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# WITHDRAWAL SHEET

## Ronald Reagan Library

Collection: BLACKWELL, MORTON: Files

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File Folder: American Indian Leaders Advisory Council [6 of 7] Box 8409 Date: 12/10/96

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. list	of American Indian Leaders Advisory Council members (2 pp., partial)	n.d.	R6 B6 AM
2. list	of "other Guests" (1 pp., partial )	n.d.	R6 B6 10/15/2019

### RESTRICTION CODES

**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].
- C. Closed in accordance with restrictions contained in donor's deed of gift.

**Freedom of Information Act - [5 U.S.C. 552(b)]**

- F-1 National security classified information [(b)(1) of the FOIA].
- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

Am. Indian Leaders Assoc. - Council

Briefing

June 27, 1987

Mick Butler  
FERC

PRESERVATION COPY

*file  
A.I.L.A.C.*

INITIAL REPORT OF THE AMERICAN INDIAN  
LEADERS ADVISORY COUNCIL

In order to have a meaningful way of communicating with the incumbant administration, it is necessary to assemble a representative group of recognized leaders of the American Indian population which is approximately 1,000,000 people. This 1/2 of 1% of the national population has been beset with problems unique to it since the coming of the white man.

To take the initiative, those enumerated below have voluntarily assembled as an unpaid Council which it is hoped will become the means for recommended solutions after explanation and discussion of the more immediate national problems and needs of the American Indian.

The following are the initial members of the Advisory Council:

Peter MacDonald, Chairman  
Navajo Tribal Council  
The Navajo Nation  
Window Rock, Arizona 86515  
(602) 871-4515/4227

Wendell Chino, Chairman  
National Tribal Chairman's Association  
Post Office Box 326  
Mescalero, New Mexico 88340  
(505) 671-4495

Ed Driving Hawk, President  
National Congress of American Indians  
Post Office Box 55  
Mission, South Dakota 57555  
(605) 856-2258

Ned Anderson, Chairman  
Arizona Inter-tribal Council  
Post Office Box 0  
San Carlos, Arizona 85550  
(602) 475-2361

John Sloat, Vice-President  
United Tribes of Western Oklahoma & Kansas  
P. O. Box 1747  
Shawnee, Oklahoma 74801  
(405) 275-4030

Russell Jim, Chairman  
Northwest Affiliated Tribes  
P. O. Box 151  
Toppenish, Washington 98948  
(509) 865-5121

Nelson Angapak, Chairman  
Alaska Federation of Natives  
1577 "C" St. - Suite 304  
Anchorage, Alaska 99501  
(907) 274-3611 Business: (907) 279-5516  
(907) 276-8837

Delfino Lovato, President  
All Indian Pueblo Council  
1015 Indian School Road  
Albuquerque, New Mexico 87107  
(505) 247-0371

In briefest form, our concerns may be set forth as follows:

1. Government to Government Communications.
2. Development of Indian owned Energy Resources.
3. Federal budget changes as they affect the American Indian.
4. Preservation, protection and quantification of our inherent and reserved water rights.
5. Preservation of treaty obligations.
6. Respect for our tribal sovereignty.
7. Active enforcement of trust responsibilities.

This brief listing could hardly be considered exhaustive of the many difficult and complex problems facing the approximately 400 federally recognized tribal governments and the concerns of urban Indians; however, it may be considered a compendium of

those problems of breadth faced by all tribal governments and American Indian citizens. These are subjects that all American Indians recognize, without substantial dissent, as being first line priorities.

One of the hazards incurred in compiling any such list of issues and policies is that other matters are necessarily omitted and that other concerns will, from time to time, be voiced as if they were of paramount importance. That is the nature of the political process, be it Indian or non-Indian. Nevertheless, almost all major Indian problems can be discussed within the context of these seven categories.

We would be the first to concede that many times our sector of America is ignored simply because our people sometimes speak with too many voices. Many times just a very few of us or even one well-intentioned but misguided individual prevents the implementation of a program or policy that in reality would have been beneficial to the vast majority of American Indians.

What we hope to do is to provide a responsible framework from which the federal government may review the many and varied requests made for a federal response.

1. Government to Government

One of the reasons that we have listed "government to government" communications is that the Carter administration, in particular, together with other prior administrations, often used nonelected American Indian individuals (those who were neither elected nor representatives of elected officials) as the means of ascertaining a particular reservation's needs. Many times that

individual, who was responsible to no one, would successfully maintain that his personal predilections were the will of his particular tribe, when, in fact, the tribal government was diametrically opposed to the individual's position.

We have representative governments elected by the people who are thereby represented in the same fashion as state and local governments. Those who are duly elected (including their administrative representative) would be the contact points on all matters which concern the particular electorate.

In October of 1980, President Reagan stated:

"The traditional relationship between the United States and Indian governments is a 'government to government relationship.' History tells us that the only effective way for Indian reservation, and Indian communities, to develop is with local Indian leadership. Bearing in mind the legal and historical background, tribal governments must play the primary role in Indian affairs. State and non-Indian local governments can at best play only a secondary role."

## 2. Development of Indian-Owned Resources

Tribal lands in the "lower 48" contain approximately 50% of the country's privately owned uranium; 15% of the nation's total coal reserves and 30% of all western low-sulfur, strippable coal; 4% of all oil and natural gas reserves; and a substantial

portion of the nation's oil-shale and geothermal reserves. Alaskan Native Americans hold title to land containing substantial additional energy reserves. The 25 tribes have banded together to form the Council of Energy Resource Tribes (CERT) in recognition of the need to gain top quality technical assistance in developing these resources.

In 1979, total energy production on tribal land increased 52 percent -- the energy equivalent of nearly one million barrels of oil per day or 12 percent of total foreign oil imports in 1979. This increase stems in part from the work of CERT, in part from the tribal-federal-industry partnership that has begun to emerge.

The Federal commitment to tribal energy development ranks as one of the nation's most cost effective investments in expanding our country's domestic energy production. But equally, it is to be justified in terms of the increase in tribal self-sufficiency and the future reduction of dependence upon direct federal assistance for our people's day to day well-being. Energy resource development is, where feasible, one of the most promising ways to secure the emergence of a viable private sector on or near the reservation.

In President Reagan's words "Tribal governments should have the right to determine the extent and methods of developing the tribe's natural resources. . . . My Administration would encourage fair and just partnership among the tribal governments,



the private sector, and the federal government in meeting the tribe's identified development needs."

3. Federal Budget Changes as They Affect the American Indian.

While we fully understand the need to reduce government spending on an overall basis, we believe that the last area to be affected should be the American Indian. As the "poorest of the poor" we are not large in number but remain large in need. That condition has remained for over a hundred years simply because one misguided federal policy after another has been forced upon us. Only on very few occasions have we been able to make our voice heard on federal fiscal matters as they affect us even though by law we are supposed to have a say in the preparation of the BIA budget. What has happened over the years is that substantially over half of the federal funds subject to control by the BIA are absorbed by that same bureaucracy before they ever reach our people. Overhead and administrative costs far out pace the benefits we receive. For years we have asked for funds to be channeled through federally administered block grants in order to increase the actual delivery of goods and services. Very seldom have we succeeded.

The "wholesale - across the board" proposed cuts in items like food stamps and CETA Public Service Employment will have an unintended magnified impact on Indian reservations. Here are but two examples:

A. The monthly food stamp benefit is based on the assumption that all meals for the family are eaten at home.

For students who receive both food stamps and free school meals, the Federal Government subsidizes four rather than three meals per day. Eligible families with students lacking access to subsidized school meals will not have their allotments changed. It is not clear what happens if the child has access to a free school meal but is sick, stays home or does not actually get the meal.

B. CETA Public Service Employment. Title IID and Title VI of the Comprehensive Employment and Training Act (CETA) will be phased out. Budget figures compiled by the Indian and Native American CETA Coalition indicate that overall this means a cut of \$63.5 million out of a total \$182.5 million in CETA funding levels for Indian programs. However, on reservations the cut will amount to more than a 50% cut; non-reservation Indian prime sponsors receive youth employment and summer moneys but not public service moneys so that the main brunt of the cut will be felt on reservations. Thus, for instance, on the Navajo reservation Title IID and Title VI allocations for FY 81 totalled over \$17 million out of a total CETA allocation for Navajos of \$30 million.

In our first contacts with OMB we did not have the feeling that there was a clear understanding of the magnitude of the impacts of the proposed budget cuts. We believe that an in-depth discussion should take place before irrevocably reducing funds formerly available to Indian recipients.

We also think it is important to note that the administrative costs of funds provided through DOL were substantially lower than any funding processed through BIA. Thus, any cuts in DOL funding have a greater impact on Indian recipients.

4. Preservation, protection and qualification of our inherent and reserved water rights.

President Reagan has said, and we believe, that:

"[T]he inherent water rights of the Indian tribes is a vital key to true and lasting economic development for Indian reservations . . . that quantification of water rights must be achieved in the future; but quantification must not be to the detriment of the Indian tribes and quantification should not be made without the consent of the individual Tribe whose water is being quantified.

"The best protection of Indian water rights is the perfection of those rights through beneficial usage of the water by the Indian people."

There are 83 million acres of Indian land in the United States which contain valuable resources, including croplands, forests, watersheds, rivers, lakes, wild and open lands, cattle and sheep ranges, recreational areas, mineral lands, power sites, and land for urban growth.

Although the past has seen ranges over-grazed, and timber and minerals removed too cheaply, the potential of Indian land remains largely undeveloped. Indian lands have not been benefitted by the large federal reclamation projects of

the West. Thus, while having the potential for wealth and self-sufficiency, Indians are the poorest ethnic group in this country. They have the highest suicide rate, and the poorest health of any such group.

The development of Indian lands and resources, according to the wishes of the tribes, is in the best interest of the tribes and the United States.

The key to that development is water. Indian tribes have unique legal status as dependent sovereigns. Many have valid existing treaties with the United States. They are the only ethnic group specifically mentioned in the Northwest Ordinance and the U.S. Constitution. Indian water rights are likewise unique.

However, there is fierce competition for water and resources (including fishing rights) in the fast-growing West. It is in the best interest of the United States and the tribes to protect Indian and federal water rights for Indian land and resource development, thereby enhancing the potential for employment, energy, food and other resources for a growing nation and world.

Our specific concern is that there will be an attempt to provide us with "dollars for water" just as the federal government did when it took our land. The establishment of an "Indian Claims Commission" to pay us for our water rights is not an acceptable solution. We do not want and will not accept dollars for the most vital resource that we have possessed since our beginning.

At present, there is no effective mechanism with the Department of Interior to deal in any meaningful way with Indian water rights. With the exception of one attorney in the Solicitor's Office who is assigned to such problems, the DOI is without a staff to provide any real assistance. Thus, many tribes have been compelled to use their meager funds for matters that are firmly the responsibility of the federal trustee.

Further, the policy long held by the former Bureau of Reclamation, now the Department of Water and Power, that it somehow should "control" water owned by Indian interests must be abrogated. Indian water is not a federal asset; it is the property right of its Indian owners.

5. 6. & 7. Preservation of Treaty Obligations,  
Respect for Tribal Sovereignty and Active Enforcement  
of Trust Responsibilities.

Tribal Sovereignty

The Indian peoples are more than social clubs, more than voluntary organizations, more than quaint relics of the American past. The Indian peoples form political nations. The sovereignty exercised by these Indian nations has its roots in the primeval development of Indian tribes within the area now known as the United States.

Tribal sovereignty is no different from that of any other people. Tribal sovereignty, at its most basic, means the inherent power of the tribe to control persons, property and resources within the geographical boundaries of the tribe's lands.

Tribal sovereignty -- or control -- in its pre-Columbus form contained no limits other than those imposed by the tribal members themselves upon their leadership.

Whether American history is learned from school textbooks or from the oral histories handed down by the elders of our tribes, it is known that this unfettered tribal sovereignty was severely modified with the coming of the white man. Recognition by our forefathers of the superior military force of your forefathers meant that tribal sovereignty would cease to exist in some areas -- we lost, for example, the power to enter into treaties with foreign nations -- and that sovereignty not extinguished by your superior force was to be permitted to flourish solely within the geographical confines of the lands set aside for the tribes by the Congress or the Presidents.

In 1981 as our energy resources light a gleam in the eyes of American industry the sovereignty which we have exercised over our lands and the people who come upon them has become an impediment to the rapid development of our natural resources by those companies whose foreign sources are drying up. Tribal sovereignty has survived Manifest Destiny and it has survived the good intentions of assimilationists but it will take all our will and all your support to resist the pressures now brought to bear upon us. Tribal sovereignty must not be drowned by the oil which lies beneath our lands.

#### Treaty Obligations

Many of the Indian Nations came to terms with the newly created United States through the execution of treaties, although in later years the cessation of hostilities was often formalized not by such a document of intergovernmental relations

but rather by the setting aside of land for the permanent use and occupancy of a particular tribe.

These treaties represent the sacred promise of the United States to allow the Indian people to live in peace, to follow the traditions and customs of their own cultures and to control and benefit from the development of the natural resources found within tribal lands. These treaties represent the sacred promise of the United States to permit the Indian peoples to maintain a humane existence, to better their economic conditions and to live in dignity.

In 1981 America the sacred promises of the 1800 America carry a hollow ring for many. Solemn promises of land in 1800 are met in 1981 with the concentrated efforts of non-Indians to divert the water so necessary to make this land fit for human existence and for cultural growth. Solemn promises of education for our children in 1800 are met in 1981 with the concentrated efforts of non-Indians to refuse state funding for schools for Indian children and with the monumental indifference of the federal government to the special educational needs of our people. At a time when so many Americans worry about the future of a country that "modifies" its treaty with Panama (or, for that matter, "forgets" its commitments to Nationalist China), we Indian leaders must be forgiven a cynical acceptance of such national policies -- we have long known how easily a nation's sacred promises can be swept away by the winds of economic and political change.

We have not forgotten our treaty promises. We ask that you, as leader of the United States, do not forget yours. It may be true that enforcement of our treaty rights will be costly and unpopular, but our lives and, in fact, the very life of our cultures depends upon the preservation of these treaty obligations.

#### The Trust Relationship

When the founding fathers of the United States made the decision to come to terms with the Indian Nations as governments rather than to eradicate the Indian peoples as competitors for the resources of this land, a fundamental course of action was charted to protect and preserve the separate Indian cultures within the politically more-powerful government of the United States.

The trust relationship -- intended as a nurturing and protective relationship -- was established to permit the more educated and more economically advanced Western European culture of the fledgling United States to act as guardian for the lives and property of the Indian peoples who were soon consigned to limited, defined reservations of land.

The trust relationship has served as the structural basis for the period of transition from active warfare between the Indian Nations and the United States to a time in the not-yet-foreseeable future when the Indian tribes will be able to stand alone against the insistent demands of the non-Indians for their land, water, minerals and other resources and survive.



The federal government -- its Courts, Congress and Presidency -- have carried out the trust relationship with an enthusiasm that has unfortunately varied tremendously depending upon the strength of non-Indian political pressures which were brought to bear.

Many of us owe our "modern" form of tribal government to the federal trustee's eagerness to obtain "official" tribal approval for oil and gas leases which were to last far beyond the lifetimes of those whose consent was sought. With such a past, it is little wonder that we Indian leaders demand recognition by the federal government in 1981 of its responsibility to ensure the welfare of the Indian tribes when it approves or arbitrates matters that affect our people and our lands.

The trust relationship does not mean that the federal government is to act as an impartial buffer between the desires of a tribe and those of the non-Indian citizens. Rather, the trust relationship means that the federal government is on our side, in our corner, fighting for our rights.

The trust relationship of the federal government to Alaska Natives is identical to its relationship with members of Indian tribes in the lower 48, and it continues unabated after passage of the Alaska Native Claims Settlement Act (ANCSA). However, under ANCSA, the Secretary of the Interior is directed to convey 44 million acres of land in Alaska to Alaskan Native entities in fee rather than in trust. To date, only 17 million acres have been conveyed. It is essential for the balance of

such lands to be conveyed as soon as possible in order to develop Native energy and other natural resources and to maintain the subsistence way of life of Alaskan Natives. Another special piece of legislation, the Alaska National Interest Lands Conservation Act (ANILCA) requires mention because it, too, is intended to provide economic opportunities for Alaskan Natives and to protect their subsistence way of life. The problems facing the Alaskan Natives are not dissimilar to those faced in common by all Indian tribes, but it is important to understand that the two aforementioned pieces of legislation provide additional means for implementation of the development and protection of the Native population of Alaska.

Only sporadically has the federal government taken such a view and unfortunately its actions taken on "behalf" of Indians often take into account the personal views of all concerned except the views of the tribe whom the trustee is so busy "helping." Economic progress is a goal each of us has for his people, but federally initiated progress at the cost of Indian cultural identity makes a mockery of the federal trust relationship. Thus, for example, federal support for Indian education is welcome, but where the schools take the children from their families, their language, their religion, their homeland, it is hard for us to see what great benefit is obtained.

We know full well that in a nation of multi-millions the needs of the first Americans may seem to pale in light of the louder cries of others. We know full well how limited your time can be, too, when so many seek your aid, for we, too,

are leaders of a people. Without your compassion, your decency, your sense of American honor, the Indian peoples may be swallowed up by the problems which beset you. We ask only that you remember that we come to you not on behalf of snail darters or automobile manufacturers, that we are not selling military hardware or importing oil, but that instead we come to you as the representatives of living and breathing people who have inhabited and cherished this land you too love since time immemorial. We ask that you continue to support your views expressed in 1980:

"I support tribal sovereignty and self-determination for federally recognized American Indian tribal governments."

Any enumeration of the needs of the American Indian could go on infinitely, but to do so would only inhibit the limited relief that we seek. We believe that we have made an initial communication of our needs with great moderation, but we also believe that, at the bottom of this limited agenda, we are placing before the new administration that, in the words of Justice Black, "Great nations, like great men, should keep their word."

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 9, 1981

TO: MORTON BLACKWELL

FROM: RICHARD S. WILLIAMSON *RAW*

SUBJECT: AMERICAN INDIAN LEADERS ADVISORY COUNCIL *de*

I am in receipt of your memorandum of February 24. Also, find attached a letter which Jim Baker sent on this matter dated February 25 and a prior letter he had received from the Clary Institute on this matter dated January 12, 1980.

In private law practice, my firm represented a number of Indian tribes. I have my own strong views on this issue and would be more than pleased to sit down with you to discuss the Indian issue. Notwithstanding the Supreme Court decisions, some of which I worked on in behalf of Indian tribes, I do not consider Indian tribes separate "governments" and do not feel that they are within the purview of Intergovernmental Affairs.

Attachments

2:00 PM OPENING REMARKS

Morton Blackwell, Special Assistant to the President for Public Liaison

2:05 PM - 3:15 PM RESOURCE DEVELOPMENT

Ken Smith, Assistant Secretary for Indian Affairs, Department of the Interior

James De Francis, Deputy Assistant Secretary for External Affairs, Department of Energy

TOPIC: Managing and Developing the Indian Energy Base

A. David Lester, Commissioner, Administration for Native Americans, Department of Health and Human Services

TOPIC: Tribally-determined developmental strategies

Pete Homer, Acting Director, Office of Indian and Native American Programs, Department of Labor

TOPIC: Status of FY '82 - CETA Reauthorization

3:15 PM - 4:15 PM EDUCATION

Ken Smith, Assistant Secretary for Indian Affairs, Department of the Interior

Louis McGuinness, Acting Director, Indian Education Programs, Office of Elementary and Secondary Education, Department of Education

TOPIC: Title IV of PL 92-318 as amended; \$81 million Indian Education Program - Department of Education

Bob Carleson, Special Assistant to the President for Policy Development

TOPIC: Block Grants

4:15 PM - 4:30 PM Break for Refreshments

4:30 PM - 5:15 PM HEALTH

Dr. Emery A. Johnson, Director, Indian Health Service, Public Health Service/ Department of Health and Human Services

TOPIC: Health Programs for American Indians and Alaskan Natives

5:15 PM - 6:15 PM HOUSING

Dr. Bill Grisby, Deputy Assistant Secretary for Public Housing and Indian Programs - Designate, Department of Housing and Urban Development

TOPIC: Financially distressed Indian PHA's - problems and possible solutions

Don Crabill, Deputy Associate Director, Natural Resources Division, Office of Management and Budget

TOPIC: Indian Housing Budgetary Considerations

John McClaughry, Senior Policy Advisor, White House Office of Policy Development

TOPIC: The Reagan Commitment

## THE WHITE HOUSE

WASHINGTON

AMERICAN INDIAN LEADERS ADVISORY COUNCIL

BRIEFING June 24, 1981 Room 474 Old Executive Office Building

### LIST OF SPEAKERS:

Bob Carleson is Special Assistant to the President for Policy Development and Executive Secretary of the Cabinet Council on Human Services. Prior to this, his background was in city management and he was Director of the California Department of Social Welfare and served as U.S. Commissioner of Welfare.

Don Crabill is Deputy Associate Director of Natural Resources Division, Office of Management and Budget, and he has served in this position for 12 years and for 22 years in the Office of Management and Budget. He received his Masters in Public Law and Government from Columbia University.

James De Francis is Deputy Assistant Secretary for External Affairs, Department of Energy. Previously, he served as Director of Michigan Department of Commerce and as as aide to U.S. Senator Robert Griffin. He graduated from Albin College with a B.A. in political science and did advance graduate work in Public Administration at Wayne State University.

Dr. Joseph Exendine, a Western Delaware Indian from Oklahoma, is the Deputy Director, Indian Health Service Public Health Service, Department of Health and Human Services. He graduated from the University of Oklahoma with a PhD in Health Care Administration. He has served in numerous positions in Indian Health Care.

Dr. Bill Grisby is the Deputy Assistant Secretary for Public Housing and Indian Programs - Designate, Department of Housing and Urban Development. He has considerable experience with Native American programs, having previously served as a consultant to most Indian reservations in Federal Region 8. He majored in sociology and political science at Loyola University in Los Angeles and got his masters and PhD from the University of Colorado.

Pete Homer, Jr., a Mohave Indian from the Colorado River Indian Reservation, is Acting Director, Office of Indian and Native American Programs, Department of Labor. Previously, he served in this office as a field operations supervisor and senior federal representative. He received his B.A. in history and business administration at Santa Ana College and studied at Arizona State University and Northern Arizona University.

## THE WHITE HOUSE

WASHINGTON

LIST OF SPEAKERS: Page # 2

Dr. Emery Johnson is the Director of Indian Health Service, Public Health Service, Department of Health and Human Services. The day he graduated from medical school at the University of Minnesota in 1955, he went to work for the Indian Health Service, and this was the same time the responsibility for providing health care was transferred from the Department of the Interior to the Department of Health, Education, and Welfare, now HHS. He began as a medical officer at an Indian Health service hospital in White Earth, Minnesota and has spent his entire career working in Indian Health services.

A. David Lester, an Oklahoma born Creek Indian, has been Commissioner of the Administration for Native Americans in the Department of Health and Human Services since 1978. Previously, he was the President of United Indian Development Association in Los Angeles for eight years. In 1970, the President appointed him to the National Council on Minority Enterprise and in 1972, to the National Council on Indian Opportunity. After earning a degree in political science at Brigham Young University in 1967, he worked briefly in the banking field and then joined the staff of the National Congress of American Indians.

Louis Mc Guinness is the Acting Director for Indian Education Programs in the Office of Elementary and Secondary Education in the Department of Education, and he has been with the Education Department since 1972 and associated with Indian education programs since 1967. He completed his undergraduate and graduate work in political science and education at Wayne State University, Michigan.

John McClaughry is the Senior Policy Advisor for the Office of Policy Development. He has been a long time speechwriter and domestic policy advisor for President Reagan. During the Nixon administration, he played a key role in securing the restoration of 185,000 acres of ancestral lands to the Havasupai Tribe.

Alan Parker, a member of the Chippewa-Cree tribe of Rocky Bay, Montana, is Director of Indian Affairs at the Department of Energy. Previously, he was chief counsel to the Senate Indian Affairs Committee and a member of the American Indian Policy Review Commission Task Force on Tribal Government. He is a graduate of U.C.L.A. Law School.

Kenneth Smith, a Wasco Indian from Warm Springs, Oregon, is the Assistant Secretary for Indian Affairs, Department of the Interior. He has spent his entire adult career as an employee of the Confederated Tribes of Warm Springs, first as an accountant, comptroller-assistant general manager and since 1971, general manager. He has a degree in business administration from the University of Oregon.

THE WHITE HOUSE

WASHINGTON

Staff-Resource people available during question and answer session

(Question and answer and input session will last about half the time allocated for each subject matter.)

Dr. Joseph Exendine, Deputy Director, Indian Health Service, Public Health Service/Department of Health and Human Services

Kathryn Harris Tijerina, Indian Affairs Office, Department of Energy

Alan Parker, Director of Indian Affairs, Department of Energy

Ralph Reeser, Congressional and Legislative Affairs Officer, Bureau of Indian Affairs, Department of Interior

Carl Shaw, Public Affairs Officer, Office of Assistant Secretary for Indian Affairs, Department of Interior

Pat Wood, Administration for Native Americans, Department of Health and Human Services

Jim Young, Administration for Native Americans, Department of Health and Human Services

Edward Simermeyer, Team Leader for region 2, Office of Indian Education, Department of Education



THE WHITE HOUSE

WASHINGTON

AMERICAN INDIAN LEADERS ADVISORY COUNCIL BRIEFING June 24, 1981

Members present:

Peter Mac Donald, Chairman 602-871-4595/4227  
The Navajo Tribal Council  
The Navajo Nation  
Window Rock, Arizona 86515

Ed Driving Hawk, President 605- 856-2258; 605-747-2381  
National Congress of American Indians  
P.O. Box 55  
Mission, South Dakota 57555

Ned Anderson, Chairman 602-475-2361  
Arizona Inter-tribal Council  
P.O. Box 0  
Sam Carlos, Arizona 85550

John Sloat, Vice-President 405-275-4030  
United Tribes of Western Oklahoma and Kansas  
P.O. Box 1747  
Shawnee, Oklahoma 74801

Nelson Angapak, Chairman and John Hope 907-274-3611;  
Alaska Federation of Natives 907-276-8837  
1577 "C" Street Suite 304  
Anchorage, Alaska 99501

Frank Tenorio,  
All Indian Pueblo Council 505-247-0371  
1015 Indian School Road  
Albuquerque, New Mexico 87107

Dale Risling, President  
California Tribal Chairman's Association 916-625-4691  
P.O. Box 1334  
Huopa, California 95546

R. Perry Wheeler, Deputy Principal Chief  
Cherokee Nation 918-456-6031  
P.O. Box 119  
Tahlaquah, Oklahoma 74464

Buffalo Tiger  
Miccosukee Tribal Council, Tami Ami Station 305-223-8380  
P.O. Box 44021  
Miami, Florida 33944

Frank Lawrence, Chairman

Standing Rock Sioux Tribal Council, Fort Yates, N.D. 585  
58538

OK  
Carl will 8/6-

THE WHITE HOUSE  
WASHINGTON

Send Indian Transcript

to

Mr. Henry E. Hedrick

President

American Indian Liberation  
Crusade Inc.

4009 Halldale Ave

Los Angeles, 90062

OK  
Carl

Chairman UNITED SIOUX TRIBES

LARRY CARNoyer, CHAIRMAN

Yankton Sioux Tribe

WAGNER, S.D. 57580

Send him a copy of  
the transcript

American Indian Leaders Advisory Council

1. Peter MacDonald, Chairman  
Navajo Tribal Council  
The Navajo Nation  
Window Rock, Arizona 86515  
(602) 871-4595/4227 ✓ ✓
2. Wendell Chino, Chairman  
National Tribal Chairman's Association  
P.O. Box 326  
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STATEMENT OF  
PETER MACDONALD, CHAIRMAN  
THE NAVAJO NATION  
FOR THE  
WHITE HOUSE BRIEFING ON INDIAN ISSUES  
JUNE 24, 1981

Previous communications with the Administration about the impact of budget cuts have stressed the disproportionate burden (34%) which Native Americans will have to absorb and have indicated that much of the hardship can be eliminated by changes which need not involve vast sums of money. It is the purpose of this paper to summarize actions which the Administration can be asked to take. Since the White House meeting has been structured to concentrate on four areas (resource development, education, health, and housing) the specific proposals enumerated below are grouped correspondingly.

I. Resource and Economic Development

Previous statements point out that energy resource development programs have been shifted from the Department of Energy to the BIA and cut drastically. Only two programs remain: "real estate recordkeeping" and "resource inventory." These programs sound important and are defended as essential to discharge of the BIA's trust responsibilities. In fact, they are public works programs for federal employees and comparatively unproductive for tribes. They only become relative when directly funded to Tribes.

Energy development for tribes with energy resources becomes crucial in view of the impact of deregulation.

But energy resource development MUST be undertaken on advantageous terms and must be combined with long-term economic development. Otherwise, instant wealth can destroy all long term possibility of economic self-sufficiency.

Recommendations:

1. Establish a White House level Task Force, possibly under the aegis of the Council of Economic Advisors, to develop realistic strategies for long term development of a private sector on reservations. No tribe can afford the combined expertise that is needed: special financing expertise, tax law knowledge, sensitivity to cultural considerations, growth industry

forecasts, and knowledge of the diverse international models and strategies for economic development relevant to third world nations.

2. Replace the funds lost from EDA and HUD needed for economic development planning by tribes with the \$50 million additional dollars proposed to be given to the Administration for Native Americans. Right now, the limited internal staff capability that tribal governments had developed to undertake planning and development of a private sector is facing imminent elimination.

3. Fund CERT. The years of accumulating expertise and data are now paying off critically in two ways:

a. after years of investment in building a cadre of professionals and a body of expertise, the know-how is finally being systematically disseminated to tribes where it needs to be for the real pay off to take place

b. CERT is actively involved in negotiations on behalf of tribes on numerous fronts; those are at various stages and that expertise is critically needed if the negotiations are to produce the kind of long term advantageous arrangements needed

4. Short term emergency measures will be needed in light of the absence of a private sector on Indian reservations to cope with the impact of CETA cuts. The BIA General Assistance program is not geared to deal with the major increases in unemployment that have already soared by 10% or higher on reservations. And those General Assistance funds should be coupled with the small additional investment in Work Experience (about 10% of the basic general assistance level) to provide labor to help build the self-help housing and other projects that CETA public sector projects might otherwise have produced.

## II. Education

The major issue here is one of control and accountability. Right now the education system for Indians is run by an Education Czar in the Bureau. The contracting out procedure is a joke. And so-called local control creates the appearance of accountability which leaves each school board reinventing the wheel, susceptible to manipulation and proceeding without any sense of collective tribal needs and priorities.

## Recommendations:

1. BIA should provide technical assistance (and where needed funds) without elaborate contracting out procedures to tribal governments to set up their own Board of Education or system for overseeing and directing the operation of all school systems that educate the tribe's young people. The power to license, grant credentials, including the power to set standards, define output criteria, and evaluate teacher performance should be vested in the tribal government, not in the BIA or those whom it can manipulate.

2. Proceed toward a block grant strategy for education so that tribes can control funds and personnel which the Bureau now controls. The contracting out system is not working and will not work so long as those who do the contracting out are the ones who stand to lose their jobs if the contracting out goes into effect. An external third party with no vested interest in preservation of job security for Bureau employees should be used (at least on an experimental basis) to execute any contract-out programs.

3. Indian programs under the Department of Education can be block granted to governing bodies of Indian Tribes when requested by a particular tribal government. Each Tribe will submit one proposal and it would be up to each individual Tribe to determine where these funds are to be used based on their submitted proposal.

4. The FY '81 budget, as amended by both the House and Senate Appropriations Committees, for Impact Aid should be fully supported by the Administration. The Reservation schools can not survive without these funds and even with the proposed budget level they are suffering a 20% cut.

## III. Health

The poor health status and low life expectancy of Indians remains a national disgrace. If pending plans are implemented, the situation will get worse.

## Recommendations:

1. Incorporate into the four(4) new block grant health programs provision for direct block grants to Indian tribes. The consolidation of 40 or more programs into four block grant programs is commendable. Using the states as the sole recipients insures that tribes will not get what they need and violates the

Administration's commitment to a "government to government" relationship.

To do this no new bureaucratic machinery is necessary. Two alternative administrative mechanisms for block grants to tribes are already available:

a. all four block grant programs can be funneled on a formula basis to tribes through the same mechanism used in the Department of Commerce to distribute revenue sharing funds to tribal governments.

b. another alternative would be two block grant programs (the Health Services Block Grant program, and the Preventive Health Service Block Grant Program) can be administered through the Indian Health Service; the remaining two block grant programs (Social Services Block Grant, and Energy and Emergency Assistance Block Grant) can readily be administered through the Administration for Native Americans in the Department of Health and Human Services. The Department of Health and Human Services appears to be favorably inclined to designating tribal governments as eligible recipients of block grants; we understand that opposition to this stems from OMB but do not know this for a fact.

2. The budget cuts for new Indian health facilities should not apply to projects already approved and in process; new projects can perhaps be deferred but the investment in projects that are already underway and at varying stages of completion should not be wasted; that represents a false economy in terms of dollars as well as in terms of basic health needs.

#### IV. Housing

The OMB report would eliminate \$703.1 million for Indian Housing, contending that this merely eliminates a significant backlog in the program, that even if all funding is withdrawn, Indian housing units will continue to be built for the next 5 years and according to a report of the Senate Select Committee on Indian Affairs the cost of an individual Indian housing unit is \$175,000.

If OMB is correct, the elimination of funds for a backlogged program can be accepted if certain critical guarantees are provided:



Recommendations:

1. Special provision must be made for sewer and water hook-ups for completed unit; IHS funding for these hook-ups has been eliminated and there is no back-up in that funding. It is foolhardy to have completed but unusable housing units because HUD is only accepting fiscal responsibility for providing sewer and water hook ups for future units, not for completed units. Sewer and water hook-up is estimated to run about 10% of housing costs. The budget should expressly include additional funds for that purpose.
2. By the end of fiscal '82, elimination of backlogged projects will have been largely achieved. Acceptance of this cut should be coupled with a guarantee to reinstitute this program in some form in fiscal '83.
3. Planning should be undertaken now to reduce the cost per unit using three basic approaches:
  - a. much more extensive use of self-help housing with provision for labor to be provided by the potential residents or the tribe utilizing BIA work experience funds (see discussion above under Resource Development -- number 3);
  - b. new technology should be incorporated into any new program -- even though this may require modification of antiquated housing codes and modification of federal grant procedures to allow for innovative techniques. In many cases the "new" technology might simply take the form of allowing tribal residents to participate in self-help construction procedures.
  - c. a strategy for the creation of a private housing industry to provide housing for purchase or rental for tribal employees must be developed; this represents a major untapped area for increased private sector development. (ANA is developing a pilot model for such an approach.)
  - d. housing projects should be financed through grants extended directly to Tribes who would reduce costs by utilizing wage rates reflective of the local economy. Additional savings would result from the elimination of increase costs.

THESE CHANGES AND COMMITMENTS, IF INCORPORATED INTO THE ADMINISTRATION'S PLANS, WOULD REDUCE THE BURDEN EXPERIENCED BY NATIVE AMERICANS FROM 34% TO APPROXIMATELY 15%.

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Pete Taylor  
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7-2-87

POST-CONFERENCE REPORT  
NATIONAL TRIBAL GOVERNMENTS CONFERENCE

There were 149 tribes in attendance at the meeting in Washington, D.C. on May 6-7. Total tribal registration was 406. This was the largest tribal gathering ever assembled and congratulations are in order to you who participated in establishing national Indian solidarity on important issues.

The single most important issue was the approval of a letter being delivered to the White House addressed to President Reagan. This letter was delivered to Morton Blackwell on Friday, May 8, by Wendell Chino. There has been no response yet to the letter, but they have let us know that Mr. Watt and other officials are "disturbed" by your strong stand. This is good. Two of the conference recommendations were that, 1) let them know that Indians are no longer passive and that they cannot be ignored, and 2) let us be known as Indian Nations, rather than as "tribes", in order to strengthen the government-to-government relationship. The letter to Reagan is part of this package. A suggestion is made that all tribes call the White House asking that they meet with the Indian Nations very soon. Call Mr. Blackwell at (202)456-2657.

A gathering in front of the White House took place while the letter was being delivered, followed by a walk to the National Press Club where a news conference took place. Our statements were carried throughout the country. Mr. Watts press reply said that he was not informed of our conference. So we have attached our letters of invitation to him and a short reply which has been mailed to him.

The second important issue was the proposed "Indian Policy" for the Reagan administration. When approved, this suggested policy was to be delivered to President Reagan as our opinion of what should be included in his statement of Indian policy. Various tribal groups had suggested this be done now rather than wait another 4 years without Presidential recognition. The policy which was approved by the Conference is attached and will be delivered to President Reagan. A controversy had developed because of a separate effort. A group called the American Indian Leaders Advisory Council had drafted a Report for the White House supposedly to be used as a Indian policy statement. Navajo Chairman MacDonald did speak on the subject, but the conference decided to develop their own suggested Reagan policy. It is attached for your review and will be delivered to Mr. Reagan.

The position papers on the budget issues are attached for your review. Some papers were voted upon and accepted, but some were not. The comments on them are below. Follow up on the Conference is ongoing and hopefully we can give you an update at the National Congress of American Indians (NCAI) mid-year conference. The Conference minutes are being transcribed from the tapes and will be given to you in condensed form as soon as done.

The work of the Conference Committee has been accomplished. Now the real hard work of following through on your mandate has been undertaken by the National Tribal Charimen's Association. Mr. Black has agreed to continue the fight on your behalf and to see that the documents are delivered to the proper places and to push for meetings of Government Officials with the Indian Nations.

POSITION PAPERS

1. Block Grants. There was no vote on a position, but, the conference will recommend to Congress that,
  - a. Block grants not be implemented until FY 83.
  - b. The government to government relationship needs to be insisted on for direct funding to Indian Nations rather than through the states.
  - c. Health & Human Service Block grants: Social service program money be funnelled through the Administration for Native Americans (ANA) The health programs be funnelled through the Indian Health Service (IHS). Position paper is attached.
  - d. Bureau of Indian Affairs (BIA) consolidated Tribal Programs: The concept is not acceptable until the important questions of allocation formula, overhead administrative costs, and reduced BIA personnel, and others need to be satisfactorily settled first. The issue of disproportionate BIA cuts needs to be settled. Many tribes are calling for the cuts to be made at the Central and Area office level instead of programmatic or Agency cuts. Two position papers are attached, NTCA, and Inter-tribal Council of Arizona (ITCA). We will recommend that Secretary Watt and staff meet in consultation with the Indian Nations to resolve this issue soon. In the meantime discussion should take place area wide.
2. CETA. Presentation and discussion took place on this subject but it was finally left to the Indian Nations to politically work to restore budget cuts at the Congressional committee level. See page 3 of the attached CETA paper. The CETA Coalition will inform you later of how to approach this.
3. Economic Development. Charles Trimble, Bob McLaughlin, and Lucille Echohawk worked very hard on this presentation. The Conference voted to accept the recommendations so they will be followed up by presentation to proper agencies, Congress, and Office of Management and Budget (OMB).



4. Indian Health. There were many local problems brought to light by the Chairmen and tribal people. A presentation was made by Jake Whitecrow and Dan Press of National Indian Health Board. There were so many problem areas to discuss and the Conference could not address them all in the time available so the concensus was to ask Congress to:

1. Consider IHS as a definite part of the Reagan "safety net" programs.
2. Restore all budget cuts proposed for IHS.
3. Restore the funding for housing sanitation facilities.

See page 3 of attachment "Indian Health". This will be recommended to OMB and Congress.

5. Indian Housing. Ron Froman reported that he understands that the '81 recission of 23 million will be restored to IHS for sanitation and that in '82 there will be funds to complete the housing still in the pipeline. No allocations for '81 housing units have been made yet. Decision on this is expected in June. No vote was taken on a housing position but it was recommended on the floor that we endorse the 5 recommendations on page 4 of the attached Indian Housing Position paper. There were no objections so we will forward these to the proper places.

6. Legal Services. A presentation was made by Suzanne Harjo of NARF. There was no formal vote taken on the position paper, but the concensus was to support continuation of funding for Indian Legal Assistance programs.

7. Education. Gay Lawrence of NIEA made the presentation. There was no vote taken on the position paper but the concensus was to recommend the following:

1. BIA education funds should remain at the present level regardless of budget cuts.
2. The Territories (Guam, Puerto Rico, etc.) be deleted from the 1% set aside for Indian vocational education. This was contained in the Educational Amendments of 1976.

3. The BIA should be required to match Department of Education funds for this set-aside (1/2 of 1% by D.E. and BIA) and those funds should flow thru the BIA rather than the States.

We will follow up accordingly. There was a late report that the BIA Phoenix Area Office is planning to close down the Inter-Mountain School at Brigham City because of a lack of personnel. We should try to prevent this closing because it is sorely needed. Another example that personnel cuts should be made at the Area office instead of the field.

The condensed conference minutes will be mailed to you soon. Keep the spirits up, and we will have a follow up meeting soon.

Sincerely,



Elmer M. Savilla

INITIAL REPORT OF THE AMERICAN INDIAN  
LEADERS ADVISORY COUNCIL

In order to have a meaningful way of communicating with the incumbent administration it is necessary to assemble a representative group of recognized leaders of the American Indian population which is approximately 1,000,000 people. This 1/2 of 1% of the national population has been beset with problems unique to it since the birth of this country.

To take the initiative, those enumerated below have voluntarily assembled as an unpaid Council which it is hoped will become the means for explanation and discussion of the more immediate national problems and needs of the American Indian.

The following are the initial members of the Advisory Council:

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In briefest form, our concerns may be set forth as follows:

1. Government to Government Communications.
2. Development of Indian owned Energy Resources.
3. Federal budget changes as they affect the American Indian.
4. Preservation, protection and quantification of our inherent and reserved water rights.
5. Preservation of treaty obligations.
6. Respect for our tribal sovereignty.
7. Active enforcement of trust responsibilities.

This brief listing could hardly be considered exhaustive of the many difficult and complex problems facing the approximately 400 federally recognized tribal governments and the concerns of urban Indians; however, it may be considered a compendium of

those problems of breadth faced by all tribal governments and American Indian Citizens. These are subjects that all American Indians recognize, without substantial dissent, as being first line priorities.

One of the hazards incurred in compiling any such list of issue and policies is that other matters are necessarily omitted and that other concerns will, from time to time, be voiced as if they were of paramount importance. That is the nature of the political process, be it Indian or non-Indian. Nevertheless, almost all major Indian problems can be discussed within the context of these seven categories.

We would be the first to concede that many times our sector of America is ignored simply because our people sometimes speak with too many voices. Many times just a very few of us or even one well intentioned but misguided individual prevents the implementation of a program or policy that in reality would have been beneficial to the vast majority of American Indians.

What we hope to do is to provide a responsible framework from which the federal government may review the many and varied requests made for a federal response.

1. Government to Government

One of the reasons that we have listed "government to government" communications is that the Carter administration, in particular, together with other prior administrations often used non-elected American Indian individuals as the means of ascertaining a particular reservation's needs. Many times that

individual, who was responsible to no one, would successfully maintain that his personal predilections were the will of his particular tribe, when, in fact, the tribal government was diametrically opposed to the individual's position.

We have representative governments elected by the people who are thereby represented in the same fashion as state and local governments. Those who are duly elected should be the contact points on all matters which concern the particular electorate.

In October of 1980 President Reagan stated:

"The traditional relationship between the United States and Indian governments is a 'government to government relationship.' History tells us that the only effective way for Indian reservation, and Indian communities, to develop is with local Indian leadership. Bearing in mind the legal and historical background, tribal governments must play the primary role in Indian affairs. State and non-Indian local governments can at best play only a secondary rôle."

## 2. Development of Indian Owned Resources

Tribal lands in the "lower 48" contain approximately 50% of the country's privately owned uranium; 15% of the nation's total coal reserves and 30% of all western low sulfur-strippable coal; 4% of all oil and natural gas reserves; and a substantial

portion of the nation's oil-shale and geothermal reserves. Alaskan Native Americans hold title to land containing substantial additional energy reserves. The 25 tribes have banded together to form the Council of Energy Resource Tribes (CERT) in recognition of the need to gain top quality technical assistance in developing these resources.

In 1979, total energy production on tribal land increased 52 percent -- the energy equivalent of nearly one million barrels of oil per day or 12 percent of total foreign oil imports in 1979. This increase stems in part from the work of CERT, in part from the tribal-federal-industry partnership that has begun to emerge.

The Federal commitment to tribal energy development ranks as one of the nation's most cost effective investments in expanding our country's domestic energy production. But equally, it is to be justified in terms of the increase in tribal self-sufficiency and the future reduction of dependence upon direct federal assistance for our people's day to day well-being. Energy resource development is, where feasible, one of the most promising ways to secure the emergence of a viable private sector on the reservation.

In President Reagan's words "Tribal governments should have the right to determine the extent and methods of developing the tribe's natural resources. . . . My Administration would encourage fair and just partnership among the tribal governments,

the private sector, and the federal government in meeting the tribe's identified development needs."

3. Federal Budget Changes as They Affect the American Indian.

While we fully understand the need to reduce government spending on an overall basis, we believe that the last area to be affected should be the American Indian. As the "poorest of the poor" we are not large in number but remain large in need. That condition has remained for over a hundred years simply because one misguided federal policy after another has been forced upon us. Only on very few occasions have we been able to make our voice heard on federal fiscal matters as they affect us even though by law we are supposed to have a say in the preparation of the BIA budget. What has happened over the years is that substantially over half of the federal funds subject to control by the BIA are absorbed by that same bureaucracy before they ever reach our people. Overhead and administrative costs far out pace the benefits we receive. For years we have asked for funds to be channeled through federally administered block grants in order to increase the actual delivery of goods and services. Very seldom have we succeeded.

The "wholesale - across the board" proposed cuts in items like food stamps and CETA Public Service Employment will have an unintended magnified impact on Indian reservations. Here are but two examples:

A. The monthly food stamp benefit is based on the assumption that all meals for the family are eaten at home.



For students who receive both food stamps and free school meals, the Federal Government subsidizes four rather than three meals per day. Eligible families with students lacking access to subsidized school meals will not have their allotments changed. It is not clear what happens if the child has access to a free school meal but is sick, stays home or does not actually get the meal.

B. CETA Public Service Employment. Title IID and Title VI of the Comprehensive Employment and Training Act (CETA) will be phased out. Budget figures compiled by the Indian and Native American CETA Coalition indicate that overall this means a cut of \$63.5 million out of a total \$182.5 million in CETA funding levels for Indian programs. However, on reservations the cut will amount to more than a 50% cut; non-reservation Indian prime sponsors receive youth employment and summer moneys but not public service moneys so that the main brunt of the cut will be felt on reservations. Thus, for instance, on the Navajo reservation Title IID and Title VI allocations for FY 81 totalled over \$17 million out of a total CETA allocation for Navajos of \$30 million.

In our first contacts with OMB we did not have the feeling that there was a clear understanding of the magnitude of the impacts of the proposed budget cuts. We believe that an in-depth discussion should take place before irrevocably reducing funds formerly available to Indian recipients.

We also think it is important to note that the administrative costs of funds provided through DOL were substantially lower than any funding processed through BIA. Thus, any cuts in DOL funding have a greater impact on Indian recipients.

4. Preservation, protection and qualification of our inherent and reserved water rights.

President Reagan has said and we believe that:

"the inherent water rights of the Indian tribes is a vital key to true and lasting economic development for Indian reservations . . . that quantification of water rights must be achieved in the future; but quantification must not be to the detriment of the Indian tribes.

The best protection of Indian water rights is the perfection of those rights through beneficial usage of the water by the Indian people."

There are 83 million acres of Indian land in the United States which contain valuable resources, including croplands, forests, watersheds, rivers, lakes, wild and open lands, cattle and sheep ranges, recreational areas, mineral lands, power sites, and land for urban growth.

Although the past has seen ranges over-grazed, and timber and minerals removed too cheaply, the potential of Indian land remains largely undeveloped. Indian lands have not been benefitted by the large federal reclamation projects of

the West. Thus, while having the potential for wealth and self-sufficiency, Indians are the poorest ethnic group in this country. They have the highest suicide rate, and the poorest health of any such group..

The development of Indian lands and resources, according to the wishes of the tribes, is in the best interest of the tribes and the United States.

The key to that development is water. Indian tribes have unique legal status as dependent sovereigns. Many have valid existing treaties with the United States. They are the only ethnic group specifically mentioned in the Northwest Ordinance and the U.S. Constitution. Indian water rights are likewise unique.

However, there is fierce competition for water and resources (including fishing rights) in the fast-growing West. It is in the best interest of the United States and the tribes to protect Indian and federal water rights for Indian land and resource development, thereby enhancing the potential for employment, energy, food and other resources for a growing nation and world.

Our specific concern is that there will be an attempt to provide us with "dollars for water" just as the federal government did when it took our land. The establishment of an "Indian Claims Commission" to pay us for our water rights is not an acceptable solution. We do not want and will not accept dollars for the most vital resource that we have possessed since our beginning.

At present there is no effective mechanism with the Department of Interior to deal in any meaningful way with Indian water rights. With the exception of one attorney in the Solicitor's Office who is assigned to such problems the DOI is without a staff to provide any real assistance. Thus, many tribes have been compelled to use their meager funds for matters that are firmly the responsibility of the federal trustee.

5. 6. & 7. Preservation of treaty Obligations, Respect for Tribal Sovereignty and Active Enforcement of Trust Responsibilities.

Tribal Sovereignty

The Indian peoples are more than social clubs, more than voluntary organizations, more than quaint relics of the American past. The Indian peoples form political nations. The sovereignty exercised by these Indian nations has its roots in the primeval development of Indian tribes within the area now known as the United States.

Tribal sovereignty is no different from that of any other people. Tribal sovereignty at its most basic means the inherent power of the tribe to control persons, property and resources within the geographical boundaries of the tribe's lands.

Tribal sovereignty -- or control -- in its pre-Columbus form contained no limits other than those imposed by the tribal members themselves upon their leadership.

Whether American history is learned from school textbooks or from the oral histories handed down by the elders of our tribes, it is known that this unfettered tribal sovereignty was severely modified with the coming of the white man. Recognition by our forefathers of the superior military force of your forefathers meant that tribal sovereignty would cease to exist in some areas -- we lost, for example, the power to enter into treaties with foreign nations -- and that sovereignty not extinguished by your superior force was to be permitted to flourish solely within the geographical confines of the lands set aside for the tribes by the Congress or the Presidents.

In 1981 as our energy resources light a gleam in the eyes of American industry, the sovereignty which we have exercised over our lands and the people who come upon them has become an impediment to the rapid development of our natural resources by those companies whose foreign sources are drying up. Tribal sovereignty has survived Manifest Destiny and it has survived the good intentions of assimilationists but it will take all our will and all your support to resist the pressures now brought to bear upon us. Tribal sovereignty must not be drowned by the oil which lies beneath our lands.

#### Treaty Obligations

Many of the Indian Nations came to terms with the newly created United States through the execution of treaties, although in later years the cessation of hostilities was often formalized not by such a document of intergovernmental relations

but rather by the setting aside of land for the permanent use and occupancy of a particular tribe.

These treaties represent the sacred promise of the United States to allow the Indian people to live in peace, to follow the traditions and customs of their own cultures and to control and benefit from the development of the natural resources found within tribal lands. These treaties represent the sacred promise of the United States to permit the Indian peoples to maintain a humane existence, to better their economic conditions and to live in dignity.

In 1981 America the sacred promises of the 1800 America carry a hollow ring for many. Solemn promises of land in 1800 are met in 1981 with the concentrated efforts of non-Indians to divert the water so necessary to make this land fit for human existence and for cultural growth. Solemn promises of education for our children in 1800 are met in 1981 with the concentrated efforts of non-Indians to refuse state funding for schools for Indian children and with the monumental indifference of the federal government to the special educational needs of our people. At a time when so many Americans worry about the future of a country that "modifies" its treaty with Panama (or, for that matter, "forgets" its commitments to Nationalist China), we Indian leaders must be forgiven a cynical acceptance of such national policies -- we have long known how easily a nation's sacred promises can be swept away by the winds of economic and political change.

We have not forgotten our treaty promises. We ask that you, as leader of the United States, do not forget yours. It may be true that enforcement of our treaty rights will be costly and unpopular, but our lives and, in fact, the very life of our cultures depends upon the preservation of these treaty obligations.

#### The Trust Relationship

When the founding fathers of the United States made the decision to come to terms with the Indian Nations as governments rather than to eradicate the Indian peoples as competitors for the resources of this land, a fundamental course of action was charted to protect and preserve the separate Indian cultures within the politically more-powerful government of the United States.

The trust relationship -- intended as a nurturing and protective relationship -- was established to permit the more educated and more economically advanced Western European culture of the fledgling United States to act as guardian for the lives and property of the Indian peoples who were soon consigned to limited, defined reservations of land.

The trust relationship has served as the structural basis for the period of transition from active warfare between the Indian Nations and the United States to a time in the not-yet-foreseeable future when the Indian tribes will be able to stand alone against the insistent demands of the non-Indians for their land, water, minerals and other resources and survive.

The federal government -- its Courts, Congress and Presidency -- have carried out the trust relationship with an enthusiasm that has unfortunately varied tremendously depending upon the strength of non-Indian political pressures which were brought to bear.

Many of us owe our "modern" form of tribal government to the federal trustee's eagerness to obtain "official" tribal approval for oil and gas leases which were to last far beyond the lifetimes of those whose consent was sought. With such a past, it is little wonder that we Indian leaders demand recognition by the federal government in 1981 of its responsibility to ensure the welfare of the Indian tribes when it approves or arbitrates matters that affect our people and our lands.

The trust relationship does not mean that the federal government is to act as an impartial buffer between the desires of a tribe and those of the non-Indian citizens. Rather, the trust relationship means that the federal government is on our side, in our corner, fighting for our rights.

Only sporadically has the federal government taken such a view and unfortunately its actions taken on "behalf" of Indians often take into account the personal views of all concerned except the views of the tribe whom the trustee is so busy "helping." Economic progress is a goal each of us has for his people but federally-initiated progress at the cost of Indian cultural identity makes a mockery of the federal trust relationship. Thus, for example, federal support for Indian education



is welcome, but where the schools take the children from their families, their language, their religion, their homeland, it is hard for us to see what great benefit is obtained.

We know full well that in a nation of multi-millions the needs of the first Americans may seem to pale in light of the louder cries of others. We know full well how limited your time can be too when so many seek your aid, for we too are leaders of a people. Without your compassion, your decency, your sense of American honor, the Indian peoples may be swallowed up by the problems which beset you. We ask only that you remember that we come to you not on behalf of snail darters or automobile manufacturers, that we are not selling military hardware or importing oil, but that instead we come to you as the representatives of living and breathing people who have inhabited and cherished this land you too now love since time immemorial. We ask that you continue to support your views expressed in 1980:

"I support tribal sovereignty and self-determination for federally recognized American Indian tribal governments."

Any enumeration of the needs of the American Indian could go on infinitely, but to do so would only inhibit the limited relief that we seek. We believe that we have made an initial communication of our needs with great moderation, but we also believe that, at the bottom of this limited agenda, we are placing before the new administration that, in the words of Justice Black, "Great nations, like great men, should keep their word."

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 16, 1981

MEMORANDUM TO: MORTON BLACKWELL

FROM: BARBARA J. SMITH  
DEPUTY SPECIAL ASSISTANT, OFFICE OF PUBLIC LIAISON

SUBJECT: AMERICAN INDIAN LEADERS ADVISORY COUNCIL MEETING

DATE FOR MEETING: June 24, 1981

TIME: 2-6 pm

PLACE: Indian Treaty Room, Room 474, Old Executive Office Building

PARTICIPANTS: AILAC members, plus guests, total 20

CONTACT: Peter McDonald, Chairman of AILAC and of Navajo Nation

TOPICS: Administration policy, focusing on impact on Indian population;  
Resource Development; Education; Health Programs; Housing;  
Block Grants.

SPEAKERS:  
CONFIRMED: Ken Smith, Assistant Secretary, BIA, Dept of Interior  
Alan Parker, Director of Indian Affairs Office, Office of Inter-  
governmental Affairs, DOE  
Dr. Emery Johnson, Director of Indian Health Service Office, HHS.  
Bob Carleson, Special Assistant to the President for Policy  
Development  
David Lester, Commissioner for Administration for Native Americans, HHS  
Don Crabill, Deputy Associate Director for Natural Resources, OMB.  
Louis McGinnes, Acting Deputy Assistant Secretary for Indian  
Education, Department of Education

TO CONFIRM: Ann Fairbanks, Senior Policy Advisor, Office of Policy Development  
Pete Homer, Director of the Office of Indian and Native American  
Programs, DOL  
Thomas Sherman, Acting Director of Office of Indian Housing, HUD

ADDITIONAL  
INFORMATION: Planning meeting for speakers on Thursday, June 18, 4:15 pm in  
the office of Morton Blackwell, Special Assistant to the President,  
Office of Public Liaison, Room 191, Old Executive Office Building

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

Red.  
F. V. I

February 24, 1981

TO: Elizabeth Dole  
FROM: Morton Blackwell *MB*  
RE: *File* American Indian Leaders Advisory Council

Per our discussion this morning, I met with the American Indian Leaders Advisory Council. I was introduced to them by Dallas Merrill who was on the Reagan transition team for the Interior Department. These eight leaders, list attached, were organized by Peter MacDonald, Chairman of the Navajo Tribal Council, who also heads the Council of Energy Resources Tribes, with an office located at 1140 Connecticut Avenue, N.W., telephone number 887-9155.

These leaders are all elected to their respective positions, and together represent over 90% of the approximately 1,000,000 American Indians. They formed this new Advisory Council at the suggestion of Secretary Watt, with whom they have a positive relationship.

They gave me a letter for the President requesting a meeting with him. There are two points that they are most interested in:

1. They would like to reestablish the relationship which they had with the White House under President Nixon, wherein Mr. Nixon reaffirmed the old treaties with the Indian nations.
2. They would like to have the President reaffirm the government's trust responsibility to the tribes.

One said, "No non-Indian likes to look at treaties (with Indians) objectively."

They were pleased with the President's campaign statements and the GOP platform position with respect to Indians. They are working on a draft of a policy paper regarding United States policy toward Indians, which they want the President to consider.

They asked to get the Bureau of Indian Affairs "off our backs." They want "economic development on their own reservations" without meddling from "BIA bureaucrats."

They have a major concern that the block grant approach of the Reagan Administration would require them to look to the state governments for continuation of major programs now benefitting them. Because they often have an adversary relationship with state governments and not much clout in state legislatures, they fear that they will not get a fair shake if state legislatures assume responsibility for programs now directly affecting them.

One suggestion they made is that the Indians as a whole be treated, for purposes of the block grant proposal, as a 51st state. They say that for some purposes with respect to some departments, for instance Transportation and Education, the Indian nations are already treated as if they were a 51st state.

By copy of this memorandum, I am alerting Rich Williamson of their interest in having the tribes represented on the Intergovernmental Advisory Council.

Because they have had no communication with anyone from the Office of Management and Budget with respect to plans relating to them, I am working to set up a meeting with one of Dave Stockman's assistants and the Indian leaders while they are in town.

I told them that their strong interest in drastic reductions in the personnel and functions of BIA would no doubt be of interest to Mr. Stockman.

cc: Rich Williamson  
Dave Stockman

American Indian Leaders Advisory Council

1. Peter MacDonald, Chairman  
Navajo Tribal Council  
The Navajo Nation  
Window Rock, Arizona 86515  
(602) 871-4595/4227
2. Wendell Chino, Chairman  
National Tribal Chairman's Association  
P. O. Box 326  
Mescalero, New Mexico 88340  
(505) 671-4495
3. Ed Driving Hawk, President  
National Congress of American Indians  
P. O. Box 55  
Mission, South Dakota 57555  
(605) 856-2258
4. Ned Anderson, Chairman  
Arizona Inter-tribal Council  
P. O. Box 0  
Sam Carlos, Arizona 85550  
(602) 475-2361
5. John Sloat, Vice-President  
United Tribes of Western Oklahoma & Kansas  
P. O. Box 1747  
Shawnee, Oklahoma 74801  
(405) 275-4030
6. Russell Jim, Chairman  
Northwest Affiliated Tribes  
P. O. Box 151  
Toppenish, Washington 98948  
(509) 865-5121
7. Nelson Angapak, Chairman  
Alaska Federation of Natives  
1577 "C" St. - Suite 304  
Anchorage, Alaska 99501  
(907) 274-3611 Business: (907) 279-5516  
(907) 276-8837
8. Delfino Lovato, President  
All Indian Pueblo Council  
1015 Indian School Road  
Albuquerque, New Mexico 87107  
(505) 247-0371

THE WHITE HOUSE  
WASHINGTON

*Roanhorse  
Smith*

Briefing Date: June 23 or 24, 25, or 26.  
2:00 PM to 6:00PM

Briefing for: American Indian Leaders Advisory Council  
(the most representative group, an ad hoc  
alliance of leaders of the major regional  
and national Indian organizations, chaired  
by Peter McDonald, chairman of the Navajo  
Nation, the largest tribe.)

Number: The AILAC has eight members, they may have as  
many as ten guests

Format: Four consecutive one hour sessions with Administration  
policy makers. Each one hour session would have  
up to three speakers and would reserve about 15  
minutes for Q and A.

Session topics  
and Offices

involved: Resource Development--Energy Dept., Interior Department  
OMB, OPD, BIA

Education--Education, BIA, OPD, OMB

Health Programs--HHS, BIA OPD OMB

Housing--HUD, BIA, OPD, OMB

List of invitees will be provided by Peter McDonald or his aide,  
Caleb Roanhorse. (Because this is a volatile community, there  
may be other Indians demanding admittance, but we are to refer  
them to McDonald.)

This is a first meeting, which could lead to a statement by the  
President of policy toward Indian issues and/or a meeting  
with a delegation of representative Indian leaders.

All those invited to make presentations should receive copies  
of the attached paper from the AILAC.

THE WHITE HOUSE  
WASHINGTON

June 18, meeting for planning A.I.L.A.C. briefing

RESOURCE DEVELOPMENT:

Ken Smith - to assist tribal governments to develop their resource bases

Alan Parker - DOE - to help tribes develop own energy bases

Pete Homer - DOL - Man power and training, CETA reauthorization, 1983

David Lester, ANA in HHS,

Q&A - Dan Boggs

EDUCATION :

Ken Smith - BIA Education Programs

Louis McGuinness, Dept. of Educ., synopsis of Indian Education Act, Title  
IV

Bob Carleson, OPD, bloc grant concept

Q&A - Dr. Emery Johnson, HHS

HEALTH:

Dr. Emery Johnson - HHS, Health - Indians

ASs't Sec'y there ???

HOUSING:

Dr. Bill Grisby, HUD, Financially distressed Indian PHA's - problems  
and possible solutions

Don Crabill, OMB, Indian housing

Ann Fairbanks ???

Ken Smith will get it taped.  
We provide name tags and refreshments