND THEY ARE RELUCTANT TO SUBJECT THEIR FAMILIES TO THE POTENTIAL HAZARDS. THEY JUST DON'T WANT TO BECOME INVOLVED WITH BIA AND IHS SO THEY ARE NOT APPLYING FOR ADVERTISED VACANCIES. THE OUTPLACEMENT PROGRAM PROPOSED BY THE DEPARTMENT OF INTERIOR SUFFERS FROM THIS ONE SIGNIFICANT FLAW - IT REQUIRES THAT THE EMPLOYEE DEMONSTRATE THAT HE HAS BEEN REFUSED TWO POSITIONS IN THE COMPETITIVE SERVICE BEFORE HE IS ELIGIBLE FOR ASSISTANCE . . . WHICH IS IN EFFECT ASKING HIM TO PROVE THAT HE IS A SECOND CLASS CITIZEN;



ALL THE HIGH SOUNDING STATEMENTS ARE WORTHLESS . . .

HERE, FOR BREVITY'S SAKE, IS A TABULATION OF POSITIONS RECENTLY AFFECTED BY SECTION 12 OF THE WHEELER-HOWARD ACT --

1976

COMMUNITY PLANNER	GS-11/12	LOS ANGELES, CALIFORNIA
TEACHER	GS-7	LOWER BRULE, S. DAK.
CLERK-TYPIST	GS-4	LOWER BRULE, S. DAK.
ECONOMIC DEVELOPMENT OFFICER	GS-12	LOWER BRULE, S. DAK.

1975

TRIBAL OPERATIONS OFFICER	GS-12	ABERDEEN, S. DAK.
EDUCATION SPECIALIST	GS-12	ABERDEEN, S. DAK.
EDUCATION SPECIALIST	GS-11	FLANDREAU, S. DAK.
EDUCATION SPECIALIST	GS-12	ABERDEEN, S. DAK.
EDUCATION SPECIALIST	GS-11	BELCOURT, N. DAK.
GENERAL CLERK	GS-5	ROSEBUD, S. DAK.
ACCOUNTING TECHNICIAN	GS-6	ABERDEEN, S. DAK.
HOUSING DEVELOPMENT OFFICER	GS-13	MINNEAPOLIS, MINNESOTA
EDUCATION PROGRAM ADMINISTRATOR	GS-12	LOWER BRULE, S. DAK.
ADMINISTRATIVE MANAGER	GS-11	LOWER BRULE, S. DAK.
HIGH SCHOOL PRINCIPAL	GS-11	LOWER BRULE, S. DAK.
ELEMENTARY PRINCIPAL	GS-11	LOWER BRULE, S. DAK.
MAINTENANCE MAN	WG-7	LOWER BRULE, S. DAK.
AGENCY SUPERINTENDENT	GS-14	SHIPROCK, NEW MEXICO
HOUSING OFFICER	GS-11	TUBA CITY, ARIZONA
EDUCATION PROGRAM OFFICER	GS-12	MUSKOGEE, OKLAHOMA

PERSONNEL OFFICER	GS-13/14	ABERDEEN, S. DAK.
CLERK-STENOGRAPHER	GS-4/5	ABERDEEN, S. DAK.
INVESTMENT OFFICER	GS-9/11	ABERDEEN, S. DAK.
CLERK	GS-2	ABERDEEN, S. DAK.
ACCOUNTING TECHNICIAN	GS-6	ABERDEEN, S. DAK.
ACCOUNTING TECHNICIAN	GS-6	ABERDEEN, S. DAK.
PREVENTIVE MAINTENANCE SPECIALIST	WG-10	ABERDEEN, S. DAK.

1974

HOUSING OFFICER	GS-12	JUNEAU, ALASKA
PROGRAM OFFICER	GS-12	SACATON AGENCY
BUDGET OFFICER	GS-11/12/13	ABERDEEN, S. DAK.
PLANT MANAGER	GS-9/11	WAHPETON, NO. DAK.
PLANT MANAGER	GS-12	PINE RIDGE, SO. DAK.
BUDGET ANALYST	GS-7/9/11	ABERDEEN, S. DAK.
CONTRACT SPECIALIST	GS-5/7/9/11	ABERDEEN, S. DAK.

1973

ECONOMIC PLANNER	GS-12	ALBUQUERQUE, NEW MEXICO
SECRETARY-STENO	GS-5	FORT THOMPSON, S. DAK.

1972

CONTRACT SPECIALIST	GS-9	ABERDEEN, S. DAK.
---------------------	------	-------------------

1971

ECONOMIC PLANNER	GS-12	ALBUQUERQUE, NEW MEXICO
------------------	-------	-------------------------

1970

ECONOMIC DEVELOPMENT OFFICER	GS-12	PHOENIX, ARIZONA
INDUSTRIAL DEVELOPMENT OFFICER	GS-12	PHOENIX, ARIZONA

THIS LIST IS CERTAINLY NOT COMPLETE . . . IT WAS COMPILED BY TELEPHONE AND CONTRIBUTION OF PENCILED NOTES . . . IN A MATTER OF TWO DAYS.

IT IS VERY EASY TO TOSS OFF ALLEGATIONS OF DISCRIMINATION AND DAMAGE TO INDIVIDUAL CAREERS, DENIAL OF GUARANTEED AND RETAINED RIGHTS, ABROGATION OF CIVIL SERVICE COMMISSION PROTECTION, INVASION OF PRIVACY IN PERMITTING CONFIDENTIAL JOB APPLICATIONS TO BE REVIEWED BY TRIBAL COUNCILS, AND INTERFERENCE WITH FIDUCIARY AND MINISTERIAL FUNCTIONS. IT IS ALSO VERY EASY TO PREPARE A LENGTHY TABULATION OF POSITIONS WHICH HAVE ALLEGEDLY BEEN AFFECTED BY THE STRICT APPLICATION OF INDIAN PREFERENCE TO ALL PERSONNEL ACTIONS IN THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH SERVICE . . . I WOULD BE DISAPPOINTED IF SOME OF YOU WERE NOT QUESTIONING THE VERACITY OF THIS STATEMENT AS I PRESENT IT. THAT IS WHY WE HAVE APPEALED TO THE COMPTROLLER GENERAL OF THE UNITED STATES FOR AN IMPARTIAL INVESTIGATION OF THESE ALLEGATIONS. THE GENERAL ACCOUNTING OFFICE HAS THE NECESSARY STAFF AND RESOURCES TO INVESTIGATE ALL OF THIS. WE WELCOME SUCH AN INVESTIGATION, AND I BELIEVE MANY OF THE RESPONSIBLE OFFICIALS OF BOTH THE DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF HEALTH, EDUCATION AND WELFARE WOULD ALSO WELCOME IT, ALTHOUGH THERE ARE UNDOUBTEDLY SOME WHO WILL DO ALL IN THEIR POWER TO AVOID IT.

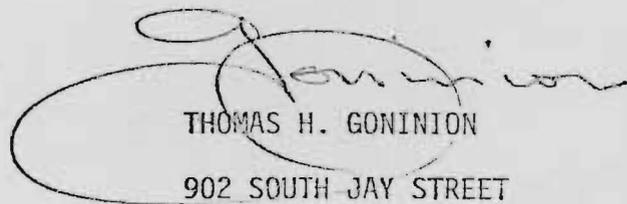
WE ARE CONVINCED THAT THE CONGRESS INTENDED AN ORDERLY TRANSFER OF RESPONSIBILITY FOR INDIAN AFFAIRS FROM THE NON-INDIAN DOMINATION OF THE PAST TO A PRIMARILY INDIAN STAFF OF CAPABLE, COMPETENT, WELL QUALIFIED EMPLOYEES. WE CANNOT BELIEVE THAT THE PRESENT WHOLESALE DESTRUCTION OF 9,000 CAREERS WAS INTENDED WHEN SECTION 12 OF THE

INDIAN REORGANIZATION ACT WAS WRITTEN IN 1934!

THERE IS A GROWING BODY OF EVIDENCE THAT MANY OF THE INDIAN EMPLOYEES THEMSELVES ARE DISSATISFIED WITH THE TREND OF PERSONNEL POLICIES IN THE INDIAN SERVICES. . . MANY CAREER CIVIL SERVANTS OF INDIAN DESCENT HAVE RECENTLY BECOME AWARE OF THE THREAT TO THEIR LIVLIHOODS REPRESENTED BY THE IMPLEMENTATION OF PUBLIC LAW 93-638 - THE INDIAN EDUCATION AND SELF-DETERMINATION ACT. THEY HAVE REALIZED THAT THE CONTRACTING PROVISIONS OF THIS LAW POSE A VERY REAL DANGER TO THEM. THERE ARE ALSO INDICATIONS THAT THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH SERVICE HAVE RECOGNIZED THIS FACT AND HAVE INITIATED THE EXPLORATION OF THE POSSIBILITIES OF HAVING INDIAN EMPLOYEES WHO ARE THREATENED BY THE LOSS OF THEIR JOBS THROUGH THE IMPLEMENTATION OF PL 93-638 INCLUDED IN THE PROVISIONS OF THIS PROPOSED LEGISLATION.

FOR HIMSELF AND APPROXIMATELY ONE HUNDRED AND SIXTY (160) OTHER CONCERNED EMPLOYEES OF THE INDIAN HEALTH SERVICE AND THE BUREAU OF INDIAN AFFAIRS.



  
THOMAS H. GONINION  
902 SOUTH JAY STREET

ABERDEEN, SOUTH DAKOTA 57401

THOMAS J LONG  
PO BOX 884  
BROWNING MT 59417

western union Mailgram®



2-020424E263 09/19/76 ICS IPMMTZZ CSP WSHC  
4063387260 MGM TDMT BROWNING MT 100 09-19 0957P EST

MR BRAD PATTERSON SPECIAL ASSISTANT TO THE  
PRESIDENT ON INDIAN AFFAIRS  
WHITE HOUSE  
WASHINGTON DC 20501

PLEASE ENCOURAGE PRESIDENT FORD TO SIGN BILL HR5465. I AM A NON-INDIAN  
EMPLOYEE OF IHS AND HAVE BEEN A VICTIM OF RAW DISCRIMINATION BECAUSE OF  
INDIAN PREFERENCE IN HIRING AND PROMOTIONS MY GOVERNMENT CAREER HAS  
BEEN RUINED BECAUSE I HAVE BEEN UNABLE TO ADVANCE FOR THE PAST 7 YEARS.  
I KNOW OF MANY CASES SIMILAR TO MINE. OTHER GOVERNMENT AGENCIES WILL  
NOT HIRE ME BECAUSE THEY MUST PROMOTE THEIR OWN EMPLOYEES.

THOMAS J LONG  
PO BOX 884 BROWNING MT

21:57 EST

MGMCOMP MGM

