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China telegrams
No NKA Board
action.

BIA employees may
have gotten to DC.
privately.

K met w DC. ---
has promised to go slow



THE WHITE HOUSE
WASHINGTON

November 9

Ted -

Per conversation .

Please give Wendell
a call promptly and perhaps offer
to sit down with him. Let me
know how you come out.

Bud



The White House
Washington

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6 PMS BRADLEY H PATTERSON, JR

7 THE WHITE HOUSE

8 WASHINGTON DC 20500

9 A MATTER EXISTS WHICH NEEDS YOUR IMMEDIATE ATTENTION. IN THE
10 BUREAU OF INDIAN AFFAIRS OF THE DEPARTMENT OF THE INTERIOR, A
11 REORGANIZATION OF THE CENTRAL OFFICE OF INDIAN EDUCATION
12 PROGRAMS IS UNDERWAY. THIS IS BEING DONE WITHOUT PROPER
13 CONSULTATION WITH TRIBAL LEADERS DESPITE AN AVOWED POLICY
14 OF CONSULTATION AND PUBLIC LAW 93-638 WHICH REQUIRES IT.

15 ADDITIONALLY, PRESIDENT-ELECT CARTER AND MEMBERS OF HIS STAFF ARE
16 IN THE PROCESS OF CHOOSING WHO WILL HEAD THE VARIOUS DEPARTMENTS
17 AND BUREAUS AND DETERMINING OTHER MATTERS WHICH WILL CAUSE
18 A SMOOTH TRANSITION. IT SEEMS TO ME THAT WHAT IS BEING DONE IN
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INDIAN EDUCATION IS AN ATTEMPT TO USURP PREROGATIVES THE NEW
ADMINISTRATION WOULD EXERCISE AFTER CONSULTATION WITH TRIBAL
LEADERS WHOSE PEOPLE ARE AFFECTED. I DO NOT FEEL THAT SUCH
CHANGES SHOULD OCCUR IN INDIAN AFFAIRS DURING THE TRANSITION
PERIOD. YOUR HELP IN GETTING THIS REORGANIZATION STOPPED IS
NEEDED.

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WHEN TIME PERMITS, I LOOK FORWARD TO DISCUSSING INDIAN
EDUCATION AND OTHER PROGRAMS AFFECTING INDIAN TRIBES SERVED BY THE
BUREAU OF INDIAN AFFAIRS WITH YOU OR PRESIDENT FORD.

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SINCERELY YOURS

WENDELL CHINO, PRESIDENT NATIONAL TRIBAL CHAIRMEN'S
ASSOCIATION 1701 PENNSYLVANIA AVE NW WASHINGTON D. C. 20006

NNNN

Recog of Ed Albee
Rep from Albee to DC
SIDI / Arts / H / Ind. Tribes
Reports wanted this

Repayed
funds contribution
Baker &
Bureau Schaub

October 19, 1976

Dear Mr. Rogers:

The President has asked me to thank you for your recent note about the BIA's higher education program.

Since this is a matter within the jurisdiction of the Bureau of Indian Affairs, I am asking Commissioner Thompson to review your letter personally and to send you a response.

Sincerely yours,

Bradley H. Patterson, Jr.

Mr. Michael R. Rogers
Native American Political Association
Route 1, Box 2142
Davis, California 95616



cc: Commissioner Morris Thompson

Reaffirm Directive

Mr. President:

BP We need your help. The Bureau of Indian Affairs' Native American Higher Education Assistance Program is in jeopardy nationwide. There is serious concern by all Indian tribes across the nation. A public statement reaffirming your directive, Order No. 2954 and adherence to Public Law 92-638, Section 3 (a) and (b) for funding at the local level, would be very helpful at this time.

To help would be a very kind and gracious thing to do.

Respectfully,
Cyrus R. Rogers



Respectfully,
Director

WHITE HOUSE
MAIL ROOM

1976 OCT 12 AM 11 27

Mr. President:

We need your help. The Bureau of
 Indian Affairs, Native American Higher
 Education Assistance Program is in
 jeopardy nationwide. There is serious
 concern by all Indian tribes across
 the Nation. A public statement outlining
 your directive, Order No. 2924 and
 reference to Public Law 92-637, sections
 (a) and (b) for funding at the local level
 would be very helpful at this time.
 To help would be a very kind
 and precious thing to do.

Respectfully,
 Edward R. Rogers

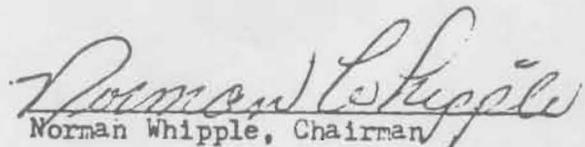
EDUCATION CONFERENCE

CARAVAN INN - SACRAMENTO, CALIFORNIA

On 18 September 1976 at the Bureau of Indian Affairs conference on the Reorganization of the Bureau of Indian Affairs Office of Indian Education held in Sacramento, California the Indian Tribal representatives and other groups and representatives of the State of California in attendance do hereby request the California Indian Legal Services to investigate the legal aspects and to file an action for injunctive relief prohibiting the implementation of the Bureau of Indian Affairs reorganization of the Office of Indian Education signed by the Secretary of the Interior on July 13th, 1976, until information on the impact of the reorganization is disseminated to the various Indian Tribes and groups of the State of California and these groups are given the opportunity to provide recommendations and input on this reorganization.

Furthermore, the Indians present at this conference requests that the proposed injunctive relief will include provisions to protect and maintain the present organization of the Bureau of Indian Affairs - Office of Indian Education until this dispute is resolved.

Furthermore, that no changes will take place in regards to the present personnel positions in the Bureau of Indian Affairs - Office of Indian Education until this dispute is resolved.


Norman Whipple, Chairman

Motion for above request for action made by Joseph C. Saulque, seconded by Ron Peralta and unanimously passed by all representatives present September 18th, 1976.



EDUCATION CONFERENCE

CARAVAN INN - SACRAMENTO, CALIFORNIA

SEPTEMBER 19, 1976

RESOLUTION

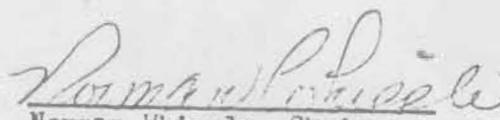
Whereas On September 18 and 19, 1976 California Tribal leaders, Reservation Education Representatives, Indian Educators and concerned Indian groups met for the purpose of discussing the swift moving events in the reorganization of the Office of Indian Education within the Bureau of Indian affairs, and;

Whereas The Indian representatives present, vigorously protest this action and feel it is imperative that Indian input is a necessity in determining funding needs in Indian Education; and;

Whereas The Bureau of Indian Affairs has taken away tribal input by deleting Higher Education from the Band Analysis. We feel by the deletion of Higher Education from the "Band Analysis" process the Bureau of Indian Affairs is in clear contrast with the intent of the Congress of the United States of America. Congress stated their intent and direction in Public Law 93-638 when they stated: "The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum participation in the direction of education as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities".

Now Therefore Be It Resolved that:

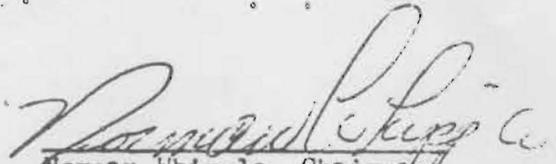
The Bureau of Indian Affairs via the Commissioner of the Bureau of Indian Affairs take immediate action(s) to restore Higher Education Program dollars back on the Band Analysis and ensure that particular sincere attention is given to educational funding requested on the Band Analysis.


Norman Whipple, Chairman
Education Conference

EDUCATION CONFERENCE

CARAVAN INN - SACRAMENTO, CALIFORNIA

Motion made, seconded and carried by unanimous vote of representatives present that Mr. Bearghost, representative from the Central Office of Bureau of Indian Affairs, Office of Indian Education - speaker at the conference would present in writing to Dr. Demmert, Director of Office of Indian Education a report on the questions that were raised by the California representatives present at the meeting on September 18, 1976 and that a copy of this report would be furnished to the Area Director, Sacramento Area Office of BIA for dissemination to the Indian representatives present at this conference. within two weeks.


Norman Whipple, Chairman

Signed
September 18, 1976

NATIVE AMERICAN POLITICAL ASSN.

Route 1, Box 2142

Davis, California 95616

October 9, 1976

Phone (916) 756-1940

To: Tribal Leaders
Indian Organizations

The proposed reorganization of the Office of Indian Education Programs is a matter of great concern to Indian students, their parents and tribal leaders. The impact of this change will be devastating to all Indian communities in the Western States. Direct funding of all educational institutions from the Bureau of Indian Affairs Central Office in Washington, D.C., will be retrospective of the paternalistic attitude of the past toward Indians as stated in section 29(1) PL 92-638:

"has denied to Indian people an effective voice in the planning and implementation of program for the benefit of Indian which are responsive to the true needs of Indian Communities."

The removal of funding commitments to local BIA educational agencies in the Western States to the Central Office in Washington, D.C., will not only deny the Indian communities full participation in educational needs, but will make BIA educational funding vulnerable to maneuvers and manipulations by those programs which can best afford to lobby. The proposed decision to centralize the funding of educational programs defeats the purpose of the "Self-Determination Act" as well as tribal government participation in education.

The reorganization of the Office of Indian Education Programs by the Commissioner of Indian Affairs, Morris Thompson and Dr. William G. Demmert, Director of Indian Education Programs, is a matter of concern because such reorganization as proposed is at the expense of the Indian students. The money to pay for additional staffing for the Central Office will come off the top of the educational programs. This means that less money will be available for Higher Education since this program will be the most vulnerable under centralization. There are also start up costs which will be extremely expensive since the Central Office will be remote from local area criteria. The local criteria of academic institutions, which changes from time to time, will be an addition cost to Central Office operations, again at the expense

of the students because of delays due to the distance involved. Since these funds can be easily shifted, Indian students in higher education are in danger of being forced to drop out of school. Such a great change from local to central funding will not be without its short comings. No detailed plan exists to properly channel funds under the proposed reorganization of the Central Office. No impact report is available. It is the students who will suffer for such a political maneuver and manipulation of higher education funds.

When a problem arises at present, the students or local Indian representatives have access to the local BIA educational funding agency, but if the funding agency is centralized 3,000 miles away intimate relations cannot exist. Students and small communities will suffer due to the lack of finances to travel to Washington D.C. The distance involved will make it easier for Administrative denial of individual student allocations since recourse by the student will be minimized. There is a definite advantage for the Central Office in centralization of educational funding since unused sums of money will be immediately available for increasing the size of administration which will be number one priority in the allocation of educational funding each year.

Not only is this plan of reorganization for greater centralization of the Office of Indian Education Programs in Washington adverse to Public Law 92-638 and tribal participation, but it is in direct contradiction with the President's directive as set forth in Order No.2954 and issued by the Secretary of the Interior, Rogers Morton, on May 11, 1973, and reads as follows concerning centralization:

"ORDER NO.2954

Subject; Realignment of Central Office Functions
and Responsibilities of the Bureau of
Indian Affairs

Sec. 1 Purpose. In this human resources message to Congress on March 1, 1973, the President directed that steps be taken to transfer day-to-day operational activities of the Bureau of Indian Affairs from Washington to the field offices. This Order provides for the first stage of organizational changes in the Bureau and authorizes immediate staffing of key positions in order to implement the President's directive, reduce nonessential Central Office support staff and increase the effectiveness of the delivery system of services to Indians...."

The present anticipated growth of the Central Office is 30 new positions according to the proposed Central Office organization chart dated April 20, 1976.



In Senate Report No. 94-991, Sec. 20, 94th Congress the Appropriations Committee mandated that, "Extensive changes in the Bureau's education division structure, however, should not ignore the lessons of the past concerning over-centralization in Washington." Yet, the Commissioner and Director of Education are ignoring the Committee's mandate. They have also misconstrued the Committee's mandate for direct funding. The mandate states in the same report:

"The Bureau is directed to develop a system to allow for direct funding of BIA schools from the Central Office to the schools."

The mandate specifically states that the Bureau is "to allow for direct funding of BIA schools." "To allow" means to permit- to afford the opportunity. What is mandated in Senate Report No. 94-991 is that "The Bureau is directed to develop a system" to afford the opportunity for BIA schools to receive direct funding on the condition that the schools want direct funding. The mandate does not force direct funding, it makes it available on request. Only three BIA schools have requested direct funding: Haskell, Institute of American Indian Arts, and Southwest Polytechnic Institute.

The inclusion of all BIA schools, all public schools and all higher education institutes in the direct funding mandate by the Commissioner and Director of Education is a willful disregard to Indian Communities and the needs of Indian children. It is the strengthening of the Central Office at the sacrifice of Indian educational needs. ORDER NO. 2954.

"Sec. 5 Office of Indian Education Programs. The Office of Indian Education Programs performs Central Office programs that provide educational opportunities to Indian youth and adults in either Bureau, public or private schools...."

Nowhere in the President's directive does it imply or state that funding for educational programs is to be centralized in Washington, and yet, the Commissioner of the Bureau of Indian Affairs has taken Higher Education funding off of the Band Analysis of the BIA budgeting schedule in which tribal governments participate at the local level with BIA agencies. For example, in California, tribal leaders attend budget meetings at the Area Office to discuss and set funding priorities of programs important to the 78 Indian reservations in California. The projected 1977 funding of \$855,000 for higher education has been withdrawn from the Band Analysis, and the Area Office in Sacramento has received a memo from the BIA Washington office that all higher education funding is to be temporarily suspended, until further notice, at which time a tentative allocation may be made. The projected 1978 funding for higher education of \$900,000 has

also been withdrawn. Higher Education is a crucial priority of the Band Analysis because the Indian Communities view Higher Education essential in achieving a higher standard of living and helping to meet the greater responsibilities of tribal government. There are three BIA Higher Education agencies in California located for efficiency and effectiveness of services to students. The locations of the Offices are Northern California, Central and Southern California. Accessibility of the office is beneficial to the students in order to meet deadlines, resolve financial problems, and to adjust to changing institutional criteria.

The Higher Education funding handled through the office of the Area Director at the local level with meaningful participation by the Indian people is in accord with the President's directive and "The Indian Self-Determination and Educational Assistance Act." The Indian people have an effective voice in the planning and implementation of the program at the local level. The shared responsibilities are responsive to the true needs of the Indian communities.

The BIA Leadership is misleading the effectiveness of operational activities of the Bureau of Indian Affairs and is in contempt of Public Law 92-638, "The Indian Self-Determination and Education Assistance Act." which states:

Sec. 3 (a) "The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

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

If "No man is above the law" then both the Commissioner Morris Thompson and Dr. William G. Demmert have willfully and purposely violated Public Law 92-638 Sec. 3 (a) and (b) when on July 13, 1976, Mr. Dick Hite in the Office of the Secretary wrote the following to Commissioner Thompson.



"I am approving the attached DM release revising the organizational structure of education programs in BIA. I believe the approach you are taking is appropriate and positive. As you are aware, there will be position management and classification actions resulting from this new organization. You should begin processing these on an individual basis as soon as possible.

I would appreciate it if your staff will work closely with the office of Organization and Personnel Management on this aspect of implementation."

This approval was sought and obtained without consultation with Indian leaders and Indian people. The fact that a copy of the proposed reorganization structure was in existence on April 20, 1976; the fact that Director of Administration at the Indian Education Resources Center in Albuquerque was not aware of the proposed reorganization until June 21; the fact that the Commissioner and Director of Education have deliberately misconstrued the Appropriation Committee mandates to increase the Central Office at the expense of Indian education funds, the fact that the President's directive was ignored; and the fact that in a Department of the Interior news release on July 27, 1976, Dr. Demmert described the organizational changes as "responsive to the requests of Indian leaders and in accord with sound administrative principles;" And yet, at the first meeting of Indian leaders to consider the proposed BIA reorganization issue on July 28-29, 1976 in Denver, Colorado, held at the direction of the Office of Management and Budget for the purpose of developing improved administrative practices in the management of the Higher Education Assistance Program, the tribal leaders attending the meeting opposed reorganization and wanted funding at the local level. And on September 18, 1976, at the Education Conference held at Sacramento, California, and attended by tribal leaders and Indian Educational leaders throughout the state; at which Dr. Demmert was to be a guest speaker, his topic "Proposed Organizational Structure," the leaders unaminously adopted a resolution opposing centralization of Higher Education funding in Washington, D.C. The tribal leaders felt it imperative that Indian involvement is necessary in determining funding needs in Indian education at the local level to meet local institutional criteria and to maintain an assessable remedial recourse for local students who experience funding problems.

These facts not only point out that Commissioner, Morris Thompson and the Director of Indian Education, Dr. William D. Demmert have willfully disregarded the law and purposely neglected their duty, but also, have deliberately and intentionally sought to disregard the Indian Communities and their tribal leaders. Such disrespect and deliberate violation of trust leads one to believe no confidence can be placed in the Commissioner and his Educational Director.

This maneuver to force a change in higher education funding at the time the Indian Commissioner is leaving office is politically expedient. Such a political maneuver is in bad faith with the President's directive, the mandates of Congress, and the BIA's obligation to the Indian people. Dr. Demmert should be made accountable for his action of bad faith. He should be replaced with an Educator interested in education and who will adhere to the President's directive and the mandates of Congress.

It is imperative that students, parents, educators and tribal leaders write to their respective Congressmen and Senators of Dr. Demmert's irresponsible action. They should also write to the office of the Commissioner responsible for hiring Dr. Demmert and request his resignation, effective immediately.

Write to: The Office of the Commissioner
Bureau of Indian Affairs
Washington, D.C. 20245

We urgently need and would appreciate your assistance to help keep educational funding at the local level so that Section 3 (a) and (b) of Public Law 92-638 "The Indian Self-Determination and Education Assistance Act" can remain a reality.

Your consideration to help assist Indian people in their effort to be assured of maximum participation, in the direction of education, is a very kind and gracious thing to do.

Respectfully,

President

Director

Executive Director

cc: President of the United States

Secretary of the Department of Interior

Senate Appropriations Committee

Office of Management and Budget

Office of the BIA Commissioner

Governor Carter

Governor Brown

Wassaja, a National Indian Newspaper

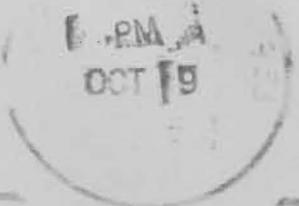
Columnist Jack Anderson



Native American Political Assn.

Route 1, Box 2142

Davis, California 95616



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The President,
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