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WITHDRAWAL SHEET

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Date: 12/10/96

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	Ken Smith, Assistant Secretary, Indian Affairs, Department of Interior, to Leslie Sorg, Director of Agency Liaison , Presidential Correspondence re draft response to letter from Dr. Thomas Clary and re Clary's recommendations (2 pp.)	6/26/81	<i>PSUB 12-7-00</i>

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].



NEWS BULLETIN FOR INDIAN LEADERS

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February 28, 1981

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Hello, My Friends . . .

A lot of talk is going around about a "Honeymoon" for the Reagan Administration. Our greatest fear is that there will be no "honeymoon" for the new Assistant Secretary for Indian Affairs and his assistants. We understand that even before the official nomination of Ken Smith as assistant secretary, he was given marching orders by Secretary of Interior Watt and was on his way to briefings. We must admit that all the enthusiasm we had as this Administration entered is being reduced quickly.

We look at the Bureau of Indian Affairs, Indian Health Service and Administration for Native Americans and we see BUSINESS AS USUAL. We see CETA, EDA and perhaps CSA going down the drain. HUD is in a hopeless mess, and if block grants come in as expected, the tribes are going to have to fight for every cent they get. Farmers Home Administration and other USDA projects (food stamps, nutrition programs, etc.) are to be phased out. The Office of Indian Education in the Department of Education is hopeless. Its activities, programs, budget and personnel should be immediately transferred to BIA.

We see the Administration (Dave Stockman and the OMB crew) looking for CUTS! CUTS! CUTS! But we don't see them asking logical questions about how cuts

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can be made across the government bureaucracy while still bringing more effective services to people who need and deserve them.

We are not convinced that the Administration (White House staff and Departments) understand sovereignty and the special relationship between the Federal government and Federally-recognized tribes. We strongly believe in the real needs of disadvantaged and poor urban Indians and members of non-Federally-recognized tribes -- BUT these individuals are in the same category as other minority and ethnic groups.

Federally-recognized Indian tribes and Alaskan Natives are sovereign governments. President Reagan, during his campaign, promised every effort to make these governments self-sufficient through self-determination (Public Law 93-638).

Our pessimism comes from talks with various officials, the refusal of others to talk and our observation of actions within the White House, Congress, OMB and the Departments dealing with Indian affairs. We would like to believe that things are going to change, but we see the bureaucrats digging in their heels of protection. Newly-appointed officials have great expectations of doing good works, but many are totally unprepared for the onslaught of the "powerful tribal leaders," their lobbyists, Congress and their special interests and old-time bureaucrats who know how to confuse the issues, plan delaying tactics and frustrate political appointees to the point of inaction.

Tribal leaders have been saying to us: "I don't care what happens -- just give us change." We hate to be the bearer of bad tidings, but there will be little, if any, change. There will be rhetoric on change, even attempts at change, BUT THERE WILL BE NO BIG CHANGE.

At BIA, the "Old Boys' Club" will overpower the new Assistant Secretary and the management skills he displayed at Warm Springs. Soon, he will be lost in a morass of garbage between special interest groups, Congress and bureaucrats. Oh, he'll try to change things -- but just watch the road blocks go up. It takes an old-time Washington pro to dig through these barriers, and even a pro would have difficulty. Self-determination (P.L. 93-638) is good political rhetoric, but we'll believe there is real commitment when we see results.

The Education Division of BIA is poorly managed and a disgrace to Indian people. Its problems are second only to the Office of Indian Education in the Department of Education. This needs to be changed from top to bottom. We don't mean there aren't some good, dedicated people in either of the agencies. But they are contaminated by the leadership and current policies.

IHS is not going to change. We personally like Dr. Emery Johnson. He's probably as good a director as could be found. However, IHS is off on a tangent. It has failed under HHS and should be returned to BIA. Much money could be saved by forcing BIA and IHS to consolidate many of their activities: "638 " contracting, training and technical assistance; planning; budgeting; area functions; administration. And then, BIA/IHS could be forced to integrate

holistic human services functions for all Indian people. Both have the same Congressional oversight and appropriations committees.

At the same time, CSA Indian projects and ANA projects should be transferred to BIA. Today, much duplication of effort and waste of taxpayers' money is resulting in no coordination of services to Indian people.

HUD is a disgrace unto itself, according to Congressional committee reports. Nothing is being done to coordinate Indian projects between various divisions of HUD. And less than nothing is being done to coordinate HUD Indian housing activities with BIA and FmHA, USIA.

HHS provides many social services such as Title XX welfare programs, aging and others to Indian people. Like HUD, HHS may well go to bloc grant programs, turning their programs over to states. It is time to identify the BUREAU OF INDIAN AFFAIRS as the 51st state for services to Indian people. Tribal governments are not and should not be subservient to state governments. If this is forced on tribal governments, they will find themselves left out as they were in LEAA programs, recently. CETA and EDA will die. The Indian projects of these agencies should be recovered through aggressive action by BIA.

We were never able to educate the Carter Administration fully on what tribal sovereignty and self-determination are all about. We hope the Reagan Administration is more educable. This means Martin Anderson, James A. Baker and David Stockman, the President's Domestic Affairs Advisor, Chief of Staff and Director of OMB. If they do not learn, "God help the tribes." Tribes may be an endangered species, and we don't expect Watt to have much interest in the darter snail on Indians, particularly if they interfere with Big Oil, Big Coal, Big Uranium and other Big Corporations (sometimes called "Western Pioneers").

A friend of ours warned recently, "The Rapers and Plunderers have arrived." Being optimists, we didn't want to believe it. It is imperative now that the tribes be cautious on every side. CUSTER MAY HAVE RETURNED!

Tribal leaders appeared before Appropriations Committees even before President Reagan delivered his economic message to Congress Feb. 18. The President is seeking over \$41 billion in cuts in the FY 82 budget. The Senate Budget Committee says they would like to add another \$10 billion in cuts, while House Democrats are predicting \$30 billion in cuts without a tax reduction.

How does this affect tribes? The answer is not clear yet as the Administration's final budget will not be sent to Congress until Mar. 10. Therefore, we can only take some hints from the President's message and some from speculation among those working on the budget. Look for these cuts to affect tribes and Indian people, if Congress approves the Reagan budget package:

- elimination of "minimum benefit" social security payments where recipients have only made spotty contributions.

- elimination of social security payments to adult students.
- aid to Families with dependent children and other welfare programs establishing a new poverty level and counting income of step-parents.
- reduction in level of additional subsidized housing. (HUD is not expecting a reduction in Indian Housing, but there is speculation that all sanitation facilities will be wiped out of the Indian Health Service budget. There may be a lack of understanding among OMB staff of the fragmentation of the Indian Housing Program.)
- reduction in Farmers Home Administration direct lending activities.
- rescinding of remaining FY 81 appropriation for Economic Development Administration and elimination of funding in FY 82.
- elimination of solar energy development.
- reductions in fossil energy research and development.
- reduction of energy conservation programs including transfer of Energy Department's weatherization assistance into HUD community block grant program.
- phasing out of public service jobs under Comprehensive Employment and Training Act (CETA) by Sept. 30, 1981. This includes a hiring freeze immediately.
- acceleration of leasing of mineral resources on Federal lands (not Indian reservations or tribal lands).
- reduction of school assistance in Federally-affected areas (Impact Aid). Only school districts entitled to benefits will be those in which at least 20 per cent of the children's parents (1) work and (2) live on Federal property (primarily Indian reservations and a few military bases).
- reduced funding for Vocational Education. (See Education Section on disadvantaged programs being funneled into block grants).
- termination of HUD Planning Assistance Program.

- termination of Young Adult Conservation Corps (YACC) by end of 1982 and termination of Youth Conservation Corps (YCC) in 1981.
- consolidation of all or part of over 45 separate Federal and secondary education programs into two "block grant" programs -- one to states and one to local education agencies (LEA's).
- consolidation of about 40 Federal grants for health and social services into one or more block grants to states. (We are told that Administration for Native Americans, Aging and Head Start programs will be exempt from block grants. We also hear that transfer of all Community Services Agency functions into HHS is being considered.)

We keep asking how "block grants to states will apply to tribal governments. So far, there are NO ANSWERS. We urge you to contact the President, Vice President, OMB, Cabinet officials and your Congressional delegation to ensure tribal governments are not included in state grants. One answer, if grants cannot be given directly to tribes, is to declare the BUREAU OF INDIAN AFFAIRS AS THE 51st STATE FOR BLOCK GRANTS TO TRIBAL GOVERNMENTS.

Speculation has it that BIA is going to be cut by about \$70 million. This will include:

- elimination of Johnson-O'Malley funds, since it is a duplication of Title IV.
- a cut of \$9 million in direct employment through the Employment Assistance Program.
- cut of \$10 million in Federal Facilities Repair.
- elimination of financial assistance to Alaskan Natives and shifting of responsibility to State of Alaska.
- phasing out of Business Development Program (down to \$1 million in 1982 and then termination).
- a cut of \$10 million in BIA salaries (approximately 500 positions).
- a cut of \$2.5 million in BIA travel.

We can't get a breakdown on cuts, but we hear that there will be a cut of \$150 million in the Indian Health Service. This will probably mean no new

construction starts. The government-wide hiring freeze does not affect positions for direct medical care, according to President Reagan's message, but apparently HHS has not given the go-ahead to IHS as yet, so critical medical positions are not being filled.

Richard Williamson, 31, has been given the job of Assistant to the President for Inter-Governmental Affairs. One of his first tasks was to speak to a meeting of the National Governors Association. Williamson met last week with the new President of the National League of Cities, who is also the mayor of Indianapolis. He said "a higher priority" than in the past is being given to the National Conference of State Legislatures because "philosophically, state legislators are our kind of people."

He also said he would seek "an open dialogue" with big-city mayors in the U.S. Conference of Mayors. I am sure he will include the National Association of Counties members since they, along with all the groups mentioned, have met with the President.

What's missing? NO TRIBAL GOVERNMENT GROUP pushing for tribal chairmen to meet with the President or for representation in Williamson's office. TCI has communicated this to Williamson, and an assistant tells us he's considering it.

Why poor representation of tribal governments? We feel there are too many Indian public interest groups, and not one of them is a true voice of tribal leadership. RESULT: White House and others ignore tribal governments.

On Feb. 23, a reception for members of Congress involved in development of national Indian policy was given by these public interest groups: Council of Energy Resource Tribes, Native American Rights Fund, National Congress of American Indians, Americans for Indian Opportunity, National Tribal Chairmen's Association, American Indian Bar Association, National Indian Education Association, National American Indian Court Judges Association, Institute for the Development of Indian Law, North American Indian Women's Association, American Indian Lawyer Training Program and American Indian Society. There are many more Indian public interest groups which did not participate.

OUR THOUGHT: If all these groups formed into ONE ASSOCIATION (perhaps the National League of Tribal Governments), what a POWERFUL, UNIFIED VOICE tribal governments would have in Washington. The side effects would be: that Washington bureaucracy would know who they could speak to on Indian issues, savings of administrative and overhead costs would be realized, combining executive and professional skills would be possible, coordination of technical skills to prevent duplication could be effected, competition could be eliminated between these groups and with tribes for grants, more money could go to tribes through increased savings -- and more! more! more!

Talk and tidbits heard around the Indian public interest group-sponsored reception for Congressional members last night.... Ken Smith feels that "for a number of reasons, this is a very positive time to come on board the new Administration " ... Members of the Republican National Committee munching on olives and sipping white wine: "we want to make the Party more attractive to Native Americans."

Department of Energy official responding to the question of "what folks are doing in your shop now that the plan for the new budget is out?" ... "Looking for a job." He takes another drink and continues: "It's so different down there now, the feeling in the whole place has changed....All of a sudden, they're making you wear your little badges. You know, the ones that hang off your shirt pocket with your face on them....They never made you do that before, but they do now, even though by now everyone knows everyone else....It's kind of like wearing skirts at Interior."

National Low-Income Housing Coalition expressed concern over the lack of programs for Urban Indians: "Did you know that in the 1970 census, Indians were the largest minority in Minneapolis, Minnesota?"

Relieved CERT staff member, surveying the full, happy, noisy room: "This is wonderful! So many people came, and the Senators came, and the Post is here taking notes...It's interesting, though, that the Democrats didn't come...there are three people from the Republican party here and the Democrats cancelled out." Much discussion with many people over Democrats going to ground during these early days. Not a very good policy, seemed to be the general concensus. "A strong offense is the best defense" said one guest.

Chatting with Robert J. Nordhaus, the Albuquerque attorney for the Jicarilla-Apache case (which goes to the Supreme Court Mar. 30): "I think we have a pretty fair chance of winning...I'm only allowed four seats in the spectators' gallery, you know, and so I called up the clerk of the court and said 'You've got to help me out; the whole tribal council wants to come and I don't have enough seats for them,' and the Clerk of the Supreme Court says to me, 'Oh, that's all right, I'll find some way to get them in; I always do; I'm afraid of the Indians.'" We left at 8:15 P.M., at which time the party was two-and-a-half hours old and still going strong.

AROUND WASHINGTON, D.C. AND THE NATION

President Reagan has named four more to sub-Cabinet positions. They are:

Ray Arnett Assistant Secretary of
Interior for Fish, Wildlife
and Parks

John B. Crowell Jr. Assistant Secretary of
Agriculture, Natural
Resources and Environment

Carol E. Dinkins Assistant Attorney General,
Land and Resources Division

William Gene Leshner Assistant Secretary of
Agriculture for Economics

However, Reagan's hopes for speedy changes are being hampered by continued vacancies, according to a report in the Wall Street Journal Feb. 20. Since the Inauguration, only half the top 200 positions have been filled, thus hampering efforts of various government agencies to continue on a routine basis. There are major issues confronting some departments, and these cannot be dealt with until the positions are filled. White House Chief of Staff James Baker has "lit a fire" under Personnel Chief Pendleton James for faster action.

President Reagan plans to divide the Cabinet into six working groups, according to a report in the Washington Post Feb. 15. The draft plan calls for six councils with the following memberships:

- Economic Affairs, to be chaired by the treasury secretary and to include the secretaries of Commerce and State, chairman of the Council of Economic Advisors and director of the Office of Management and Budget (OMB).
- Commerce and Trade, chaired by the commerce secretary and including the secretaries of Treasury, State, Agriculture and Transportation plus the President's special trade representative.
- Human Resources, to be chaired by the Health and Human Services secretary and include the secretaries of Labor, Agriculture, Education and Housing and Urban Development and the attorney general.
- Natural Resources and the Environment, to be chaired by the Interior secretary and include the secretaries of Agriculture, Transportation, Energy and Housing and Urban Development.
- Food and Agriculture, to be chaired by the Agriculture secretary and include the secretaries of Interior, Commerce and Transportation plus the special trade representative.

- The National Security Council (already established by law to be chaired by the secretary of State and include the secretary of Defense, CIA director and chairman of the Joint Chiefs and Staff.

Secretary of Education Terrel H. Bell has been overruled by Reagan budget-makers in response to recent cuts, according to the Washington Post Feb. 21. The Reagan Administration will ask Congress to let \$4.6 billion (used for educating the handicapped and poor children) be spent in the future for whatever purpose the states and local authorities choose. This could eliminate many Federal programs now in existence to help disadvantaged children.

White House Press Secretary James S. Brady is a hard man to pin down, according to the Washington Post Feb. 15. Brady is under heavy criticism from both the White House and Press Corps for inaccessibility and disorganization. His deputies, Larry Speakes and Karna Small, are doing even worse. Small's first solo briefing on Feb. 11 was more like oral surgery than a press briefing. The Post quotes Brady as saying, "I have found it hard to find time to be press secretary," but, added the new appointee, the day will surely come when "I will, indeed, be able to return all telephone calls."

Rep. Manuel Lujan (R-NM) told a joint session of the New Mexico House and Senate that the presidency of Ronald Reagan will mean an attitude of "cooperation, not confrontation" toward the West, according to a report in the Albuquerque Journal Feb. 11. Lujan told members that he had met with Interior Secretary Watt to discuss western concerns and was assured by Watt that the agency will exercise its responsibilities in complete recognition "of the vital role of the states in the Federal system." The department is also committed to freeing lands that can be used by local communities. Lujan went on to say that "the raid by the Federal government on lands in the west must stop. It is one thing to create wilderness areas out of lands that are currently in the Federal domain, but it is another thing altogether to condemn private or state lands for Federal use. It is also essential that states play a partnership role in seeing that they get their rightful share of royalties from oil and gas production."

Interior Secretary Watt has come under attack again, according to a report in the Washington Post Feb. 21. This is as a result of his apparent disregard for his promise to avoid involvement in cases linked to his private law practice by ordering a halt last week to regulatory actions that could adversely affect former clients who receive large Federal irrigation subsidies in the west. However, Interior Department Attorney Moody Tidwell rejected the notion that Watt's

involvement constituted a conflict of interest since Acting Deputy Assistant Secretary David Russell signed the order. Rep. George Miller (D-CA) said he would work to have Watt called before the House Interior and Insular Affairs Committee to explain his action.

Anything "the Ear" can hear about "Interiormeister Watt" it can tell and probably will. The newest installment of "juicy tidbits" in the Washington Star's reputedly accurate gossip column recounts rebellion at Interior with regard to les dames and les legs. As "Ear" tells it:

"...Secretary Watt's demand that les dames sport skirts instead of pants had a Profound Effect on the Lady Lawyers there. Every single one sailed in the morning after his ultimatum, sporting the Forbidden Trews. "I hardly ever wore pants," beamed one, "But now I wear them all the time." ...Meanwhile, GSA whizzed out a flashy wee four-color pamphlet, dubbed "Staying Warm".... Women should sport sweaters and pants. And Secretaries of the Interior should wear a kilt, nylons, and simple black pumps. Ear actually made up that very last morsel. It's allowed to do that on Official Government Holidays, you know."

And for the latest Bon Mot in the Continuing Saga, considered this in the Feb. 23 Washington Star:

"Ear was flattered to hear what happened to its Hot Item about Interior Secretary James Watt ordering the Department's womenfolks to sport skirts. (Remember? All the lady lawyers stamped in the next day trousered to the toes?) It was picked up and reprinted in Interior's Daily News Summary, a multi-page publication carrying News of Note to Interiorists. Ear is not, however, flattered to hear what happened then. Interiormeister Watt spotted it. Ear's item was ordered Expunged. Every single Summary was whizzed back to the Summary office, ripped apart, slapped back together again sans Ear, then whizzed out again. Shucks."

INDIAN AFFAIRS

Former Assistant Secretary for Indian Affairs Thomas Fredericks rescinded the Martinez policy as one of his last actions before leaving office, according to Indian Affairs Newsletter, Jan. 28. The Martinez Policy, which some

tribes opposed as an infringement on tribal self-government, stated that the Supreme Court's Martinez decision of 1978 "clearly placed the responsibility and the authority for enforcement of the Indian Civil Rights Act on the tribal governments." It went on to say, however, that the Interior Secretary "would be derelict in his duty as representative of the Federal government . . . if he had knowledge regarding clear violations" of Indian Civil Rights Act by a tribal government and did not do what he could to "bring about corrective actions."

The policy authorized "corrective actions" at the discretion of the Commissioner or Assistant Secretary, such as cutting off Bureau funding or withdrawing Federal recognition in cases where tribal government violated civil rights.

Wyman J. McDonald, a member of the Flathead tribe, has been appointed superintendent of BIA's Northern Idaho Agency at Lapwi, ID. McDonald had been superintendent of the Fort Hall Agency, ID., since 1976. He is 42 years old and an ex-Marine, as well as a graduate of the University of Montana.

Whaling quotas are angering Eskimos, according to Indian News Notes Feb. 12. A proposal that would eliminate whaling in two Alaskan villages by 1983, has caused anger among North Slope Eskimos. Under quotas proposed by the National Oceanic and Atmospheric Administration (NOAA), Eskimos would be permitted 17 whales landed or 25 struck in 1981, with numbers declining to 13 landed and 25 struck in 1983.

The 5,000 natives in nine North Slope villages are the only people in the world allowed to hunt bowheads under international law. The quotas for individual villages are based upon population and historical takes. According to government estimates, there are only about 2,000 of these whales left. However, figures compiled by the Alaska Eskimo Whaling Commission show the whale population to be closer to 5,000.

The Maine Department of Indian Affairs (DIA) has come to an end, according to a report in the Wabanaki Alliance February 1981. After 15 years, the Department has ceased to function as a result of the settlement of Maine Indian land claims, Federal recognition of the Penobscots and Passamaquoddy and a host of BIA programs that were combined to replace and eclipse the Maine Department of Indian Affairs. Prior to their Federal recognition, these tribes were considered "state Indians," and Maine was responsible for their welfare.

Montana Inter-Tribal Policy Board to conduct tribal issues forum. A tribal issues forum entitled "The New Administration and its Impact on Indian Tribes" is scheduled for March 3 at the Sheraton Hotel in Billings, MT. This

forum is a joint effort involving Montana and Wyoming tribes, and is the first activity of its kind in that area. The morning session will consist of scheduled keynote speakers from the Department of Interior, NCAI, Senate Select Committee on Indian Affairs, Montana Congressional delegation, Montana Governor's office and the Montana State Legislature. The afternoon session will consist of presentations from various organizations on alcohol and drug abuse, economic development, education, health and human services, natural resources, social services, and law and order/jurisdiction. For more information contact: Clayton Small, director, Montana Inter-Tribal Policy Board, 711 Central Avenue, Billings, MT. 59102, (406) 245-2228.

The House Interior and Insular Affairs Committee has begun work for the 97th Congress. Here are some of the Indian issues facing the Committee:

- Budget oversight
- Eastern Indian land claims settlements
- Papago (AZ) Indian water claims settlements
- Fishing rights in the Pacific Northwest and Great Lakes
- Amendments to the Indian Judgement Distribution Act
- General land consolidation/fractionated heirships
- Tribal restoration bills
- Indian Finance Act amendments
- Tribal-State compacts
- Oversight of the Alaska Native Claims Settlement Act
- Oversight of Reservation Economic Development

Just a reminder. The following Committee hearings are scheduled for the month of March:

MARCH 2-3:

House Appropriations Subcommittee on Interior*
 Indian Health Service
 B308 Rayburn Building
 1:00 P.M. March 2, 10:00 A.M. March 3
 (Agency Witnesses Only)

MARCH 6:

House Appropriations Subcommittee on Interior
 Interior Department FY 82 Budget Overview
 B308 Rayburn Building
 10:00 A.M.
 (Testimony by James Watt)

MARCH 5:

House Interior and Insular Affairs Committee
 Oversight Hearings on BIA and IHS FY 82 Budget
 1324 Longworth Building
 9:45 A.M.
 (Agency Witnesses and Indian Representatives)

*Contingent upon HHS Secretary Richard Schweiker's appearance prior to those dates.

MARCH 10:

Senate Appropriations Interior Subcommittee
Indian Health Service
1318 Dirksen Building
9:00 A.M.
(Agency Witnesses)

MARCH 26:

Senate Appropriations Interior Subcommittee
Indian Programs
1114 Dirksen Building
Time: to be announced
(Non-Indian Outside Witnesses)

APRIL 1:

Senate Appropriations Interior Subcommittee
BIA FY 82 Budget
1114 Dirksen Building
Time: to be announced

ECONOMIC DEVELOPMENT/TRIBAL ENTERPRISE

Secretary of Interior Watt is meeting Feb. 25 with State Governors to discuss methods of improving the monitoring and accounting system related to the collection of nearly \$4 billion in royalties from oil and gas leases on Federal and Indian lands. In calling the meeting, Watt noted that the Interior Department and the FBI are currently conducting a criminal investigation of oil thefts on the Wind River Indian Reservation, Wyoming. Watt told the governors, "I will be seeking a similar meeting with the elected leaders of Indian tribes affected by the royalty question." If your tribe is an energy-producing tribe, write or call the Department of Interior NOW and say you want to be included in the consultation process.

Dates for specific topics of the Farm Bill Hearings have been announced by the U.S. Senate Committee on Agriculture, Nutrition, and Forestry:

- March 2: Members of Congress, general farm organization, all-day session.
- March 3: Wheat, morning session.
- March 4: Feed grains, afternoon session.
- March 5: Cotton, morning session.
- March 6: Sugar, morning session.
- March 9: Soybeans and rice, all-day session.

- March 10: Peanuts, morning session.
- March 11: Dairy, all-day session.
- March 12: General, morning session.
- March 13: Livestock, morning session.
- March 16: Food Stamp Program, all-day session.
- March 17: Food Stamp Program, morning session.
- March 19: Rural Development, morning session.
- March 20: Conservation, morning session.
- March 23: Agricultural exports and the P.L. 480 Program (Food for Peace), all-day session.
- March 24: Research and Extension, morning session.
- March 25: Secretary of Agriculture and USDA witnesses, all-day session.
- March 26: Forestry, morning session.

M. Michael Cardenas has been nominated as administrator of the Small Business Administration (SBA). Cardenas is a partner in the public accounting firm of Fox & Company, San Francisco, CA.

New sources to help tribes and Indian businesses are needed with budget cuts in economic and business development. We have tied in to a group we think may interest you. They have been successful in finding new financial sources for venture capital not usually available from banks. This group assists clients in developing financial packages including business plans and sources of financing. For more information, contact: Joe or Marsha Marinich, Future Enterprises Inc., 1522 K Street, N.W., Suite 1100, Washington, D.C. 20005 (202) 393-2420.

EDUCATION

We hear that Deni Leonard is a leading candidate for deputy assistant secretary for Indian education at the Department Education. Leonard, an enrolled member of the Confederated Tribes of Warm Springs, was formerly a professor at the University of California, at Berkley, and at Stanford University and is now a private consultant in San Francisco, CA. We know Deni and support him for this position. We only hope that he gets it and then takes the Office of Indian Education back to BIA where it belongs. As of this date, 41 people have applied for the position.

A vocational education agreement has been signed, according to the Indian Affairs Newsletter. Before leaving office, former Assistant Secretary of Education Daniel Taylor and Tom Fredericks signed an interagency agreement to

establish common and individual duties of the Interior and Education Departments under the Vocational Education Act of 1963. That Act requires the Education Department to set aside one per cent of its vocational education appropriations for Indian tribes and organizations. Under this agreement, the Education Department will administer the program, which includes judging application from Indian tribes, while the Office of Indian Education Programs (OIEP) will review the applications prior to the Education Department review to determine whether an applicant is Federally-recognized (or a sponsored Federally-recognized tribe). The OIEP will also review applications to ensure that this program does not duplicate funding provided under Interior Department programs. The two departments have planned to evaluate Indian vocational education programs together. They will also jointly provide technical assistance to prospective applicants for funding.

Four individuals were named to the Indian Education Advisory Council by former President Carter before he left office: Bobby Bighorse, director, Willard Arts Education Program, Oklahoma City, OK.; Nadine H. Chase, administrator, Leech Lake Business Committee, and chairman, Board of Regents, Chippewa Community College, Bena, MN.; Gregory W. Frazier, chief executive, National Urban Indian Council, Denver, CO.; and Danny Kevin Marshall, Puyallup, WA.

The National Advisory Council on Indian Education will meet Mar. 6, at Arizona State University, Room 302F Farmer Building, Tempe, AZ. 85281. The Council will discuss its 1981 Annual Report. The meeting is open to the public.

The Department of Education has announced the award of grants to improve American Indian education, reports the Native Nevadan Feb. 6. Total awards of \$22.6 million in 164 grants was made under the Indian Education Act for the 1980-81 academic year.

Members of the Plains Indians tribes are needed for a series of summer program at the Plains Indian Museum of the Buffalo Bill Historical Center, Dody, WY., reports the Wind River Journal Feb. 6. Six one-week educational programs are planned, beginning on June 29 and continuing through Aug. 7. The program is looking for storytellers, fancy dancers, historians, music makers, crafts workers and Indian artists or philosophers. In some cases, interested persons may apply as a team rather than as individuals. Flat grants of \$600 per week will be awarded to cover travel, lodging, food and salary. For an application form and complete details, contact Gene Ball, project director, Buffalo Bill Historical Center, Cody, WY.

Dr. Eugene Leitka, assistant director, Office of Technical Assistance and Training (OTAT), BIA, has been appointed dean of instruction, Haskell Indian Junior College, Lawrence, KS.

EMPLOYMENT

Chairman of the Employment and Productivity Subcommittee Senator Dan Quayle (R-IN) has said he is in complete agreement with the President's proposal to reduce the budget of the CETA program by something over \$3.6 billion in FY 1982. He has also made clear some points he considers essential to a proper understanding of the proposed cuts:

- The President has proposed the abolition of the public service employment programs under CETA. He has NOT proposed the abolition of CETA.
- Subcommittee commitment to the training and employment of the disadvantaged remains substantial. After the cuts, the CETA program will still be operating at a level of more than \$5.7 billion a year -- a figure 80 per cent greater than in the first year of the program, FY 1975. Put another way, outlays for employment and training programs will be .22 per cent of the Gross National Product. In the heyday of the Great Society (1968), only .19 per cent of GNP was spent on equivalent programs.
- Cuts in CETA are justifiably concentrated on public service employment programs. The record of these programs before the 1978 amendments was filled with instances of fraud, abuse, make-work programs and the use of Federal funds for jobs that would have been funded by state and local governments in any event. While the record since the amendments has improved, adequate evidence is still lacking that jobs created with Federal dollars are truly additional jobs that would not otherwise exist. Further, on the basis of the cost of preparing a person to enter regular private employment, training programs are clearly more cost effective than public service employment. In this period of careful scrutiny of Federal expenditures, it makes sense to fund only the most efficient programs.

Quayle concluded that "in the review of employment and training programs that I expect the Subcommittee to make, we will take a careful look at the

question of whether subsidized wage programs, in the public or private sector, have an appropriate place in an employment and training system."

Employment actions are still allowed at BIA despite President Reagan's hiring freeze, according to a report in Indian Affairs Newsletter Jan. 28. Irene Fischer, chief, Bureau of Indian Affairs Personnel Management Division, told the Public Information Office that the freeze does allow the following actions:

- 1) extension of temporary appointments of present employees,
- 2) reassignments and promotions within the Interior Department,
- 3) continuance of anyone who reported for duty Jan. 26 before receiving a telephone call stating that appointees from outside the Department were not to report, and
- 4) employment of those with written commitments of a job dated on or before Nov. 5, 1980.

However, it is still unclear what positions the Bureau will be able to fill under the "rare and unusual circumstances" exemption, but it will probably apply to jobs ensuring health, safety or protection of property.

Sen. Orrin Hatch (R-UT) will introduce a bill giving bonuses to employers of disadvantaged youths, says the Wall Street Journal Feb. 9. Since he introduced the bill to lower the minimum wage for youth, Senator Hatch has come under fire by labor leaders of the AFL-CIO. So he is introducing another bill that would pay bonuses to employers, particularly small businesses, who employ economically disadvantaged youth. This would give them the incentive to hire even with the regular minimum wage. This move could result in a compromise. However, an AFL-CIO spokesman said that the youth unemployment rate last month had risen to a four-year high of 19 per cent, so something is going to have to be done fast.

Indian veterans, do you need copies of your military record? For copies of your 201 personnel file, write: Commander, U.S. Army Reserve Components and Personnel Administration Center, Attn: AGUZPSE-VO, 9700 Page Blvd., St. Louis, MO. 63132. For copies of your DD Form 214, write: AGUZ-PSE-VS at the same address. You can get copies of your retirement orders by calling (314) 263-7882.

More women are in the work force than ever before, reports the U.S. Department of Labor. According to the Bureau of Labor Statistics Fourth-Quarter 1980 report, almost 52 per cent of all women 16 years old and over

are in the labor market. Fifty-seven per cent of these, or approximately 17.5 million women, have children under the age of 18. More than one out of five mothers in the labor force is a single parent maintaining her own family.

ENERGY

Looking for solutions to your energy problems? Here are some toll-free numbers you can call to get answers to your questions:

President's Clearinghouse for Community Energy Efficiency

1-800-424-9040 (NATIONAL)
1-800-424-9081 (AK, HI, PR)
(202) 252-2855 (WASHINGTON, D.C.)

National Solar Heating and Cooling Information Center

1-800-523-2929 (NATIONAL)
1-800-462-4983 (PA)
1-800-523-4700 (AK, HI)

National Alcohol Fuels Information Center

1-800-525-5555 (NATIONAL)
1-800-332-8339 (CO.)

Gasoline and Heating Oil Hotline

1-800-424-9246 (NATIONAL)
(202) 653-3437 (WASHINGTON, D.C.)

HEALTH AND HUMAN SERVICES

An anti-abortion pediatrician from Philadelphia is slated to receive a top position in the Department of Health and Human Services (DHHS), reports the Washington Star Feb. 14. Dr. C. Everett Koop, head of Children's Hospital in Philadelphia, has been named to the post of assistant secretary and U. S. surgeon general. Koop has served on the boards of many anti-abortion groups, including National Right to Life and Americans United for Life. He is 64 years old. Federal law specifies that the surgeon general must be 62 or less but allows a waiver to 64 plus 29 days. "I'm a few days past that," Koop told reporters, "but I'm a young 64."

California poison centers provide free emergency telephone information 24 hours a day. If you have small children in the house, it's especially worthwhile to jot down the appropriate number:

Coastal Region: (800) 792-0720
San Francisco: (415) 666-2845
Northern Region: (800) 852-7221
Los Angeles: (213) 669-2401
Orange: (714) 634-5988
San Diego: (714) 294-6000

"800" numbers are toll-free calls.

HOUSING

Philip D. Winn has been nominated by President Reagan to be an assistant secretary of Housing and Urban Development. Winn is a Colorado real estate developer.

LAND/ENVIRONMENT

Denver attorney Anne M. Gorsuch has been nominated by President Reagan to be administrator for the Environmental Protection Agency. She was reportedly recommended by a fellow Denver attorney, Interior Secretary Watt. As a state legislator, she was instrumental in killing the proposal to control toxic waste in Colorado.

John W. Hernandez, a civil engineering professor at New Mexico State University has been nominated by President Reagan to be deputy administrator at the Environmental Protection Agency.

The leading candidate to head Interior's Bureau of Land Management is Robert Burford, a cattle rancher and former Colorado State House speaker.

"California dreamer" is what environmentalists and state officials are calling James Watt in his efforts to permit oil and gas drilling on 1.3 million acres off the scenic California coast. The Carter administration, says the

Washington Post Feb. 13, had placed the area under restriction. It is the habitat of the last remaining California sea otters.

Jerry Brown, governor of California, has urged Watt to reconsider, stating that the amounts of oil and gas located in the coastal area are too small to warrant destruction of an endangered species and the jeopardization of an environmentally sensitive area. Watt's reply was, "The President has instructed me to take the necessary steps to increase the production of oil and gas and I firmly intend to take those steps." He did, however, give Brown 60 days to submit recommendations on behalf of the State of California as to the size, timing and location of the land sale.

Watt has launched Interior cutbacks with his old office, according to the Washington Post Feb. 20. In an outline of what he calls "deep cuts and funding shifts," Watt announced he will abolish the old Bureau of Outdoor Recreation, now known as the Heritage Conservation and Recreation Service, and transfer most of the programs to the National Park Service. This was the department he once headed.

Although his outline was general, Departmental sources said he had spelled out the various cuts and shifts in detail as small as \$100,000 items, leaving them little discretion in managing the reductions. Watt also said he would begin "aggressive programs of exchanges" of Federally-owned land for private parcels "to round out the Federal conservation estate." In another anticipated piece of action, Watt said he would move most regulatory activities of the Office of Surface Mining to state governments.

Watt and others have criticized the Bureau of Land Management for underdevelopment of BLM lands in the past. Some interesting figures from a recent BLM report, cited in the Albuquerque Journal Feb. 12, seem to indicate otherwise. According to Federal government statistics, 2,728 oil and gas wells are in production on Federally-owned lands, more than 21,000 ranchers are grazing approximately nine million head of cattle under Federal leases, and 1.2 billion board feet of lumber are produced in an average year from Federally-owned properties.

Final regulations from the Department of Transportation (DOT) concerning the shipping of radioactive materials have been amended to include language which gives Indian tribes the same rights as state governments, says The CERT Report Jan. 31. These final rules incorporate changes suggested by the Council of Energy Resources Tribes (CER), the Yakima Nation, and other tribal groups. They state that since tribes do not lose title to land which has been used by the state for highways and interstate roads, tribal governments retain their right to reject routes which they feel endanger the health and safety of their

people, and that the DOT does not have the right to pre-empt such tribal decisions. For further information on the new rulings, contact: John Allen, Office of Hazardous Waste Materials Regulations, (202) 472-2726, or Douglas Crockett, Office of the Chief Counsel, Research and Special Programs Administration, 400 7th St. S.W., Washington, D.C. 20590.

Dakota tribes are receiving emergency feed grains from the Department of Agriculture, according to Indian News Notes, Feb. 12. The Turtle Mountain Chippewa, Devils Lake Sioux Tribe and Yankton Sioux in South Dakota have been authorized to receive emergency feed donations from USDA. Agriculture Spokesman Edward Hews said the three tribes may receive up to 3.2 million pounds of feed. The drought-stricken tribes own a total of 5,460 animals. Feed grain will be distributed on a proportionate basis by BIA. The Commodity Credit Corporation supplies grain under the Indian Acute Distress Donation Program.

Hearings on the Clean Air Act of 1970 will probably begin around Mar. 1, predicts The CERT Report Jan. 31, which also states that "these hearings will give Indian tribes the first indication of how tribal rights will be recognized by the pro-development Congress and Administration." A key issue in the hearings will concern the right of tribes to have their clean air designations reclassified to avoid pollution of reservation air. The Northern Cheyenne and several other Montana tribes have been battling with the utilities companies on this issue for some time.

TRIBAL ADMINISTRATION AND FINANCE

A closer look at some of President Reagan's "tightening up" policies reveals that the Office of Management and Budget (OMB) has ordered a five per cent cut for consulting, management and professional services, special studies, and analyses. This reduction is in addition to the 15 per cent cut ordered last April. Also, Reagan has ordered that the controversial Federal hiring freeze be made retroactive to Nov. 5. A lot of would-be Washingtonians are packing their bags over that one.

John A. Jollie, a Turtle Mountain Chippewa from North Dakota, has been selected as the new coordinator of the Tribal Managers Corps (TMC), a program of BIA's Division of Self-Determination Services. Jollie is 40 years old and has worked intermittently with BIA since 1965, serving in such diverse capacities as chief of the BIA Manpower Program and chief of the Division of Legislative Review, Indian Education Office.

If the telephone company is charging you for long-distance calls you never made, it may be a case of fraudulent charging. More than \$30 million is charged to random numbers, estimates the U.S. Army. Fraudulent telephone charging is a Federal crime. If it's happening to you, don't just assume it's a mistake: call the telephone company and ask them to investigate.

Low-cost television services may not be as expensive as you think. It is often possible to set up a grass-roots station for as little as \$15,000. For a free guidebook, contact: Corporation for Public Broadcasting, 1111 16th Street, N.W., Washington, D.C. 20036, (202) 293-6160.

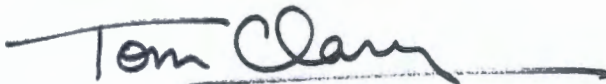
Postal rates are going up again. The Postal Rate Commission recently recommended that first-class postage be raised from 15 cents to 18 cents and that post cards move from 10 cents to 12 cents. They also recommended that second-class be raised from 1 per cent to 27 per cent and third-class be raised from 7 per cent to 24 per cent. Subject to U.S. Postal Service approval, these rates could go into effect as early as March.

A personal record-keeping notebook is available for \$3.95 from: Your Vital Papers Logbook, Box 19269 - State A, Washington, D.C. 20036.

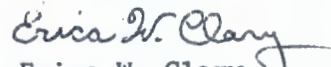
Our apologies again. In the Jan. 30 issue of this BULLETIN, we reported on the 15 tribes selected for participation in BIA's Tribal Management Corp. Of the 15 tribes selected, we mentioned that the Winnebago of Wisconsin would participate. This was incorrect, it is the Winnebago of Nebraska. We inadvertently said it was the Winnebago of Nevada in our Feb. 15 issue.

And one more apology. In our last issue of the BULLETIN, we stated that the National Tribal Chairmen's Association has 16 paid members. In fact, NTCA has 26 paid members. We regret this error.

Until next time . . .
May the Great Spirit Guide You!



Thomas C. Clary, Ph.D.
President
The Clary Institute



Erica W. Clary
Chairman/Director
The Clary Institute



WHY THE CLARY INSTITUTE
NEWS BULLETIN FOR INDIAN LEADERS?

The Clary Institute (TCI) is a 100 per cent American Indian-owned firm. Indian tribal governments are among TCI's major clients as are various Federal, state and local government agencies and private businesses.

Tribal officials have continually complained to us about a lack of information from Washington, D.C. We have also heard complaints regarding the inadequate representation of Indian people, even by lobbyists on tribal payrolls. Many Indians believe BIA is their natural advocate, but this is impossible since BIA is a part of the U.S. Department of the Interior. Although the Secretary of the Interior and the Assistant Secretary for Indian Affairs have trust responsibilities for Indians, they are appointed by the President and must carry out administration policies.

Hence, THE CLARY INSTITUTE NEWS BULLETIN FOR INDIAN LEADERS was born. It is supported only by the subscriptions it receives. There is no government subsidy and, therefore, no government pressure on our editorial content. At this time, the BULLETIN is not even a profit-making venture.

We have refrained from copyrighting our material because we are more interested in getting current information into the hands of those who can use it. We ask only that THE CLARY INSTITUTE be given credit when our items are picked up by other publications.

In addition, we hope the NEWS BULLETIN will bring to the attention of our readers the fact that TCI is capable, knowledgeable and trustworthy. If so, we are looking to you to utilize the services TCI provides.

A brief overview of our services includes:

- consulting with tribal leaders on ways to improve tribal operations

- assisting tribal governments in Washington, D.C., by conducting legislative research, handling public relations and speech writing, scheduling appointments and performing other tasks associated with gaining the ears of Congress, Federal agencies and/or public interest groups
- conducting on-site seminars designed to aid tribal officials and program managers in making better decisions on P.L. 93-638 contracts
- conducting program evaluations
- conducting executive development, organization development and/or specialized employee development and training programs -- on-site, if desired
- conducting feasibility studies and aiding in devising business plans for economic development
- consulting on or actually producing multimedia training programs including slide or videotape presentations, films, tailor-made workbooks and hand-out materials
- developing and producing informational booklets, brochures and pamphlets and/or visual presentations (slide-tape, videotape, film)
- designing performance appraisal systems, compensation plans and personnel procedures which will comply with the Civil Service Reform Act of 1978
- AND MORE

TCI also publishes an annual U.S. Government Indian Desk Directory with listings for all major Federal programs serving Indian people. Services and publications are summarized and names, addresses and telephone numbers of key contacts are provided in this handy reference work. Subscribers receive updated material for the Directory on a quarterly basis.

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5	400	13	725
6	450	14	750
7	500	15	775
8	550		

A subscription order form for both the NEWS BULLETIN and the Directory is attached. Please return this form with your check to us today so that you can stay abreast of "the latest" in the world of Indian affairs. Or call us at (202) 333-6350 so we can discuss how The Clary Institute can serve your tribe or organization.



The Clary Institute

ERICA W. CLARY
CHAIRMAN-DIRECTOR
THOMAS C. CLARY, Ph.D.
PRESIDENT-DIRECTOR

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THANK YOU FOR YOUR ORDER.

Make checks payable to THE CLARY INSTITUTE and return this form to: Editor, TCI NEWS BULLETIN/Directory, The Clary Institute, 3700 Massachusetts Ave., N.W. Suite #530, Washington, D.C. 20016. For further information: (202) 333-6350.

Rich Williamson

DONE

February 25, 1981

Dear Dr. Clary:

Thank you for your comprehensive letter of January 12. I apologize for the delay in responding, but the post-Inaugural rush and the preparation of the President's Economic Package have left me behind in my correspondence.

→ I read your recommendations regarding Indian issues with interest. Per your request, I have forwarded your letter to Rich Williamson, Assistant to the President for Intergovernmental Affairs, for his information and consideration. I have also taken the liberty of sending Elisabeth Dole, Assistant to the President for Public Liaison, a copy of your letter.

In appreciation of your interest in this matter. Thank you again for voicing your interest in the handling of Indian issues by the Reagan Administration.

Sincerely,

James A. Baker, III
Chief of Staff and
Assistant to the President

Thomas C. Clary, Ph.D.
The Clary Institute
The Alban Towers 530
3700 Massachusetts Avenue, N.W.
Washington, D.C. 20016



The Clary Institute

ERICA W. CLARY
CHAIRMAN-DIRECTOR
THOMAS C. CLARY, Ph.D.
PRESIDENT-DIRECTOR

JAN 14 1981

January 12, 1980

The Honorable James A. Baker III
Chief of Staff to the President-designate
Office of the President-elect
Washington, D.C. 20270

Dear Mr. Baker:

May I introduce myself. I am President of the Clary Institute, which is a 100 percent Indian-owned research, communications, training, and consulting firm. The Clary Institute publishes a News Bulletin for Indian Leaders twice monthly. This publication provides tribal leaders and other officials interested in Indian affairs with a comprehensive summary on issues from Washington, D.C. and around the country.

This past September, we asked Governor Reagan 20 questions on Indian policy. His responses to these questions were a basis on which tribal governments and inter-tribal organizations could announce their public support for the Governor. We were with the group of Indian leaders in Sioux Falls, South Dakota last October who met with Governor Reagan, Mrs. Reagan, Martin Anderson, and Jim Brady. We considered this meeting most successful.

As the new Administration takes over, I feel it is necessary to bring to your attention information about Indian issues that you may be facing. It has been difficult to get the past administration to understand that American Indians are not just another minority or ethnic group. It is important to understand that there are various groups which call themselves Indians. Some are Indians by culture, but their groups are not recognized by any government. Certain Indian tribes are recognized by a state government. Other tribal members have migrated to urban centers and have formed organizations. Many of these individual members are poor and disadvantaged and need help like others who suffer in these circumstances.

However, the uniqueness of Indians and their special relationship with the United States government are those Federally-recognized tribes defined in the "Self-Determination and Education Assistance Act" (Public Law 93-638). These tribes are sovereign governments and derive their status from the Constitution, treaties and laws enacted since that time. During the last

The Honorable James A. Baker III
Page Two
January 12, 1981

administration, this sovereignty and self-determination was diluted by including Indians as part of the minority grouping and the fragmenting of delivery systems not only to tribal governments, but to other "Indian organizations" throughout various government agencies.

The Bureau of Indian Affairs has not always enjoyed high favor among Indians for just reasons. However, the Federally-recognized tribal governments and their members cannot do without it. It is the "glue" that provides viable services to these tribes.

May I respectfully recommend that you:

- o Assign the responsibility for Indian Tribal governments to the Office of Inter-Governmental Affairs. Appoint a person to this staff for liaison with tribal governments and Indian people. Preferably, this person should be an Indian who can communicate fairly with all tribes.
- o Recognize the significant difference of Federally-recognized tribes and their unique relationship with the Federal government.
- o Recognize that these Federally-recognized tribes are not a part of state or local governments and should not receive Federal services through them. Federal services should be delivered directly to each tribe or through the Bureau of Indian Affairs. With bloc grants to states being introduced, BIA could, in effect, become a "state for tribal government."
- o Ensure that a Presidential Council of Tribal Chairmen be appointed to advise the President on Indian affairs. A National Policy Forum of Tribal Chairman in San Diego, California on December 17, 1980, adopted a resolution recommending to the President-elect that tribal chairmen from each of the Bureau of Indian Affairs' twelve areas elect a representative to this Council. This Council of twelve should meet at least quarterly. This resolution was sent to Mr. Edwin Meese III at the transition office.
- o Review legislation drafted to ensure that it does not subordinate or include tribal governments with state or local governments. Such legislation should include language such as "state, local, and Indian tribal governments."

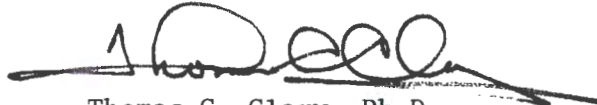
The Honorable James A. Baker III
Page Three
January 12, 1981

- o Make every effort to eliminate the fragmentation of Indian programs throughout various Federal agencies. Great savings could be made by eliminating Indian desks in the various agencies and consolidating the delivery services to tribal governments through the Bureau of Indian Affairs. This would also eliminate much duplication. An example is current Indian housing projects are now administered through HUD, BIA, and USDA (FmHA); none of which are coordinated. This is equally true in the areas of employment, economic development, social services, law enforcement, etc. It would be advisable to transfer the Indian Health Service from the Department of Health and Human Services back to the Bureau of Indian Affairs for greater efficiency in the delivery of services and to provide more integrated social and health services to Indian people.

President-elect Reagan has promised to continue the concept of self-determination" for tribal governments started by President Nixon. It has lost momentum during the past four years. The above are some of the ways you can help tribes toward becoming "self-sufficient" governments during this administration.

May I meet with you or the person to whom the President selects to head the Office of Inter-Governmental Affairs to discuss these issues in the very near future?

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Clary', written over a horizontal line.

Thomas C. Clary, Ph.D.
President

TCC:rc

Enclosures

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

*File
Clary Institute
Indians*

July 29, 1981

TO: RICH WILLIAMSON
FROM: MORTON BLACKWELL *MB*
RE: Letter from Dr. Thomas Clary of the Clary Institute

Enclosed is a copy of a letter sent to my office from Dr. Clary concerning the placement of responsibility within the Administration for liaison with Indian tribal governments. Attached is my reply.

Attached also is the memo from Ken Smith, Assistant Secretary of the Interior for Indian Affairs, that accompanied the draft reply he sent me.

As you can see, Ken feels that if we are to have a government-to-government relationship with the Indian tribes, the Office of Intergovernmental Affairs should be given responsibility for dealing with tribal governments, rather than the Office of Public Liaison. Interesting.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

July 29, 1981

TO: ELIZABETH DOLE

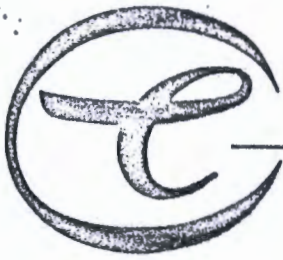
FROM: MORTON BLACKWELL

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The Clary Institute

ERICA W. CLARY
CHAIRMAN-DIRECTOR
THOMAS C. CLARY, Ph.D.
PRESIDENT

To Dole w/ note
to respond ASAP
YES

March 24, 1981

Hon. James A. Baker III
Chief of Staff
The White House
Washington, D.C. 20500

016880

Dear Mr. Baker:

Something has been lost in our communication with your office and Mr. Williamson's. I am enclosing a copy of my letter to you, your reply and a reply from Mr. Williamson. I have not heard from Mrs. Dole.

The purpose of my original communication was to bring to your attention an apparent discrepancy between your organization and the campaign promise of President Reagan that he would deal with American Indian tribal governments on a government-to-government basis. It has been announced through the media that "Native Americans" along with fraternal and veterans organizations will be handled by Morton Blackwell in Mrs. Dole's Public Liaison Office. There is no objection to this for the benefit of urban Indians and those Indians who are not members of Federally-recognized tribes. However, if this is the extent of your liaison, this is not much different in organization than the Carter White House was under Ann Wexler's Office. However, the Reagan campaigners made much ado about a Carter assistant who announced to a group of Indians that she was the President's liaison with Orientals, homosexuals and Indians. The only difference in your organization is that Indians find themselves in different company for liaison.

The issue is that Federally-recognized tribes are sovereign governments with a special relationship with the Federal government. The Constitution, treaties and legislation support this fact. President Reagan restated his support for this during his campaign in his government-to-government promise.

If this is to be placed in effect by this Administration, it is imperative that liaison with Federally-recognized tribal governments be the responsibility of the Presidential Assistant for Inter-governmental Affairs.

There have been longstanding conflicts between tribal governments and state and local governments in the same geographical areas. A bill to promote and authorize improved dialogue between tribal governments and

Hon. James A. Baker III
March 24, 1981
Page Two

states was introduced in the Senate during the last session of Congress and is to be re-introduced during this session.

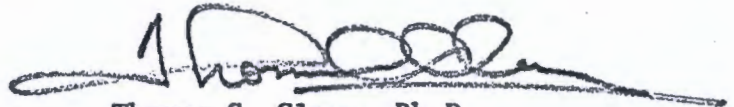
There may be logic in the fact that individual Indians, regardless of their location or tribal affiliation, are minorities and, therefore, are properly served through liaison with The White House Office of Public Liaison. However, that same logic points to the fact that tribal governments should be served by The White House Office of Inter-governmental Relations along with state and local governments.

This recognition of tribal governments is particularly important now in view of the Reagan Administration's moves toward block grants to states. States have no responsibility to tribal governments and, therefore, usually exclude them from any services. States, however, do recognize that tribal governments have a special relationship with the Federal government.

I am taking the liberty of enclosing letters from two tribal chairmen, which may further enlighten you and your staff on this unique and much misunderstood form of government.

I look forward to your recognition of this problem and your correction of it. I am available, should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas C. Clary', with a long horizontal flourish extending to the right.

Thomas C. Clary, Ph.D.
President

Enclosures

cc: Hon. Richard Williamson
Hon. Elizabeth Dole



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUN 26 1981

MEMORANDUM

TO: Leslie Sorg
Director of Agency Liaison
Presidential Correspondence

SUBJECT: White House Referral - Thomas C. Clary - ID 016880

Enclosed is a draft response to correspondence your office received from Dr. Thomas Clary, President, The Clary Institute, relative to the manner in which the Administration deals with Indian tribal governments. We feel this draft letter adequately responds to Dr. Clary's concerns.

As indicated in the suggested response, some of the Clary recommendations are consistent with the thinking and desires of some leaders of tribal governments. I wish to take this opportunity to share with President Reagan my thinking with regard to this subject matter as well and am taking the liberty to recommend certain actions this office feels are important to fulfilling the President's agreement to deal with Indian tribal governments on a government-to-government basis.

The one point or recommendation advanced by Dr. Clary with which this office and the Indian tribal governments will agree is the placement within the White House organization of responsibility for dealing with tribal governments. If the Administration is sincere about dealing with Indian tribal governments on a government-to-government basis, and it should be, then their legitimate place in the American governmental system should be recognized. This the Administration can do by assigning the responsibility for liaison with Indian tribal governments to the Office of Intergovernmental Affairs with the mandate that Executive Office work with State and local governments also include consideration of the concerns of tribal governments.

Having recognized the legitimate place in the American governmental system through proper placement and staffing of this responsibility, the Administration should proceed to equip such Indian tribal governments with the necessary tools to adequately self-govern, tools such as those possessed by State and local governments. One such tool which has long prevailed as a gross inequity is the tax status enjoyed by State and local governments which has not been extended to tribal governments. Presently pending in the Congress gathering support is the Indian Tribal Government Tax Status Act. This Act represents an orderly approach to resolving the inequity of tribes' tax status.

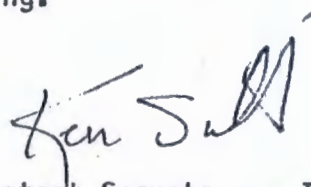
Enactment of this Act would extend to Indian tribal governments all provisions of the Internal Revenue Code presently applicable to conventional governmental units. Such provisions as beneficial tax treatment with respect to retirement income derived from employment by recognized Indian tribes, treats interest paid on bonds issued by tribes (including industrial development bonds) as tax-exempt, excludes from gross income scholarship and fellowship grants by tribes, permits a deduction for real property and income taxes imposed by tribes, allows deductions for charitable contributions to tribes and grants tribes exemption from certain excise and user taxes accorded to other governmental units.

Industrial development, identified as a priority by many tribes and a major goal of my administration, could also be greatly enhanced by enactment of the Indian Tribal Government Tax Status Act since it is likely that venture capital could be more easily acquired. Commercial financial institutions have been reluctant to invest their capital because they are unfamiliar with Indian law, the meaning of trust concepts in relation to Indian land, and the extent of their rights on reservations. When Indian tribes are able to develop their resources to generate tribal income, it will be an important improvement in the self-determination process.

The Administration will be well advised to endorse this proposed legislation very early in the process to insure proper credit for this much needed tool for tribal self-government.

Another issue which the Administration would be well advised to make record of is to clarify the concept of "Tribal Governments as the 51st State" under the Block Grant funding effort. Presently, this concept is being misunderstood or is being misinterpreted by tribal governments throughout Indian country as a situation where tribal governments will have to look to State governments for funding, a concept which tribes strenuously oppose. Indian tribes should be treated the same as state and local governments with regard to block grants and the funding should go direct to the tribal governments from the agency of origin.

These are but a couple of steps the Administration can take to assist tribal governments in improving the self-determination process. Many other actions of support can also be taken which my office will welcome the opportunity to assist in formulating.



Assistant Secretary - Indian Affairs

Enclosure

THE WHITE HOUSE
WASHINGTON

July 29, 1981

Dr. Thomas C. Clary
President
The Clary Institute
3700 Massachusetts Avenue, NW
Washington, D.C. 20016

Dear Dr. Clary:

Thank you for your recent letter to Chief of Staff James A. Baker, III, following up your earlier correspondence in which you made several recommendations about the manner in which the Administration should handle Indian affairs issues.

Some of your recommended actions are consistent with some of the recommendations this office has received from the Department of the Interior and from recognized leaders of tribal governments. Other recommendations you advance appear to be at variance with tribal leaders' thinking and desires.

During his campaign, President Reagan did agree, in recognition of Indian tribal governments as sovereign governments, to deal with Indian tribal governments on a government to government basis, and I assure you the Administration will not deviate from that agreement. You are further assured that the manner in which the Administration maintains liaison with tribal governments is being discussed with the recognized leaders of Indian tribal governments.

I appreciate your recommendations and thank you for taking the time to share your thoughts on this important Indian matter with the Administration.

Sincerely,

Morton C. Blackwell
Special Assistant to the President

cc: Elizabeth Dole
Rich Williamson

THE WHITE HOUSE
WASHINGTON

Type for-

my sig. with
cc. to EHD + Rich W.

Also type memo
to EHD + Rich

Williamson ~~at~~
which will include

copy of Clavy's letter
my response ~~item~~ + Ken Smith's
ment. to Sig

This memo should
call attention to suggestions

by Ken Smith that
Liaison with Isobars should
be through Intergovernmental
Relations

1/18



The Clary Institute

ERICA W. CLARY
CHAIRMAN-DIRECTOR
THOMAS C. CLARY, Ph.D.
PRESIDENT

file
Under Indians

May 5, 1981

Dear Friends:

For twenty months The Clary Institute has published the NEWS BULLETIN FOR INDIAN LEADERS. We have been pleased with the many positive comments which have praised this publication for its most comprehensive news coverage from Washington. We also appreciate the letters from some of you who have corrected our reporting or taken issue with our stand. For all of these reasons, we have tried desperately to increase subscriptions to a point where the publication would at least break-even. Unfortunately, it continues to operate at more of a loss than The Clary Institute can tolerate.

Therefore, this is the LAST ISSUE of the NEWS BULLETIN to be published by The Clary Institute. In addition, the Indian Desk Directory will no longer be published. We appreciate your support. Those who wish to make claim for the unused portion of your subscription may apply to the: Accountant, The Clary Institute, 3700 Massachusetts Avenue, N.W., Washington, D.C. 20016.

Sincerely,

Thomas C. Clary, Ph.D.
President



Complimentary Copy

The Clary Institute

W. CLARY
CHAIRMAN-DIRECTOR
THOMAS C. CLARY, Ph.D.
PRESIDENT

NEWS BULLETIN FOR INDIAN LEADERS

VOLUME III, NUMBER 8

April 30, 1981

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Hello, My Friends . . .

Confirmation hearings on the nomination of Kenneth Smith to be Assistant Secretary for Indian Affairs have been completed by the Senate Select Committee on Indian Affairs. The hearings went quickly with no opposition, so it is expected Smith will receive Senate approval next week. Members of the Committee panel questioning Smith were Chairman William Cohen (R-ME) and Senators Barry Goldwater (R-AZ) and Slade Gorton (R-WA). Ranking minority member Senator John Melcher (D-MT) was unable to attend but submitted questions for the record. Smith was introduced to the Committee by Senator Mark Hatfield (R-OR).

In Smith's presentation to the Committee, he stated that he believes "the proper role of BIA and other Federal agencies with limited funding is to encourage and foster an atmosphere that will enable tribal governments to move toward less dependency on the Federal government as they seek to improve the social and economic condition of their people." "Tribal governments and the trust relationship," Smith said, "will be strong and stable and less dependent on Federal funds for operations of governmental programs."

Others testifying in addition to Smith were Delbert Frank, chairman, Confederated Tribe of Warm Springs; Frank Lawrence, chairman, Standing Rock Sioux Tribe (representing Edward J. Driving Hawk, president, (NCAI); Silas Whitman, tribal council member, Nez Perce Tribe of Idaho, and Louis Bruce, president, Native American consultants.

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"Indians Braved Washington to See the Great Father," is the title of an article in the April issue of Smithsonian magazine. Written by Dr. Herman J. Viola, it tells how "hundreds of delegates in buckskin risked perilous journeys, urban rip-offs and white man's illnesses for diplomacy sake." Peaceful solutions to problems have been the aim of the many Indian groups who have followed in the footsteps of the Winnebago Nawksaw, who offered the pipe of peace to President John Quincy Adams.

Through the years, Indian delegations continued to visit Washington, gave speeches, heard speeches and had their pictures taken. The government selected the most economical and convenient hotels. During the 19th century, the going rate was \$1.50 per day for meals and room.

Indian agents usually brought the delegations to town for business, orientation and sightseeing. Some tribal leaders made more trips to Washington and increased their ability to "master relations with the white man's government." But, as one Indian spokesman put it, "Before the white man came, the red man had the buffalo, and the buffalo gave them everything they needed -- food, shelter and clothing. The white man came and took the buffalo away, but he gave the Indians the government and now . . . that is their buffalo."

Today, the Reagan Administration is trying to take away Federal support of Indian tribes without replacing it with the means toward tribal self-sufficiency. And the Indian delegations need to come to Washington more than ever before. The Clary Institute helps tribes and inter-tribal organizations achieve their goals in Washington. So consider making The Clary Institute your "Representative in Washington." Write us for information or call us at (202) 333-6350.

AROUND WASHINGTON, D.C., AND THE NATION

It appears that legislators are taking sides in the "Sagebrush Rebellion." Recent developments in Congress indicate that battle lines are being drawn for what could be one of the most crucial legislative items in the 97th Congress. Aides to Rep. Jim Santini (D-NV) have indicated that he will introduce a bill calling for the transfer of 460 million acres of land from Federal to state ownership. At the same time, Senator Orrin Hatch (R-UT) has indicated that he will reintroduce a bill that would turn over this land plus an additional 140 million acres. To date, the following Congressional members have indicated their opposition: Senators Thomas Eagleton (D-MO), Howard Metzenbaum (D-OH) and Dale Bumpers (D-AR) and Representatives Patricia Schroeder (D-CO) and John Dingell (D-MI).

While this proposed legislation probably will not pass in this session, proponents say it will encourage Administration attempts to free up Federally-owned land for development, including mining, through regulatory changes already proposed by Interior Secretary Watt. However, the impact of such legislation (should it pass) will result in virtual elimination of authority by the Bureau of Land Management and drastic alteration of the force of the Federal Land Management Policy Act of 1976.

FmHA programs have been slashed, according to NADO News Apr. 14, the newsletter of the National Association of Development Organization. In a recent meeting of the House Budget Committee, members approved recissions in FmHA rural development programs for FY 81 and reduction in or elimination of programs in FY 1982 as follows:

- \$2 million recission in Sec. 111 Rural Grant Program (\$3 million left for the balance of the year); elimination of Sec. 111 in 1982
- \$160 million cut from FmHA Water and Waste Disposal Loans (leaving \$590 million for 1981); reduction of \$290 million in 1982 with increased interest rates
- \$1.5 million recission in Rural Community Fire Protection Grants (leaving \$2 million in 1981) and elimination of the program in 1982
- \$42 million recission in Sec. 601 program (leaving \$10 million in 1981) and elimination of Sec. 601 in 1982
- reduction of \$103 million in Water and Waste Disposal Grants in 1982
- reduction of \$130 million in community facility loans in 1982
- elimination of the \$741 million Business and Industry Loan Program in 1982.

The Northwest Indian News has ceased publication. After 21 years of providing news and information about and for the Indians of western Washington, the paper has stopped publishing due to high costs.

INDIAN AFFAIRS

Kenneth Payton (Oklahoma Cherokee) has been detailed to serve as Acting Deputy Commissioner of Indian Affairs. Before being detailed to Washington, Payton served as Deputy Area Director in Albuquerque. He has been employed by BIA in various positions for the past 30 years.

Four new Agency superintendents have been named by BIA. Joseph Weller (Wichita and Affiliated Tribes) has been appointed superintendent at the Mescalero Agency, New Mexico. Weller replaces Wilson Barber (Navajo) who has become superintendent of the Hoopa Agency, Hoopa, CA. Weller previously served as superintendent of Hoopa. In another exchange, Alonzo Spang replaces Richard Whitesell as superintendent at the Flathead Agency, Montana, while Whitesell replaces Spang at the Wind River Agency, Wyoming.

A BIA task force will be reviewing 25 CFR, the Code of Federal Regulations that contains a large volume of Indian law, according to BIA's Indian Affairs Newsletter Apr. 22. This task force was formed as a result of a Jan. 22 directive from Secretary Watt ordering a review of Federal regulations in order to eliminate those that are "excessive, burdensome and counterproductive."

William Bucholz, a legislative coordinator for BIA and director of the task force, said that "redesignation of CFR parts would benefit Indian tribes, the public and BIA because we would once again group similar regulations together or at least adjacent to each other." The task force is reviewing the Code to delete redundancies, ambiguities, overlapping and duplicative rules, excessive reporting and recordkeeping requirements, sexist language and outdated regulations.

This task force has already identified at least seven parts that can be deleted completely and plans to recommend in its final report a complete restructuring of 25 CFR. Members of the task force, in addition to Bucholz, are: Bill Block, Jim Dunn, Bob Farring, Bob Fleak, Frank Hissong, Elizabeth Holmgren, Jean McKeag, Monty McMichael and Howard Piepenbrink.

The National Congress of American Indians (NCAI) Mid-Year Conference is scheduled for May 27-29 in Spokane, WA. The theme will be "Tribal Global Relations Policy and Action Plan for the 80's." The three-day conference will include panel discussions and major presentations by Assistant Secretary for Indian Affairs-designate Kenneth Smith, Senate Select Committee on Indian Affairs Chairman William Cohen (R-ME) and House Interior and Insular Affairs Committee Chairman Morris Udall (D-AZ). For more information, contact NCAI, (202) 546-1168.

The National Urban Indian Council will conduct its Fifth Annual Convention May 17-21 in San Diego, CA. Seminar topics may include: financial management requirements, developing CETA sub-recipient agreements, management information systems, effective job development, off-reservation youth issues, Indian public and community relations, community resource utilization, personnel management techniques, Indian child welfare, non-profit corporate legal concerns, off-reservation elder/programmatic alternatives, off-reservation Indian health concerns and Indian and Alaska Native women's issues. For information, contact the National Urban Indian Council, (303) 756-1569.

Two Maine Indian tribes have bought over 150,000 acres of land recently to complete their initial acquisitions under the Maine Indian Land Claims Settlement Act. Working with BIA's Eastern Area Director Harry Rainbolt, the Passamaquoddies and Penobscots spent \$29.6 million to buy 150,287 acres of timberland in east-central Maine. The Penobscots selected and purchased 120,205 acres while the Passamaquoddy obtained 30,082 acres. The Passamaquoddy lands were put immediately into trust. The Penobscots put 41,486 acres in trust while 78,719 were bought in fee, with the U.S. not having a trust responsibility.

In another note about Maine Indians: Indian population of the state has doubled since 1970, according to the Wabanaki Alliance Apr. 1981. The U.S. Census Bureau reports that 4,087 Indians are now living in Maine. In 1970, there were only 2,195 reported.

Notice of receipt of a petition for Federal-recognition for the Tuscararo Indian Tribe of North Carolina was announced in the Federal Register Apr. 15.

"The Rich and Roistering Days of Deadwood" is the title of a 35-minute wide-screen slide-sound presentation which will open May 22 in Deadwood, S.D., under the direction of Audio Visual Research and Marketing (A.V.R.A.M.), an Indian-owned and operated multi-image production firm based in Rapid City, S.D. The show, a major new tourist attraction in historic Deadwood, will depict the early gold rush period in Deadwood Gulch and will include such well-known "local" personalities as Calamity Jane and Wild Bill Hickock. A modern-day segment of the show will feature current attractions in the area.

A.V.R.A.M. is owned and operated by Milt and Shebby Lee, members of the Oglala Sioux Tribe. As a team, the Lees have previously produced a number of cultural presentation programs including "Oglala Sioux-Wintercount," "The Rushmore-Borglum Story" and the South Dakota Personalities series which aired on public television in South Dakota.

Do Indians have secrets? This question was asked in the nationally syndicated "Dear Abby" advice column Apr. 17. A reader wrote in:

DEAR ABBY: I am a 35 year old man who's in love with a beautiful, 28 year old divorcee. I want to marry her, but she keeps wanting more time to think it over. In the meantime, she's seeing another man, and I am afraid he has the edge on me. You see, he's part Kickapoo Indian, and I hear Indians are superior to the white man when it comes to lovemaking. Closely guarded tribal secrets on how to satisfy a woman are passed down from father to son. If there is any truth to that, I'm willing to pay whatever is necessary to find out.--ED.

And Abigail Van Buren's reply:

DEAR ED: I wouldn't touch your request with a ten foot totem pole. But you can try the Bureau of Indian Affairs or the American Indian Movement.

ECONOMIC DEVELOPMENT/TRIBAL ENTERPRISE

Michigan Indian tribes will lose their fishing rights on the Great Lakes if Federal regulations are allowed to lapse. These regulations are scheduled to expire May 11. In a letter to the chairman of the Sault Ste Marie Chippewa,

Grand Traverse Band of Ottawa and the Bay Mills Executive Council and to Michigan Governor William Milliken, Interior Secretary Watt wrote:

"The decline of the carefully restored fisheries of the Great Lakes is a matter of vital concern to this Department and it is clear that the tremendous pressures brought to bear by commercial, sport, and Indian fishermen on those fisheries are the principle decline. The continued decline of these species will reduce them to levels where another extremely costly, long-term restoration program will be necessary. . . .The continued necessity for the current treaty fishing regulations issued in 1979, and subsequently extended on Dec. 31, 1980, should, in view of these circumstances, be reevaluated. Evaluation by the Fish and Wildlife Service indicates that the program provided by the regulations may be failing to protect these fisheries which are vital to Indians and non-Indians alike. Consequently, I do not intend to extend these regulations beyond the May 11 expiration date."

As a result of this decision, a meeting has been scheduled for next week among Secretary Watt, leaders of the tribes involved and representatives from the state of Michigan so that a compromise on how to enforce regulations without abrogating treaty fishery may be developed. If the state is allowed to make the regulations, however, it will probably be in the best interest of the State. At the same time, it may become illegal to fish with gillnets, the main method tribes currently use.

From the tribal point of view, Watt's action is neglectful of duties to uphold trust responsibility and enhance tribal self-determination. If no compromise is reached between the parties involved, this issue could be tied up in the courts for months.

We have received a letter from House Economic Development Subcommittee Chairman James Oberstar (D-MN), thanking us for support in continuing the Economic Development Administration (EDA). Oberstar has informed us that the House Budget Committee has recommended \$180 million for EDA for the remaining two quarters of FY 81, and \$350 million for FY 82. The House Subcommittee on Commerce has exempted from rescission \$164 million for FY 81 and will meet on FY 82 appropriations in May or June.

Oberstar wrote to us, "We still have a long way to go before EDA's future is assured; the full Appropriations Committee, House Floor action and Conference with the Senate (which has refused EDA funding), but I did want to thank you for your support and to let you know that the Subcommittee and I will continue to press the case for EDA, hoping that the agency can resume its normal functioning as soon as possible, and that the waiting projects will be funded in the near future."

\$161 million in additional funding for EDA for FY 81 has been provided by a vote of the House Appropriations Subcommittee on Commerce, Justice, and State. These funds are to be added on to the \$282 million requested by President Reagan,

according to NADO News Apr. 14. The proposed \$161 million is distributed as follows (with dollar figures in millions):

\$131.0	Public Works
\$ 21.0	Planning
\$ 2.4	Technical Assistance
\$ 6.5	Revolving Loan Funds
\$ 8.5	Title IX
\$ 9.6	Direct Loans

\$161.00 Total

Don't hold your breath, though; EDA and other programs we hoped would be saved under the Jones alternative budget in the House look very bleak after the rousing reception President Reagan received after his speech to the Congress Apr. 28. Even Jones is not speaking with great confidence about the chances of his budget now, and Speaker O'Neil has all but "thrown in the towel" and declared the Reagan budget the winner.

Two Federal agencies with similar business assistance programs have potential for duplication, according to a GAO report. Both EDA and SBA currently provide business management and technical assistance through university-based centers. If either program is expanded, the result could be program duplication. GAO is recommending that Congress and the universities reevaluate the need for both agencies before making any decisions. They also recommend that both agencies improve their evaluations of the university centers' performance.

And another GAO report entitled "The SBA 8(a) Procurement Program, A Promise Unfulfilled" pronounces SBA's minority set-aside program a dismal failure. The GAO cites SBA as "reluctant to remove from the program firms that are needed to meet yearly contract volume goals. Because of this, other disadvantaged firms cannot participate. Insufficient staff, vague graduation criteria and poor records also hamper the program effectiveness."

Based on OMB data for FY 79-80 minority firms received only 1.5 per cent of available procurement dollars. Of the \$86.4 billion procurement budget, minority businesses were awarded \$1.29 billion with 61 per cent of that amount (\$777 million) going to 8(a) contractors and the remainder to minority small businesses and sub-contractors.

The GAO report also argues that the more successful 8(a) firms have remained in the program for seven to ten years and suggests that these successful firms be graduated from the program. Of the 4,700 firms that have participated in the 8(a) program since its inception, 167 firms have been termed successful and graduated. SBA has identified 83 companies which have received more than 42 per cent of the contract awards since the program's inception.

One of those who should have graduated from the program is the Devil's Lake Sioux Manufacturing Company in North Dakota. The company has received approximately \$132 million in contracts over the last eight years. However, the company

is based on a reservation and is the main source of employment for the tribe. If this company were graduated from the program, it would result in high unemployment, which is already a problem on many reservations. So if SBA wants to improve this program and make it more useful, it will have to revise its eligibility requirements to allow each firm an equal chance.

And a third GAO report summary discusses Farm Bill legislation. The summary is a compilation of over 100 reports pertaining to programs authorized by the Farm Bill since its renewal in 1977. It is organized by title and section of the Act with an additional section on Farm Bill issues such as: farm structure, parity, commodity surpluses, cultural research, nutrition, disaster assistance, grain reserves, food assistance provided under P.L. 480, foreign agricultural development, grain inspection, rural development, food stamps, farm credit and agricultural policy. For a copy, contact: GAO, Document Handling and Information Services Facility, P.O. Box 6015, Gaithersburg, MD. 20760, (202) 275-6241. Ask for Acc. No. 114223 CED-81-43.

Fifteen Federal agencies with substantial research and development budgets will meet in Washington May 11-12. The purpose of the meeting is to locate potential small business research and development contractors. Registration for the seminar is \$35.00. For more information, contact: Lakeshore Group Ltd., 207 E. Buffalo Street, Milwaukee, WI. 53202, (414) 272-5420.

EDUCATION

Sinte Gleska College will celebrate its tenth anniversary this spring. Since it was chartered by the Rosebud Sioux Tribe in 1971, this community college has grown from 158 part-time and five full-time students in its first semester to 193 full-time and 187 part-time students in the current semester.

According to the Sinte Gleska College News, 63 students have graduated with either A.A. or B.A. degrees, 678 students have received GED diplomas through the adult basic education program and 313 students have taken non-credit courses in such areas as breadworking, fingerweaving and moccasin-making. The school granted its first A.A. degree in 1973, and its first B.A. in 1980.

A new Institute of Native American Culture and Art Development is proposed in S. 792 introduced by Senator John Melcher (D-MT) and co-sponsored by Senators Quentin Burdick (D-ND), Dennis DeConcini (D-AZ), Pete Domenici (R-NM), Barry Goldwater (R-AZ), Mark Hatfield (R-OR), Daniel Inouye (D-HI) and Spark Matsunaga (D-HI). The bill authorized appropriations of \$4 million annually for the operation of the new institute. It would be under the control of an 18-member Board of Trustees, including 12 Indians with expertise in the field of Indian arts and culture.

According to the bill, four centers would be created within the Institute: Center for Culture and Art Studies, Center for Native American Scholars, Center for Cultural Enrichment and a Museum of Indian Arts. Passage of the bill would

also result in the merger of the Institute of American Indian Arts and the Indian Arts and Crafts Board into the new Institute. The bill has been referred to the Senate Select Committee on Indian Affairs.

One of the nation's leading graduate programs for American Indian educators is located at Pennsylvania State University, according to Medicine Bundle April 1981, newsletter of the Montana United Scholarship Service. Penn State's "Native American Leadership Training Program" has served 112 master's and doctoral-degree students from 49 tribes located in 22 states, 19 reservations, several urban areas and a number of distinct Indian communities since it was established in 1970. These advanced degrees are offered to qualified American Indians and Alaskan Natives in educational administration, curriculum and instruction and education theory and policy.

Dr. Grayson Noley, director of the program and a Choctaw Indian, stated: "Our program was established on the premise that we need well-trained Indian professionals staffing our schools. Schools for Indians traditionally have been staffed by non-Indians. However, research has shown that parents of Indian children have more confidence in their schools when they are operated by qualified Indian people who can act as positive role models."

The program uses various means to take into account the culture and heritage of Indian children. A seminar in Indian education maintains awareness among students of cultural needs in education and provides them with a reminder that their academic training should include skill development in facilitating the recognition and use of Indian culture as an integral part of instructional systems.

"It is recognized by faculty and administrators at Penn State that if equal educational opportunity is to become a reality for Indian children, then institutions of higher learning must take measures to assure that graduates receive an adequate background to enable them to meet and accommodate special needs," Noley said. For further information, contact Dr. Grayson Noley, director, Native American Leadership Training Program, The Pennsylvania State University, University Park, PA. 16802.

The Institute of American Indian Arts will offer a four-week Summer School Program for students and teachers in Fine Arts June 1-28 on the campus in Santa Fe, N.M. Course topics will include Art History, A Native American Approach to Teaching About Nature, Business Principles for the Artist and a Creative Writing Workshop. In addition, studio classes will be available in ceramics, curatorial functions, jewelry, painting, photography, sculpture, silkscreen printing and modern dance. For more information, contact: Admissions Office, Institute of American Indian Arts, Cerrillos Road, Santa Fe, N.M. 86501, (505) 988-6493/6494.

HEALTH AND HUMAN SERVICES

A proposed rule on provision of abortion services by the Indian Health Service was published in the Federal Register Apr. 20. This proposed regulation

adds a new Subpart F to 42 CFR Part 36, to make the IHS policy on provision of abortion services consistent with that of other Department of Health and Human Services programs. Proposed amendment to the regulations would restrict abortion services to (1) cases where the life of the mother would be endangered if the fetus were carried to term and (2) certain instances of rape or incest. Send comments by June 19 to Richard McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, MD. 20857.

Changes in the 1981 Conference on Aging have been announced, according to County News Mar. 23. David Rust, executive director, White House Conference on Aging, is encouraging counties to become involved in the selection and orientation of delegates for the conference, which is scheduled for Nov. 30-Dec. 3, 1981, in Washington, D.C.

Speaking to NACo's recent legislative conference, Rust informed county officials that several changes have been made. Four regional meetings scheduled to take place this fall have been cancelled. In addition, the 56-member Advisory Council is being reconstituted into a smaller 30-member working group. Rust told the conference that "these changes are necessary in order to limit the conference costs with President Reagan's proposed budget. I am confident that we can do an excellent job within these revised guidelines."

LAND/ENVIRONMENT

New air quality amendments will enlarge the role of Indian governments, according to the CERT Report Mar. 20. The National Commission on Air Quality (NCAQ) has recommended that Congress amend the Clean Air Act to address the role of Indian tribes under the statute. The NCAQ report also suggests that tribes may be eligible for financial and technical assistance to help underwrite the planning, development and enforcement of tribal regulatory programs.

While endorsing the overall goals and structure of the Act, the Commission adopted 109 recommendations designed to "preserve the best aspects of the law, streamline other parts to make it more effective, eliminate what is not working, and address new issues which have been discovered since the Act was passed."

Four recommendations on tribal participation won unanimous support from the 13-member panel:

- The Act should be amended to identify explicitly the authorities of Indian tribes and EPA. EPA should have authority over all existing and proposed sources of pollution within Indian reservations and should be authorized to delegate, when requested and approved, appropriate responsibilities to Indian tribes.
- Indian tribes should have the opportunity to develop their own reservation regulatory program to manage air quality with sufficient mechanisms to ensure coordination with adjacent state air quality management programs.

- Indian tribes should be eligible for Section 105 grants for planning, enforcement and training programs.
- EPA, in conjunction with the Department of Interior, should promulgate regulations for establishment of reservation air quality programs. The regulations should authorize inter-tribal programs, when appropriate, to allow economies in management and technical expertise among neighboring reservations.

Both the Senate and House are now drafting legislation incorporating the Commission's proposals with hearings expected within the month. For copies of the Commission report, write: National Commission on Air Quality, 449 South Capitol Street, N.W., Washington, D.C. 20003, (202) 245-6355.

Indians would be authorized to sponsor watershed and flood control projects by a bill introduced recently by Senator Jesse Helms (R-NC). The bill authorizes eligible Indian tribes to become sponsors of watershed projects in their states. This authorization is an attached amendment to S. 844, which would revise the authority established under P.L. 83-566, the "Watershed Flood Protection and Prevention Act of 1954."

Notice of intent to rescind portions of regulations governing granting rights of way over Indian lands were published in the Federal Register Apr. 16. BIA is intending to propose the rescission of 25 CFR 161.23-27, which impose a variety of specific requirements on grantees of rights of way over Indian lands. The regulations are intended to implement public laws enacted around the turn of the century authorizing the Secretary of the Interior to issue rights of way. Send comments by May 18 to Frank Hissong, chief, Branch of Tenure and Management, Bureau of Indian Affairs, Washington, D.C. 20245.

Interior Secretary Watt says that national parks lacking "unique significance" should be turned over to local governments, according to the Wall Street Journal Apr. 16. Instead of seeking to preserve "untrammelled nature," Watt said, previous administrations "started to establish a park unit in each Congressional district."

LAW ENFORCEMENT

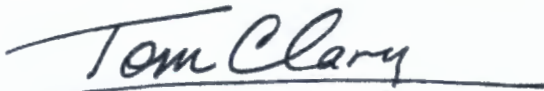
BIA has written draft legislation to clarify the authority of law enforcement officers, according to BIA's Indian Affairs Newsletter Mar. 25. This legislation would explicitly authorize BIA law enforcement officers to carry firearms, conduct searches and make arrests. At the present time, BIA law enforcement officers can carry firearms, based on an interpretation of provisions in the Snyder Act of 1921, and on the Interior Department's Appropriations

Act. But, they have specific authority only for liquor law violations. If officers take any other course of action, they are running the risk being challenged in court.

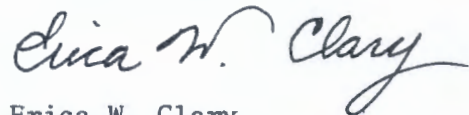
TRIBAL ADMINISTRATION AND FINANCE

Tribal personnel directors, mark your calendars! The 1981 International Personnel Management Association (IPMA) conference will be held at the Marc Plaza Hotel, Milwaukee, WI., Oct. 4-8, 1981. The theme will be "Effective Personnel Management, The Key to Good Government." For more information, contact: International Personnel Management Association, 1850 K Street, N.W., Suite 870, Washington, D.C. 20006.

Until next time . . .
May the Great Spirit Guide You!



Thomas C. Clary, Ph.D.
President
The Clary Institute



Erica W. Clary
Chairman/Director
The Clary Institute



Indicates
The Clary Institute

ERICA W. CLARY
CHAIRMAN-DIRECTOR
THOMAS C. CLARY, Ph.D.
PRESIDENT-DIRECTOR

November 5, 1980

The Honorable Ronald Reagan
President-Elect
901 S. Highland Street
Arlington, Virginia 22204

Malton

Dear President-Elect Reagan:

Congratulations to you on your election as President and to Mrs. Reagan on her position as First Lady. I am pleased that I was able to meet you when you were in Sioux Falls, S.D. during your October meeting with Indian Leaders.

As you prepare your new administration, I respectfully request that you consider some specific actions which would be of value to Indian people and their tribal leaders. As a beginning, you may want to review your answers to the questions we sent you concerning your stand on Indian affairs, which we published in our News Bulletin for Indian Leaders September 30. These answers set a basis for the Reagan Indian policy. Now that policy needs to be implemented as soon as possible before your inauguration. Further, it is imperative that you consider the following actions:

- Appoint a Secretary and Under Secretary of Interior who are empathetic to Indian issues. This office is charged with "Trust Responsibility" for tribal governments, but there has been a long history of individuals appointed to this position who are either anti-Indian or passive to Indian affairs. This is a particularly serious problem because within the Department of Interior there are competing bureaus, often at odds with Indian tribal leaders. This state of affairs includes the Bureau of Indian Affairs.
- Appoint an Assistant Secretary of Interior for Indian Affairs who has extensive experience in dealing with Indians. Information regarding this appointment may be obtained from consultation with Indian leaders and with The Clary Institute. This appointment has been a difficult task for the past administration; consultation is easy to promise and difficult to achieve. Two major Indian public interest groups, the National Tribal Chairmen's Association (NTCA) and National Congress of American Indians (NCAI) have Boards made up of regional

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members, but neither truly represent the Indian world. NTCA is billed as the voice of Indian tribal leadership, but less than 20 per cent of Federally-recognized tribes belong to this organization. NCAI, which is the oldest Indian organization, includes non-Federally recognized tribes and individual members as well as Federally-recognized tribes. Some of the larger tribes, such as Navajo, are not members of NCAI. Since the Bureau of Indian Affairs only services Federally-recognized tribes, it is better that heads of regional organizations and the president of NTCA provide the representation for an Advisory Council. I can provide you with a list of the individuals if you so desire. I suggest this Council provide your transition group with a list of three nominees from which you and your Secretary of Interior-designate choose one for Assistant Secretary for Indian Affairs. If none of the three are acceptable, then another three should be solicited until you find one acceptable to all concerned.

- The position of Director, Indian Health Service, should be selected in the same manner as the Assistant Secretary of Interior for Indian Affairs.
- Utilize the tribal chairman from the organizations as discussed above as an Advisory Council to the President on Indian Affairs. Use them on all matters involving consultation on Indian issues.
- Together with this Advisory Council, review the American Indian Policy Review Commission Report submitted to the Congress on May 17, 1977, in order to determine appropriate actions that should be taken.
- Designate a Deputy Assistant to the President for Intergovernmental Affairs in the White House to be liaison to tribal governments on the same level as the liaison to state and local governments.
- Consider Indians who are not served by tribal governments, such as urban Indians and members of non-Federally recognized tribes as minorities who have been transplanted from their reservations by government encouragement, lack of jobs or personal desire. For many of these people, there is great need for Federal assistance. However, these individuals should be treated as an individual or on a group basis, but not in the same manner as Federally-recognized sovereign tribal governments.

- Fragmentation of Indian programs is a serious issue. Ensure that there is coordination between the White House and the Office of Management and Budget for all Federal funds going to tribal governments. For example, currently there is money for Indian housing coming from several different departments, HUD, BIA, Farmers Home Administration and USDA. The same is true for programs such as law enforcement, job programs, economic development, education, social services and others.
- The Bureau of Indian Affairs and Indian Health Service, DHHS operations should be reviewed to bring about better services to Indian people. Both BIA and IHS Senior Executive Service and Merit Pay personnel should be evaluated on their ability to bring about increased tribal self-determination (Public Law 93-638) and contracted services. Both agencies should have a realistic personnel program to ensure that they are not forcing tribes to take on programs they are not prepared for, but more importantly that they are not impeding a contracting process. Also, small tribes should be encouraged to join other tribes to become viable self-governments. To accomplish this there must be some assurance that government funding is not to be withdrawn when tribes assume operation of programs until tribal skills and economic development can be improved to such an extent that tribes are adequately self-sufficient as state and local governments.
- Long range goals for tribes (with Tribal Council consent) should be established in terms of employment, health, education, economic development and taxation. Inter-tribal government efforts, where appropriate, should be mandatory for funding. Departments should be directed to monitor and encourage use of funds in order to bring about effective self-sufficiency and self-government.
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- All Indian Education programs serving tribal governments should be transferred to BIA.
- Clarify "Trust Responsibility" for now and the future. This includes the issue of Tribal Sovereignty and the special relationship of Federal government and self-government.

November 5, 1980

- Require all departments with tribal government programs to submit an annual report on goals and results, to be submitted to the Assistant Secretary for Indian Affairs and present a report to the President and Congress.
- Direct BIA to assist non-Federally recognized tribes eligible to become Federally-recognized within a specific period of time, and clarify the definition of "Indian."
- Direct the Secretary of Interior to clarify Indian claims issues and settle these with dispatch.

I appreciate the opportunity to present these points to you, and hope that this information proves helpful. Should you need any clarification or further information on these matters, please call on us.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Thomas C. Clary', written over a horizontal line.

Thomas C. Clary, Ph.D.
President

cc: Edwin Meese
Stephen Postupack
Max Hugel
Martin Anderson



Indians-

The Clary Institute) *file*

ERICA W CLARY
CHAIRMAN-DIRECTOR
THOMAS C CLARY, Ph.D.
PRESIDENT-DIRECTOR

November 5, 1980

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President-Elect
901 S. Highland Street
Arlington, Virginia 22204

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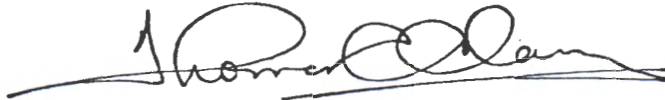
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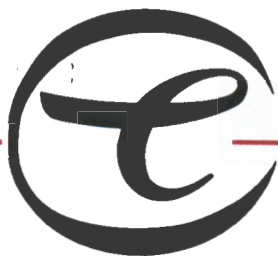
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Thomas C. Clary, Ph.D.
President

cc: Edwin Meese
Stephen Postupack
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Martin Anderson



The Clary Institute

ERICA W. CLARY
CHAIRMAN-DIRECTOR
THOMAS C. CLARY, Ph.D.
PRESIDENT-DIRECTOR

February 17, 1981

Honorable Richard S. Williamson
Assistant to the President for
Intergovernmental Affairs
The White House
Washington, D.C. 20500

Dear Mr. Williamson:

We talked about Indian issues while you were acting as an assistant to Senator Laxalt during the campaign. Congratulations on your being appointed to the important position of Assistant to the President for Intergovernmental Affairs.

May I meet with you at your earliest convenience to discuss your views as to how Indian tribal governments will be served through your office?

The Clary Institute is a 100 per cent Indian-owned research, communications, training, and consulting firm. The Clary Institute publishes a News Bulletin for Indian Leaders twice monthly. This publication provides tribal leaders and other officials interested in Indian affairs with a comprehensive summary on issues from Washington, D.C., and around the country.

This past September, we asked Governor Reagan 20 questions on Indian policy. His responses to these questions were a basis on which tribal governments and inter-tribal organizations could announce their public support for the Governor. We were with the group of Indian leaders in Sioux Falls, South Dakota last October who met with Governor Reagan, Mrs. Reagan, Martin Anderson, and Jim Brady. We considered this meeting most successful.

As the new Administration takes over, I feel it is necessary to bring to your attention information about Indian issues that you may be facing. It has been difficult to get the past Administration to understand that American Indians are not just another minority or ethnic group. It is important to understand that there are various groups which call themselves Indians. Some are Indians by culture, but their groups are not recognized by any government. Certain Indian tribes are recognized by a state government. Other tribal members have migrated to urban centers and have formed organizations. Many of these individual members are poor and disadvantaged and need help as do others who suffer in these circumstances.

Honorable Richard S. Williamson
February 17, 1981
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However, the uniqueness of Indians and their special relationship with the United States government are those Federally-recognized tribes defined in the "Self-Determination and Education Assistance Act" (Public Law 93-638). These tribes are sovereign governments and derive their status from the Constitution, treaties and laws enacted since that time. During the last Administration, this sovereignty and self-determination was diluted by including Indians as part of the minority grouping and the fragmenting of delivery systems not only to tribal governments, but to other "Indian organizations" throughout various government agencies.

The Bureau of Indian Affairs has not always enjoyed high favor among Indians for just reasons. However, the Federally-recognized tribal governments and their members cannot do without it. It is the "glue" that provides viable services to these tribes.

May I respectfully recommend that you:

- Retain the responsibility for Indian tribal governments in the Office of Intergovernmental Affairs. Appoint a person to the staff for liaison with tribal governments and Indian people. Preferably, this person should be an Indian who can communicate fairly with all tribes.
- Recognize the significant difference of Federally-recognized tribes and their unique relationship with the Federal government.
- Recognize that these Federally-recognized tribes are not a part of state or local governments and should not receive Federal services through them. Federal services should be delivered directly to each tribe or through the Bureau of Indian Affairs. With bloc grants to states being introduced, BIA could, in effect, become a "state for tribal government."
- Ensure that a Presidential Council of Tribal Chairmen be appointed to advise the President on Indian affairs. A National Policy Forum of Tribal Chairmen in San Diego, California on December 17, 1980, adopted a resolution recommending to the President-elect that tribal chairmen from each of the Bureau of Indian Affairs' twelve areas elect a representative to this Council. This Council of twelve should meet at least quarterly. This resolution was sent to Mr. Edwin Meese III at the transition office.

Honorable Richard S. Williamson
February 17, 1981
Page Three

- Review legislation drafted to ensure that it does not subordinate or include tribal governments with state or local governments. Such legislation should include language such as "state, local, and Indian tribal governments."
- Make every effort to eliminate the fragmentation of Indian programs throughout various Federal agencies. Great savings could be made by eliminating Indian desks in the various agencies and consolidating the delivery services to tribal governments through the Bureau of Indian Affairs. This would also eliminate much duplication. An example is current Indian housing projects are now administered through HUD, BIA, and USDA (FmHA); none of which are coordinated. This is equally true in the areas of employment, economic development, social services, law enforcement, etc. It would be advisable to transfer the Indian Health Service from the Department of Health and Human Services back to the Bureau of Indian Affairs for greater efficiency in the delivery of services and to provide more integrated social and health services to Indian people.

President Reagan has promised to continue the concept of self-determination for tribal governments started by President Nixon. It has lost momentum during the past four years. The above are some of the ways you can help tribes toward becoming "self-sufficient" governments during this Administration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Clary', written over a horizontal line.

Thomas C. Clary, Ph.D.
President

TCC;mls

Enclosures

1. What is the Reagan position on "government-to-government" relations between the Federal government and Indian tribal governments -- in other words, treating tribal governments on an equal basis with state and local governments?

Because I believe deeply in the rule of law, I support respect for and adherence to treaties, court decisions, and laws passed by Congress which clearly recognize Indian tribes right to self-government.

Tribes have not given up their powers of self-government in their local communities. I want to see tribal powers of local self-government continue to improve and develop. I want to see tribes effectively address the issues of poverty, education, poor health conditions, and community development, particularly more effective judicial systems.

I can think of no better example of the problem flowing from paternalistic big government than the events that have happened to American Indian communities. I would support Indian government through the fulfillment of treaty obligations and financial assistance, and not supplant Indian government by federal government bureaucrats.

2. What is the Reagan position on "government-to-government" relations between the Federal government and Indian tribal governments -- in other words, treating tribal governments on an equal basis with state and local governments?

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 reservations, 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.

3. Will the Reagan Administration establish a White House co-ordinator on Indian tribal affairs to prevent the current situation of unco-ordinated programs which overlap in numerous federal agencies?

We cannot promise that an office of special co-ordinator on Indian Tribal Affairs will be established in the Reagan White House, although the matter will be looked into. However, I can assure the Indian tribes that their leadership will have strong advocacy and an open channel of communication in the White House. The failure or refusal of the various federal agencies to cooperate with each other and to coordinate their efforts on behalf of the Indian tribes results in gross inefficiency, loss of costly time, and greatly reduced cost-benefit to the Indian people. This will not be tolerated in the Reagan White House.

4. What will the Reagan policy be on dealing with urban Indians and non-federally recognized Indian groups, including state-recognized Indian tribes, as opposed to Federally-recognized tribes?

At the outset, let me say that I fully respect the unique trust relationship between the United States government and the federally-recognized Indian tribes. However, having served as Governor of the state which has some of the largest urban Indian communities in the U.S., I am aware of the unique nature of their situation and of the fact that their problems have been largely ignored in the past. The situation of the urban Indians, the off-reservation rural Indian communities, and the tribes not recognized by the federal government must be looked into with the goal of establishing ways and means of securing better opportunities for them. However, this must be done in a way that will not threaten or compromise the treasured trust relationship of the federally-recognized tribes, nor diminish the financial commitment of the federal government to them.

5. Will the Reagan Administration retain the position of Assistant Secretary of the Interior for Indian Affairs and the Commissioner of Indian Affairs?

The Reagan Administration will consider various alternative arrangements for assuring the development of Indian policy and the effective execution of that policy. The present Assistant Secretary and Commissioner structure is one alternative. There may be others worthy of consideration, suggested by organizational experts or by tribal leadership. Whatever the final choice, it will be taken only after full consultation with Indian leadership.

6. Will Indian tribes continue to be eligible to receive General Revenue Sharing Funds?

I see no circumstances under which I would initiate any legislative changes that would alter current conditions and prohibit tribal eligibility to receive General Revenue Sharing Funds. In the long run, however, I would hope to decentralize program responsibilities from the Federal government to the State and local governments, including tribal governments, along with the tax resources to pay for them.

7. What is the Reagan policy on tribal governments determining their own membership and government policies without interference by the Bureau of Indian Affairs or Secretary of Interior, notwithstanding certain trust responsibility legal restrictions?

Indian people should determine tribal membership for themselves, since they are ultimately going to participate in the responsibilities and benefits of the tribal relationship.

I believe state and local governments should have maximum freedom to develop their governmental policies without interference by federal agencies. Since tribal governments have the same responsibilities to tribal members that state and local government have to their citizens my philosophical view is that federal bureaucrats should not interfere with Indian government policy development. Where the trust responsibility brought my administration into conflict with tribal policies, I would be willing to consider in consultation with Indian governments recommending to Congress the repeal of laws that are causing difficulties.

8. What will the Reagan policy be on encouraging tribes to take over BIA Indian Health Service programs as they are capable, thus reducing the role of government agencies but not terminating federal funding?

I endorse "Indian self-determination" as national policy. The Indian Self-Determination Act (PL93-638) was proposed by a Republican Administration and enacted by Congress to provide the legal and administrative vehicle for the tribal governments to secure control and management of federal programs designed to serve their constituencies. I believe that the tribal governments, as they decide they are able to administer it, should have that control.

Although I am informed that there have been problems in implementing PL93-638, I believe that the concept of Indian self-determination remains valid. A priority in the Reagan Administration's Indian affairs agenda would be a thorough review of PL93-638 with the Congress and the Indian leadership for the purpose of improving the legislation and the federal administration of it; and of removing those aspects which cause anxiety and reluctance on the part of the tribes to participate.

9. Will the Reagan Administration guarantee tribal governments that it will not terminate tribes or the federal responsibility to tribes or abrogate treaties between tribes and the U.S. Government?

The Reagan Administration would be opposed to the abrogation of Indian treaties and the termination of the unique relationship between the federal government and the Indian tribes.

The policy of "termination" has been greatly discredited as morally and legally unacceptable and, in practical social and economic terms, devastating.

I stated earlier that because I believe in the rule of law, I support respect for and adherence to existing Indian treaties. ~~The provisions of many Indian treaties are still~~ valid law and impose duties and responsibilities on both Indian governments and the United States government today. The support and fulfillment of Indian treaties is bound up with the honor and integrity of the United States. The United States should keep its pledged word to any nation, great or small. Supreme Court Justice Black expressed it this way, "Great nations, like great men, should keep their word."

The policy of termination of the federal trust responsibility to Indian tribes proved to be an economic and social disaster in the 1950's and 1960's. My administration would not recommend that termination be revitalized or resurrected.

10. Will the Reagan Administration guarantee against states or local governments taking over or having jurisdiction over any tribal reservation or historical Indian lands?

The Reagan Administration would not advance Executive action nor support legislation that would provide for the seizure of tribal jurisdiction by state authority.

My Administration will be committed to upholding the law. If the tribal justice systems are deficient in their abilities to protect rights and property and to administer justice, government should assist them in carrying out their responsibilities fairly and responsibly.

I am informed that, at the initiative of Indian leadership themselves, a Commission on State/Tribal Relations has been sanctioned by the National Tribal Chairmen's Association, the National Congress of American Indians, and the National Conference of State Legislatures. I am encouraged by this action and look upon this type of negotiation as a promising step in resolving the age-old struggle between the tribes and the states.

11. What will the Reagan policy be on guaranteeing water rights for tribal governments in the Western part of the U.S.?

I believe that the inherent water rights of the Indian tribes is a vital key to true and lasting economic development for Indian reservations. I agree 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. This can be done with assistance to the tribes and their people for them to develop their energy, agricultural, and other tribal natural resources.

12. What is the Reagan policy on upholding fishing rights on tribal lands?

As I stated earlier I support the fulfillment of Indian treaty rights. Where the tribes by the terms of a treaty have reserved their fishing rights I feel those rights should be protected. This is consistent with current federal Indian law as the U.S. Supreme Court has interpreted it.

13. What is the Reagan policy on tribal court systems? Jurisdiction over non-Indians on Indian lands? Taxation of persons living on Indian lands?

I would encourage and support the development of the tribal court system. Because of the geographical isolation of Indian reservations tribal courts are sometimes the only judicial forums available for hundreds of miles. It is my understanding that at the present time tribal court systems have no difficulties about their jurisdiction over civil cases involving both Indian and non-Indians. It is also my understanding that the U.S. Supreme Court concluded that tribal courts did not have jurisdiction over non-Indians in 1978 in a case on the Suquamish reservation. I know that the issue of criminal justice jurisdiction over non-Indians by tribal courts is a source of high emotion on both sides and deep frustration for tribal court and government officials because of the irresponsible action of some non-Indians in Indian communities. Indian communities must be protected against lawless action and I would welcome advice on the matter from Indian governments.

14. Will the Reagan Administration support Indian education through the Bureau of Indian Affairs rather than through (the Department of Education?

I have been informed that Indian tribal leaders and education professionals have opposed the transfer of Indian education from the BIA to the new Department of Education, for fear that the resulting reduction of the BIA budget would diminish that agency's trust protection as well; and that the tribes feared absorption and loss of Indian education programs in the burgeoning bureaucracy of the new Department.

I have strongly opposed the Department of Education, and if elected I will propose its abolition. If that measure is adopted, the Indian education program would presumably be transferred back to BIA, or reorganized in such a way as to increase tribal responsibilities for the education of Indian children.

15. Will Federal agencies be directed to deal with tribes directly rather than through states or counties on welfare, nutrition programs, law enforcement assistance, etc.?

My administration will honor the government-to-government relationship that exists according to law. Certainly, we'll be open to discussion on the best possible delivery systems for federal services to Indian people. However, we are aware of the magnitude of the problem of changing legislation that directs federal funding through state channels, and can make no promises until my Administration has had the opportunity to thoroughly review the situation.

16. Since tribal governments own a large share of natural resources (including energy), what is the Reagan policy on permitting tribes autonomy in decisions on development, lease management, etc.?

Tribal governments should have the right to determine the extent and the methods of developing the tribe's natural resources. Although the federal government has a trust responsibility for Indian natural resources, that responsibility should be directed to the protection of the resources from alienation and exploitation from the outside. It should not be used to hinder tribes from taking advantage of economic development opportunities.

Tribes are making great strides in planning and controlling development -- particularly those members of the Council of Energy Resource Tribes. The American private sector possesses unlimited technology and management expertise which the tribes can call upon. My administration would encourage fair and just partnerships among the tribal governments, the private sector, and the federal government in meeting the tribes' identified development needs.

17. What is the plan to assist tribes in developing their own economic self-sufficiency?

Economic self-sufficiency will be a goal of the Reagan Administration, both in Indian affairs and in the nation at large. It would work to make available financial, technological and management assistance which will enable tribal enterprises to develop their own projects for self-sufficiency. This will result in the reduction of income dependency and an increase in productive employment -- which are the desires of Indian people.

18. What is the plan to encourage economic development of individual Indian small business enterprise?

Although the systematic development of tribal enterprise is extremely important, the development of individual or small business enterprise is crucial to sound economic development on the reservations.

Ample opportunities now exist in the areas of agriculture, services, and light industry development throughout the rural Indian communities. As is the case throughout America, however, many Indian businesses fail for lack of adequate management and financing capital availability.

My Administration will work to assist all small businesses in obtaining capital, managerial assistance, government procurement contracts, and export opportunities.

19. In selecting a Secretary of the Interior, will Reagan consider an individual who is knowledgeable in the area of Indian affairs, since the Bureau of Indian Affairs is under the Department of the Interior and the department could be most effective with this knowledge in handling Indian issues?

Until I am actually considering individuals to nominate for the position of Secretary of the Interior it is difficult to make a yes or no response.

Indian Affairs is an extremely important part of the Interior Department, but the Department has a broad range of important responsibilities. I would definitely consider an Indian for Secretary of the Interior, but it would have to be a person who has demonstrated knowledge and competence commensurate with the full range of Departmental responsibilities.

20. Will Reagan ensure that his administration consults with tribes on issues and appointments to positions affecting Indians and tribal governments?

Yes. I have indicated that the traditional "government-to-government" relationship between the federal government and Indian governments should be continued. In my view that would include consulting with tribes and their leaders in the development of federal Indian policy, and about appointments to federal government positions affecting Indians and tribal governments. I feel that the problem of an insensitive, unresponsive paternalistic federal government has been most acute in the area of Indian policy. I believe that the people whose interests are intended to be served and whose lives are most affected should play a larger role in influencing federal policy and personnel, so that the federal government can become more sensitive and responsive.