

Y4
.In 8/13

1040

9114
In 8/13
In 2/14

In 2/14 POLICY CHANGES IN THE BUREAU OF INDIAN AFFAIRS

GOVERNMENT

Storage

MENTS

17 1971

THE LIBRARY
KANSAS STATE UNIVERSITY

HEARING

BEFORE THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

PROPOSED CHANGES IN STRUCTURE AND POLICY
OF THE BUREAU OF INDIAN AFFAIRS

DECEMBER 16, 1970

2061701 0061902



AL1600 701902



Printed for the use of the
Committee on Interior and Insular Affairs

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1970

53-633

DOCUMENTS
FEB 1961
THE LIBRARY
OF THE STATE DEPARTMENT

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

HENRY M. JACKSON, Washington, *Chairman*

CLINTON P. ANDERSON, New Mexico

ALAN BIBLE, Nevada

FRANK CHURCH, Idaho

FRANK E. MOSS, Utah

QUENTIN N. BURDICK, North Dakota

GEORGE McGOVERN, South Dakota

GAYLORD NELSON, Wisconsin

LEE METCALF, Montana

MIKE GRAVEL, Alaska

GORDON ALLOTT, Colorado

LEN B. JORDAN, Idaho

PAUL J. FANNIN, Arizona

CLIFFORD P. HANSEN, Wyoming

MARK O. HATFIELD, Oregon

TED STEVENS, Alaska

HENRY BELLMON, Oklahoma

JERRY T. VERKLER, *Staff Director*

STEWART FRENCH, *Chief Counsel*

WILLIAM J. VAN NESS, *Special Counsel*

JAMES GAMBLE, *Professional Staff Member*

CHARLES COOK, *Minority Counsel*

CONTENTS

STATEMENTS

Bruce, Louis R., Commissioner, Bureau of Indian Affairs; accompanied by Ernest Stevens, Director, Community Services; Lee Cook, Acting Director, Economic Development; Tony Lincoln, Acting Associate Commissioner, Education and Programs; Alexander MacNabb, Director, Operation Services; and Jim Hena, Assistant to the Commissioner-----	Page 7
---	-----------

COMMUNICATIONS

Brice, Calvin N., Deputy Associate Commissioner, BIA: Letter to N. T. Wolkomir, dated September 21, 1970-----	79
Bruce, Louis R., Commissioner, Bureau of Indian Affairs: Letters to Senator Jackson dated—	
November 24, 1970-----	2
December 3, 1970-----	7
N. T. Wolkomir, dated December 23, 1970-----	41
Memorandum to BIA employees, July 30, 1970-----	78
Chino, Wendell, president, Mescalero Apache Tribe: Letter to Senator Anderson, dated December 8, 1970-----	55
Gunter, R. W., chief personnel officer, Bureau of Indian Affairs: Letter to Nathan T. Wolkomir, president, NFFE, dated May 22, 1970-----	72
Jackson, Hon. Henry M., chairman, Committee on Interior and Insular Affairs: Letters to Louis R. Bruce, Commissioner, Bureau of Indian Affairs, dated:	
December 1, 1970-----	6
December 7, 1970-----	7
Jackson, James, chairman, Quinault Tribal Council: Letter to Commissioner Bruce, dated December 10, 1970-----	26
Lewis, Robert E., governor, Pueblo of Zuni: Letter to Commissioner Bruce, dated December 11, 1970-----	48
Mondello, Anthony L., general counsel, U.S. Civil Service Commission: Letter to Newell B. Terry, Director of Personnel, Department of Interior, dated March 18, 1970-----	76
Montoya, Domingo, chairman, All Indian Pueblo Council, Inc.: Letters to—	
Senator Anderson, dated December 2, 1970-----	47
Senator Jackson, dated December 8, 1970-----	46
Stevens, Ernest L., Acting Commissioner, Bureau of Indian Affairs: Letter to Senator Jackson, dated December 18, 1970-----	70
Wolkomir, N. T., president, National Federation of Federal Employees: Letters to the committee, dated—	
December 9, 1970-----	36
December 31, 1970-----	39
R. W. Gunter, dated May 4, 1970-----	77
Woodenlegs, John, Lama Deer, Mont.: Letter to Senator Metcalf, dated December 14, 1970-----	13
Wyasket, Francis, chairman, Ute Tribal Business Committee: Telegram to Commissioner Bruce, dated November 27, 1970-----	18
Youpee, William, chairman, Fort Peck Tribes: Letter to the Commissioner, dated December 2, 1970-----	19

ADDITIONAL INFORMATION

A tentative analysis of new BIA policies of "Contracting" and "Reassignment"—Affiliated Tribes of Northwest Indians-----	31
"Authority of the Bureau of Indian Affairs to transfer to an Indian tribe the direction of Federal employees—memorandum from Raymond C. Coulter, deputy solicitor, Department of the Interior-----	73

Biographical sketches of the BIA staff:

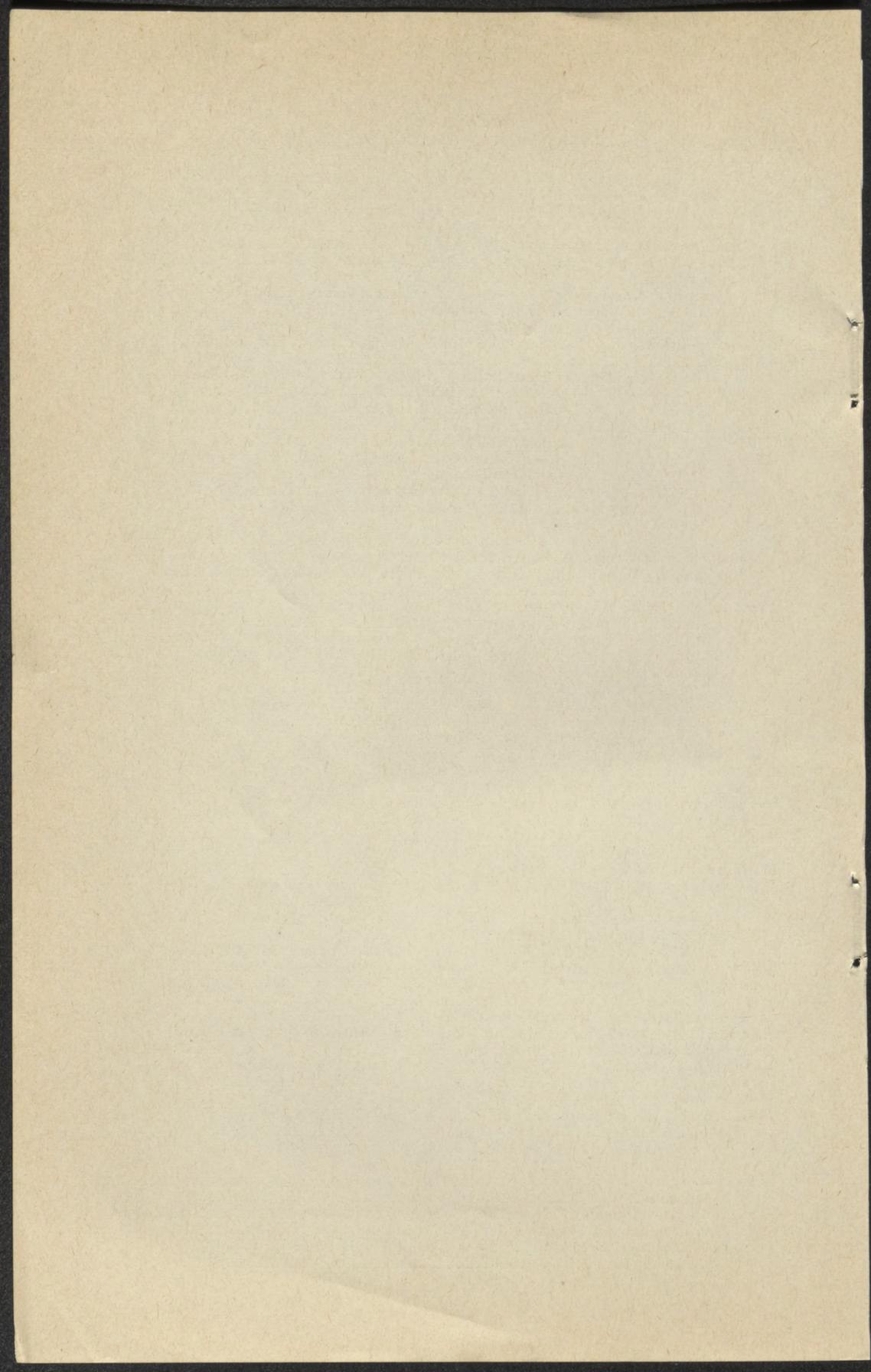
	Page
Clarence Acoya	82
Harold S. Bassett	83
Calvin N. Brice	84
Leon F. Cook	84
Harold D. Cox	85
Arthur J. Gajarsa	86
Robert P. Gajdys	87
Hanay Geiogamah	88
James S. Hena	88
Kirke K. Kickingbird	88
Flore Lekanof	89
Antony P. Lincoln	89
Alexander S. MacNabb	89
William M. Mills	90
Thomas Oxendine	91
Helen White Peterson	92
Allen C. Quetone	92
Harry A. Rainbolt	92
Herschel Sahmaunt	93
George D. Scott	94
Ernest L. Stevens	94
John P. Sykes	94
National Congress of American Indians—Indian views on the reorganiza- tion of the Bureau of Indian Affairs	23
“Inaccurate and Inappropriate Supervisory Counseling,” memorandum from Harold D. Cox, Acting Commissioner BIA	80
“Indian Tribal Supervision of Bureau of Indian Affairs Employees—memo- randum from Commissioner Bruce:	
January 30, 1970	77
September 25, 1970	79
“Outplacement Programs,” memorandum from Commissioner Bruce	81
Pending BIA actions, statement of	3
Bureau’s new policy, rotation of managers and administrators	5
Petition to the President from non-Indian employees of BIA and IHS	82
“Placement and Promotion Policy,” memorandum from Commissioner Bruce	78
Policy for rotation of employees in the Bureau of Indian Affairs	2
“Secretary Hickel Unveils Dramatic Changes in BIA,” news release from Department, November 25, 1970	5
Tarter, Mariana, president, NFFE, Local 40, memorandum to all BIA and IHS employees	82
Wolkomier, N. T., president, National Federation of Federal Employees: Reports to NFFE Bureau of Indian Affairs locals:	
December 7, 1970	37
News release	38
December 28, 1970	40

RESOLUTIONS

Affiliated Tribes of the Northwest	30
Assiniboine and Sioux Tribes, Fort Peck Indian Reservation	19
Coeur d’Alene Tribal Council	16
Fort Mojave Tribe of the Fort Mojave Reservation	22
Inter-Tribal Council of the Five Civilized Tribes of Oklahoma	20
Kalispel Business Committee, Usk, Wash	27
National Congress of American Indians:	
No. 6	25
No. 11	25
National Council on Indian Opportunity	22
Quinault Tribal Council, No. 71-18	26
Red Lake Band of Chippewa Indians:	
No. 195-70	15
No. 198-70	16
Southern Pueblos Agency superintendent, resolution of, signed by 10 Governors	47
Spokane Tribe of the Spokane Reservation, No. 70-206	27
Tulalip Tribes of Washington, No. 317-16	28
Uintah and Ouray Agency, No. 70-382	18

APPENDIX

	Page
Anderson, Hon. Clinton P.: Letter to Charley Vigil, president, the Jicarilla Apache Tribe, dated December 8, 1970	118
Andrews, Louis, chairman, Kalispel Business Committee: Letter to Commissioner Bruce, dated November 24, 1970	107
Banks, D. J. chairman, American Indian Movement: Letters to—	
Senator Jackson, dated December 8, 1970	111
Senator Burdick, dated December 8, 1970	121
Boy, John Windy, chairman, Chippew-Cree Tribe, Havre, Mont.	114
Brown, Kathryn, Los Angeles, Calif.	114
Bruce, Louis, R., commissioner, Bureau of Indian Affairs: Letters to—	
Charlie Vigil, Dulee, N. Mex., dated November 24, 1970	120
Grant Waheneka, Warm Springs, Oreg., dated November 24, 1970	120
Btegnard, Frank O., administrator, Academy of Trades, Los Angeles, Calif.	122
Buggen, Grace, chairman, Suquamish Tribal Council: Letter to Commissioner Bruce, dated December 5, 1970	111
Burch, Leonard C., chairman, Southern Ute Tribal Council, Ignacio, Colo.	112
Call of the Council Drums, Denver, Colo.: Telegram to Senator Allott	112
Changes in the procedure for selecting field administrators	101
Charles, Gilbert, Port Angeles, Wash.	122
Connel, Albert L., chairman, Indian Affairs Committee, Anadarko, Okla.	121
Cooke, Lucille E., president, NFFE, Hardin, Mont.	114
Dellwo, Robert D., attorney for Spokane, Kalispel, and Coeur d'Alene Tribes: Letter to Senator Jackson, dated December 9, 1970	106
Doublehead, Hiner, chairman, Elected Community Representatives of the Cherokee Nation and member of the Tribal Executive Committee, statement of	110
Excerpts from remarks by Commissioner Bruce at a meeting of Intertribal Indian Leaders, Denver, Colo., May 21, 1970	105
George, Roy S., Sr., president, Small Tribes Organization of Western Washington, Inc., and chairman, Nooksack Tribe, Inc.: Letters to: Senator Jackson, dated—	
December 2, 1970	109
December 5, 1970	109
Commissioner Bruce, dated December 16, 1970	109
Gilbert Charles, Port Angeles, Wash., December 2, 1970	122
Harrison, Idell, executive director, Ute Mountain Tribe, Towaoc, Colo.	123
Harvey, Paul, Sr., chairman, Sauk-Suiattle Tribe: Letter to Senator Jackson, dated December 5, 1970	111
Indians for National Liberation, Denver, Colo.: Telegrams to Senators Jackson and Allott	113
Indian Leaders respond to new BIA policy structure	97
Jumper, Betty Mae, chairman, Seminole Tribe of Florida	114
Karnopp, Dennis C., tribal attorney, Confederated Tribes of the Warm Reservation of Oregon: Letter to Senator Jackson, dated December 3, 1970	108
Kramer, Ernest G., State director and executive officer, Coordinating Council for Occupational Education, Olympia, Wash.	123
La Sarta, Bernard, chairman, Coeur d'Alene Tribal Council	107
McCloud, Mrs. Janet, Seattle, Wash., statement of	109
Oskolkoff, Larry, president Kenai Peninsula Native Association, Anchorage, Alaska	123
Schilperoort, Gerrit, Toppenish, Wash.	114
Sherwood, Alex, chairman, Spokane Business Council: Letter to Commissioner Bruce, dated November 24, 1970	107
Small Tribes Organization of Western Washington: Telegram to Senator Jackson	112
Smith, Linda L., Los Angeles, Calif.	117
Statement on the development and Indian involvement in the new BIA problems	98
Tinker, Sylvester J., Principal Chief, Osage Tribal Council, Pawhuska, Okla.	121
Wing, Albert, chairman, Ute Mountain Tribe: Letter to Senator Jackson, dated December 8, 1970	111
Wisler, Pat, president, NFFE local 520, Sells, Ariz.	115
Vigil, Charley, president, the Jicarilla Apache Tribe, Dulce, N. Mex.	118, 119
Youpee, William, chairman, Fort Peck Tribal Executive Board, Opplar, Mont.	114



PROPOSED CHANGES IN STRUCTURE AND POLICY OF THE BUREAU OF INDIAN AFFAIRS

WEDNESDAY, DECEMBER 16, 1970

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to call, at 10:05 a.m., in room 3110, New Senate Office Building, Senator Lee Metcalf presiding.

Present: Senators Lee Metcalf (Montana), Clinton P. Anderson (New Mexico), Quentin N. Burdick (North Dakota), Gordon Allott (Colorado), Len B. Jordan (Idaho), Paul J. Fannin (Arizona), Clifford P. Hansen (Wyoming), Ted Stevens (Alaska), and Henry Bellmon (Oklahoma).

Also present: Jerry T. Verkler, staff director; James H. Gamble, professional staff member; and Tom Nelson, assistant minority counsel.

Senator METCALF. The committee will be in order.

The purpose of our meeting this morning is to discuss with the Commissioner of Indian Affairs proposed changes in structure and policy that he intends to implement within the Bureau of Indian Affairs.

At a meeting of this committee on December 1, members were apprised of the Commissioner's letter of November 24, 1970, outlining his proposals, and it was the unanimous recommendation of the committee that these changes ought not to be put into operation until the committee had an opportunity to go into the entire matter with him in open session.

Subsequently, there was correspondence between the chairman and the Commissioner, and it was agreed that we would arrange to have this meeting today in order that Mr. Bruce could provide committee members additional information and give such further explanation as he might wish.

The committee has received many letters from tribal officials throughout the country expressing concern about these policy changes, particularly with respect to the reassignment of area directors and superintendents to other reservations than those they now serve.

So that the record will be complete, I will ask that the initial correspondence between the chairman and the Commissioner of Indian Affairs, together with the communications from the various tribes bearing on this hearing be included in the record at the appropriate place.

Without objection, it is so ordered.

(The material referred to follows:)

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., November 24, 1970.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: In response to your inquiry of November 24, 1970, regarding changes in the Bureau of Indian Affairs structure and policy I am enclosing some explanatory material. These enclosures are:

1. Policy for Rotation of Employees in the Bureau of Indian Affairs;
2. My statement to BIA staff implementing new policies and structure;
3. A copy of the letter informing eligible BIA staff members of the rotation policy; and
4. A copy of the letter which will be sent to Tribal Councils informing them of the new policy.

I think you will agree that these are dramatic and long overdue changes. It is my firm conviction that this new course of action will result in the Bureau becoming far more responsive to the needs of Indian people than it presently is. The position of Agency Superintendent, henceforth known as Field Administrator, is the most crucial in the Bureau. These changes result in a completely new set of responsibilities, new procedures for selection and new lines of authority with respect to this function. In addition, extensive use of "Buy Indian" contracting will maximize the opportunity for tribes to themselves run programs which BIA traditionally has run for them while fully protecting the intent of Congress and the integrity of appropriations.

These actions should not be considered as a complete solution. I have set in motion a continuing evaluation effort, to assist me in making further refinement and improvement of programs and policies.

Your interest in the Bureau's changing structure and policies is appreciated and if you have any further questions I will be pleased to answer them.

Sincerely yours,

LOUIS R. BRUCE, *Commissioner*.

POLICY FOR ROTATION OF EMPLOYEES IN THE BUREAU OF INDIAN AFFAIRS

It has been the policy of this Bureau to select, provide development opportunities and assign employees so as to best serve Indian people. Programs such as the Merit Promotion Program, the Equal Employment Opportunity Program and the reassignment policy have been used to accomplish these general objectives. Our experience to date indicates that these objectives are not being met. Many employees remain in positions too long which has had an adverse effect on Bureau programs and careers of employees. In the absence of a firm policy, serious difficulties have been experienced in reassigning employees to other locations as well as between organizations and program activities. Tribal officials have expressed dissatisfaction with administrative practices of the Bureau and it has been difficult to be responsive to tribal governing bodies.

In order to overcome these difficulties, a policy of planned rotation of employees will be commenced immediately with the following objectives in mind.

1. To be more responsive to the needs of Indian people.
2. To more effectively carry out the policies and programs of the Bureau.
3. To maximize opportunities for employee development.

For the immediate future, this policy will apply principally to managers and administrators. The Bureau requires competent and well-trained managers and administrators to manage and direct its complex programs. The application of this policy to these positions is intended to assure maximum development of an overall management capability in the Bureau by broadening managerial perspective and developing managers to assume higher level executive positions.

The following general guidelines will be observed in implementing this policy:

1. Insofar as it is consistent with good management practices, managers and administrators will be reassigned every two to five years. The length of time an employee remains in a position or at a location will be determined administratively by taking into consideration the circumstances in each case and the objectives set forth above.

2. Committees will be established to recommend reassignment of employees. Committee deliberations will be preceded by in depth evaluations of the needs of Indian people, programs, and employees.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C.

STATEMENT OF PENDING BIA ACTIONS

These considered actions, under review for some months by me and members of my Executive Realignment, are being made operational.

Personnel Changes and Reassignments.—The Bureau's most critical position always has been that of Agency Superintendent. Henceforth, this position will be known as a Field Administrator. As the only BIA line official coming in daily contact with Indian people, the Field Administrator, more than any single person, determines the success of the BIA mission of assisting Indian people to become more in control of their destinies. Likewise, he more than any other BIA employee, influences the success or failure of the various programs and activities which daily affect reservation lives.

A completely new job description has been developed for Field Administrators. An examination of many current superintendents' job descriptions has indicated that the trust responsibility is not always clearly spelled out and in some instances not mentioned at all. Further, many phrases underscoring classic BIA paternalism are contained in superintendent's position description, viz:

Incumbent applies knowledge and understanding of customs, culture, needs, *readiness for termination*, etc., . . . " . . . serves as a confident, advisor, arbiter, (sic) etc., in advising on all facets of life's problems created by the Indians' lack of knowledge, responsibility, dependability, experience, wisdom, etc.

Thus, the words being used in current superintendents' job descriptions not only are demeaning and patronizing, but they are totally out of step with my stated policy to change the Bureau of Indian Affairs from a management into a service organization.

The jobs of Field Administrators and members of his staff are not static but subject to continual change as tribal leadership assumes control over programs which affects daily reservation life. Thus, the success of Field Administrators will tend to be measured primarily by the extent to which their functions are reduced.

In their dealings with tribal leadership, Field Administrators must never allow themselves to become authority symbols and must never compete with tribal leadership for the attention and loyalty of the reservation constituency. All ideal Field Administrators will function in a low-keyed manner assisting his Indian colleagues to sort out the range of practical approaches for meeting local needs. He must understand that it is the prerogative of Indian leadership to make the final selection best suiting local needs. Field Administrators must be strong advocates for the Indian cause and must be devoted to the Bureau's principal legal responsibility, which is to protect Indian land and resources and assure that maximum economic benefits are derived from them.

Bureau Policy on Rotation of Employees.—Briefly stated, this policy calls for the reassignment of managers and administrators every two to five years. The movements of these personnel will be guided by an executive committee in Washington which I have established for the purpose.

Changes and Procedures for Selecting Field Administrators.—Coupled with the new Bureau rotation policy, new procedures have been established for selecting Field Administrators.

This procedure, *inter alia*, calls for the formation of an executive committee which meets every six months to review rotations and periodically fill vacancies as they occur. The committee is scheduled to discuss these rotational policies and individual moves with tribes in order to fulfill the Commissioner's and the Administration's commitments.

All Area Directors except one are scheduled to be rotated under this policy. Likewise, some 69 Agency Superintendents and Field Employment Assistance Directors also are scheduled for reassignment under the new plan within 90 days.

My new Executive Staff and I feel that these moves are key to implementing the basic thrust of the BIA's policy to make the Bureau more responsive to Indian needs, for placing control at the local level, and for transforming the BIA into a service organization.

Changes in Delegation of Authority.—It is the present policy of the Bureau of Indian Affairs to reduce and eventually eliminate all line authorities from the Area Offices and to redelegate these to the operating level closest to the Indian

tribes served. Within this policy, a planned reorganization will be implemented within the next 90 days to convert Area Offices into program service and technical assistance units.

I made these comments in a statement before the Senate Committee on Insular Affairs, on August 11, 1969:

The main goal of the Bureau of Indian Affairs under my administration will be to actively encourage, allow, and train Indian people to manage their own affairs under the trust relationship and to make the Bureau more responsive to Indian needs. In order to do this, I intend to examine, redefine, and request from the Congress necessary authorities and clarification to make this possible.

I spelled out these intentions more clearly at a meeting of intertribal Indian leaders held in Denver, Colorado, on May 21, 1970, stating that:

BIA Area Offices will be made fully responsive to Indian needs and expressed desires. Flexibility will be the new order at the Area level. Development of Indian communities and tribal estates will be the objective—and the objective will be carried out along lines that the Indian tribes themselves feel to be appropriate and necessary.

I feel that Indian involvement as promulgated by the Administration in consultation with Indian leaders requires that American Indians and Alaskan Native people must be full partners in an Indian-Federal partnership. In order to effect such a relationship, the decision making processing must be initiated locally. Only by direct involvement at the reservation level can Indian citizens, through their elected tribal representatives, be afforded maximum opportunity to determine those programs, projects, and services most essential and beneficial to their social and economic progress.

Procedures for Buy Indian Contracting.—One of the five principal thrusts of my announced policy has to do with contracting by tribes. This was clearly stated in my speech at a meeting of the inter-tribal Indian leaders held in Denver, Colorado, on May 21, 1970, on which occasion I stated:

... Tribes will have the option to take over any or all BIA programs and functions with the understanding that BIA will provide assistance, or reassume control, if any tribe so wishes.

This gives meat to the idea of BIA as a *service* rather than a management agency. The extent of local takeover of BIA programs will be entirely a matter of decision by each tribe.

BIA's role as a *service agency* to tribes will apply to those seeking more autonomy as well as to those wishing to continue traditional BIA supervision. *Under no circumstances, will program responsibilities be forced on unwilling or reluctant tribes.*

This policy was given added strength in President Nixon's July 1970 message in which he clearly pronounced that Indian people must be allowed self-determination without the threat of termination and that Indian people must have the opportunity to manage, operate, and control their own programs. It is also my avowed policy that once BIA program activities are assumed, they may be retroceded at any time and that an adequate funding level will be maintained by the most aggressive action on the part of the Washington Office.

Although this policy has been in effect since April of this year, I am sorry to report that it has not been implemented significantly at the Area Office or the reservation levels. In order to assure that this major BIA policy direction is available to those tribes which wish to take advantage of it, Indian leadership now has the option of dealing directly with the Washington Office in negotiating contracts to take over BIA programs. A Washington unit headed by Mr. Billy Mills, a member of the Oglala Sioux Tribe and Olympic gold medal winner, has been established for this purpose.

Beginning immediately, most vacancies at *all levels* of BIA operations will be reviewed by Mr. Mills and his staff to assure that tribes first are offered the full-est opportunity to contract or to supervise these positions under the 1834 Act.

Mr. Mill's group also has reviewed the Bureau's policy regarding tribal contracting under the "Buy Indian" provisions of the Act of 1910 (24 Stat. 2946). Last reviewed in August of 1968, significant changes have been made and transmitted to the Solicitor's Office for review. These new provisions assure that a more flexible use of these authorities will be available to tribes wishing to undertake service contracts.

Establishment of evaluation and inspection Teams.—I have established an evaluation unit to make an in-depth evaluation of the responsiveness of the field structure to my policies. Guidelines have been established for conducting on-site

field evaluations of diversified agency operations within the Bureau of Indian Affairs. A list of 12 selected superintendencies, representing a cross section of Bureau agency operations, will be evaluated. Teams include an Assistant to the Commissioner as chairman, a BIA technical program specialist, a representative from NCIO, a representative from another agency within Interior and a member, or members of the tribes served by the superintendency under evaluation.

These multi-agency and tribal evaluation teams will be assigned the highly critical responsibility of conducting thorough but expedient reviews of a diverse cross section of agency operations. Through professional capabilities and tribal insights, these findings and recommendations will assist me in further refinement of programs and policies in the months ahead.

DEAR _____: Attached is a statement of the Bureau's new policy requiring rotation of managers and administrators every two to five years. Since you have been in your present position or at your present location for more than two years, a member of my staff or I will be contacting you within the next 90 days regarding your reassignment.

In the meantime, I would appreciate your giving some thought to your personal needs and advising us so that your needs can be considered in making a decision.

Sincerely yours,

LOUIS R. BRUCE, *Commissioner*.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C.

During the past several months, members of my staff and I have thought long and hard about changes to the Bureau which would improve its ability to provide the services you need. We have discussed with Indian leaders many of the problems involved. The objectives have become clear:

- Bureau services must conform to tribal objectives and programs;
- Bureau authorities must be executed close to the Indian people they affect;
- Bureau staff changes will be needed to assure implementation of new and revitalized policies; and
- Bureau regulations and procedures must be revised to facilitate greater Indian participation.

The time has now come for action. Last weekend, my executive staff met and finalized a comprehensive plan under review for several months to meet the objectives. A summary of the plans is enclosed. Most of the work required to implement it will be completed within the next 90 days. I feel certain that the result of the plan will be a restructured Bureau that is both modern and responsive to Indian need.

A major element of the new plan is the reassignment of a substantial number of Bureau managers and supervisors who have been in a management position at the same location for more than 2 years. The Superintendent of your agency has been notified that he is eligible for reassignment under this policy. A decision on reassignment will be made within 90 days. When such a decision is made, you will be advised and a Central Office employee will be assigned to work directly with you in the selection of a replacement.

Sincerely yours,

LOUIS R. BRUCE, *Commissioner*.

(Additional material furnished by BIA is in the appendix.)

[News release from the Department of the Interior, Nov. 25, 1970]

SECRETARY HICKEL UNVEILS DRAMATIC CHANGES IN BIA

Secretary of the Interior Walter J. Hickel today announced sweeping personnel policy changes in the Bureau of Indian Affairs designed to give the Indian people more voice at the decision-making levels of government.

The new program calls for the creation of 63 new Field Administrator positions on reservations and granting these administrators full authority to assist local Indians in developing their economic and social opportunities.

The Field Administrators will have responsibilities surpassing those of the present 63 Agency Superintendents on the reservations, and the latter positions will be abolished, Secretary Hickel said.

In addition, Secretary Hickel said he has taken action to reassign 10 BIA Area Directors and to transfer authority held by them to the new field administrators.

"These changes are essential to achieve the objectives of President Nixon in placing the Indian people in closer contact with decision-makers and in broadening their opportunities to guide and improve their own affairs," the Secretary said.

"We are seeking to find people with the greatest skills to fill the field administrator posts," he added. "They are the men who will work directly with the Indians in developing their reservations through sound land-leasing, budgeting and staffing practices.

The area directors will serve in advisory capacities and retain most of their technical and general service functions," he explained.

Six Field Employment Assistant Directors also will be reassigned in the change.

Secretary Hickel said Commissioner of Indian Affairs Louis R. Bruce had informed Earl Old Person, President of the National Congress of American Indians, Chairman of the Northwest Affiliated Tribes, and Chairman of the Blackfeet Tribe of Indians, as well as other key Indian leaders throughout the country and gained their support before launching his new program. The new Indian members of the Commissioner's staff are also working closely with Indian leaders to implement these changes.

Commissioner Bruce said the new policy carries out an earlier pledge to turn BIA into a service rather than a management organization.

The move, according to Bruce, is designed to facilitate the transition of the old Bureau "Agency Superintendent" into a modern Field Administrator. "I am giving the Field Administrators more horsepower—they are the people who are working directly with the Indian people every day," Bruce said.

"We have thrown out the old job descriptions and built completely new ones designed to assist Indian people to take control over their own destinies, develop economic and social opportunities, as well as provide for better Federal protection of the trust status of Indian land."

Bruce stated that in addition to these administrative changes, the BIA is providing for negotiation at the highest level of contractual and training arrangements to assist tribes in taking over administration of BIA programs. This effort will be headed by Olympic gold medal winner Billy Mills, a Sioux Indian.

"We are after a complete overhaul," Bruce said. "One of my four executive task forces has just completed work on the new agency field evaluation plan. I have directed high level executive teams composed of Tribal Leaders, BIA, the National Council on Indian Opportunity (NCIO) in the Vice President's Office, and other Federal representatives to go to the field and evaluate Indian programs.

"With these evaluations we will be able to determine accurately where our field people are really helping Indian people to make substantial gains and where they are falling short."

DECEMBER 1, 1970.

HON. LOUIS R. BRUCE,
*Commissioner of Indian Affairs,
Department of the Interior, Washington, D.C.*

MY DEAR MR. COMMISSIONER: At a meeting of the full Committee in executive session today, we discussed your letter of November 24 outlining the changes in BIA structure and policy that you are contemplating.

It was the unanimous recommendation of the Committee that the implementation of these changes should not take place until the Committee has had an opportunity, either during this session of Congress or early in the 92nd Congress, to go into the entire matter with you in open session. I think it would be very helpful if you had an opportunity to explain in detail the policy revisions you have in mind and provide Committee members an opportunity to ask questions they may have about the procedures to be followed.

Sincerely yours,

HENRY M. JACKSON, *Chairman.*

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C. December 3, 1970.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your kind letter of December 1, 1970, informing me of the Interior and Insular Affairs Committee's interest in the impending changes at the Bureau.

As you can readily ascertain these changes will provide me with the necessary management tools to allow the Indian people more direct participation in Bureau programs. This was one of the goals which I delineated during my confirmation hearings before your committee. In view of the critical need to implement these changes as soon as possible, I respectfully request that the hearings be scheduled during the week of December 1, 1970.

I shall await a reply at your earliest convenience.

Sincerely,

LOUIS R. BRUCE, *Commissioner.*

DECEMBER 7, 1970.

Hon. LOUIS R. BRUCE,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D.C.

MY DEAR MR. COMMISSIONER: In response to your letter of December 3 concerning the proposed changes in the structure and policy of the Bureau of Indian Affairs, it was not possible for the Committee to schedule a hearing during the week of December 7, as you requested.

However, we were able to arrange the meeting for 10 a.m., December 16, in the main Committee hearing room, 3110 New Senate Office Building. We look forward to hearing from you at that time.

Sincerely yours,

HENRY M. JACKSON, *Chairman.*

Senator METCALF. Mr. Bruce, many of us have long felt that there should be some reorganization down at the Bureau of Indian Affairs. But many of us have had experience dealing with our Indian colleagues, and have understood that it is necessary to give complete and thorough information to them before reorganization takes place.

And this hearing is not going to be critical in any way. It is to try to determine just what you are trying to do, and to urge you to perhaps give better information both to the members of your agency, the Bureau, and to the various Indian tribes, all of whom are going to be concerned and vitally affected by your proposed organization.

So, Mr. Bruce, you have a prepared statement, and you may proceed.

STATEMENT OF LOUIS R. BRUCE, COMMISSIONER, BUREAU OF INDIAN AFFAIRS; ACCOMPANIED BY ERNEST STEVENS, DIRECTOR, COMMUNITY SERVICES; LEE COOK, ACTING DIRECTOR, ECONOMIC DEVELOPMENT; TONY LINCOLN, ACTING ASSOCIATE COMMISSIONER, EDUCATION AND PROGRAMS; ALEXANDER MacNABB, DIRECTOR, OPERATING SERVICES; AND JIM HENA, ASSISTANT TO THE COMMISSIONER

Commissioner BRUCE. Mr. Chairman, members of the committee, I am very pleased and happy to be here. I have with me our new executive staff, and I would like to introduce them at this time.

From the left, on my far left, is Ernest Stevens, who is Director of Community Services. Next to him is Lee Cook, Acting Director of Economic Development; Tony Lincoln, Acting Associate Commis-

sioner, Education and Programs; to my right, Alexander MacNabb, Director of Operating Services; Jim Hena, who is Assistant to the Commissioner.

Senator METCALF. We are pleased to have all your colleagues here, and hope that they will participate in the discussion as matters in their special area arise.

Commissioner BRUCE. Thank you.

I am very pleased and happy to be here to discuss and to explain the importance of my recent policy statements.

This new policy and the administrative realignment it entails has been constructed with the help of our new executive staff of Indians and non-Indians who represent every region of the Nation, who have actively been involved in Indian affairs for many years.

I believe I can best explain what we are doing by discussing the three main elements of my new policy.

Part one is the reevaluation of superintendents. In my 16 months as Commissioner of Indian Affairs, I have had literally thousands of interviews and discussions with delegations of tribal leaders about problems facing Indians. Many delegations of tribal leaders have made the journey to Washington at great time and expense. They have brought me problems that should have and could have been solved at the agency level.

I have welcomed these consultations but have been frustrated. Too often my directives are ignored by field personnel who feel they know what is best for the Indian.

Some tribal councils have complained to me privately about the unresponsiveness of their superintendents. My attempts in many instances to remove or transfer superintendents have been time-consuming and unsuccessful.

The problem in many cases has been that long tours of duty in one location have led to a kind of relationship which precludes the superintendent from being an advocate of Indians and Indian needs.

I have changed the basic nature of the Bureau's traditional agency superintendent position from one of management direction and control to one of a field administrator who will serve as an adviser and counselor.

In addition, I have provided the voluntary means whereby tribes will have the option to accept or reject in a negotiating process the man who presently heads the agency serving them.

I have also established a reassignment policy whereby all employees, at any level in the Bureau, who have been in their current management or administrative position for 2 to 5 years will be eligible for reassignment.

The second part of this effort is intended to put the greatest possible flexibility and decisionmaking authority at the field level.

I feel strongly that tribes should be able to discuss their needs directly with someone with this authority so that programs can better relate to their immediate, local needs.

It is a truism that a man cannot serve two masters. Most of our field people—that is superintendents as well as branch chiefs and staffs—are faced with this dilemma at the present time. The hierarchy within the area office is organized around the same lines as are the agency staffs.

By re delegating the authority of these intermediate area officials, but retaining them as technical assistants, we will provide optimum service to the tribes while providing them with a greater voice in decisions affecting their people and their resources. We believe that this authority will provide the field administrators with greater flexibility in meeting the expressed needs of the tribes.

The third major portion of this realignment is really intended to expedite the implementation of this plan. Existing relationship between the present area directors and agency staffs would make it very difficult for these incumbents to relinquish their authority. By moving them to a new post it will provide them with the challenge of creating a new service office which has the responsibility of responding when needed.

To some these changes may seem sudden and abrupt—to others they seem generations overdue. To me individually and personally and thousands of other Indian citizens they are long, long overdue. These changes were not sudden, they have been years and generations in the making. They have been made in response to thousands of Indians and Alaska Natives throughout the United States and in response to the modern imperative to make Government more responsive to the people which it serves.

This policy should not come as a great shock to any of you here on this committee, although it might have appeared to some at my confirmation hearing that I was trying to appease the Congress and the public, I clearly and unequivocally stated that the Bureau needed restructuring. Let me quote a few of the statements I made at that time.

I stated:

We must review and redefine personnel functions and tailor them to meet this goal.

We must:

... restructure Bureau headquarters, area and local offices by functional redefinition and reorientation of staff, thereby maximizing performance to induce more response and flexibility into the system.

The paramount objective in this ... will be to restructure the Bureau to become more responsive to Indian needs ... I harbor no illusions about solving all the problems of the American Indian, but what I hope to achieve or be an influence on is bringing the Bureau into a proper perspective so that through an organizational restructuring it will become a dynamic and flexible organ responsive to the needs of the Indians, within the legal authority and financial resources.

I have repeated or paraphrased this belief before many gatherings of tribal leaders throughout the country during my 16 months as Commissioner.

We are not changing the substance of any Bureau program. We believe that the only groups who can adequately adjust these programs are the tribes themselves. I have long felt that we cannot require each tribe to fit into the same mold. What we in the Bureau are doing is posturing ourselves to respond to individual tribes. These changes will make it possible for the tribes to design and execute programs that meet their own particular needs.

That completes my statement, Mr. Chairman. I would be very happy to answer any questions.

Senator METCALF. That is a very fine statement, Mr. Bruce, and I know that all of us are going to be impressed by it. Now I have been a member of an Interior committee, dealing with Indians, and Indian tribal policies, and so forth, for almost all the time I have been in Congress. That is 18 years.

When I first came to Congress, there was a drive on the part of the Eisenhower administration to terminate some of our responsibility over the tribes.

I have felt that we should terminate your job, and I believe that we should terminate the Bureau of Indian Affairs. But I believe that we should terminate it on a gradual basis that would eliminate such great disaster that might accompany such termination.

I am going to call on my colleagues in just a moment. I just want to make a couple of statements, and that is that despite your statement, the tribes in my area, and the leaders of those tribes, tell me that they have not been consulted about this change. The employees of your Bureau, the area directors, the superintendents, tell me they have not been consulted, and this may be one of the restructuring devices that is beneficial, both to the tribes and to the Government, or it may be something that is detrimental to the Indians themselves. But they are suspicious of what you are trying to do. Your employees are suspicious of what you are trying to do, and it would seem to me that you haven't gotten the information down to the people who are involved and concerned.

I will have some questions and suggestions a little later. I am going to call on Senator Burdick now.

Senator BURDICK. Mr. Chairman, I, too, would like to commend the Commissioner for a very excellent statement. The problem that I see is the step-by-step procedures that will be taken to accomplish the objectives you relate in your statement.

Now you say on page 2, at the bottom of the page, "The second part of this effort is intended to put the greatest possible flexibility and decisionmaking authority at the field level."

Can you give me some examples of that decisionmaking that you anticipate, or envision?

As a first state, at least?

You will find that at the bottom of page 2.

Commissioner BRUCE. Yes. OK. Thank you.

Let me say first that we are working this into the organization plan, but when we talk about decisionmaking authority, it has been my feeling that that authority should be close to the tribes, near where the tribe live. So that we are thinking in terms of the superintendent, who would become the field administrator, working very closely with the tribes, to get their ideas, their suggestions, and the field administrator would be in a position to make those decisions there, with the tribes present, that this would not be hampered there, if it was sent to the area office, but the decisions could be made at that level, and that is what I am talking about, decisionmaking.

Senator BURDICK. Then making a specific case, in my country, take one of the four reservations, the field representative right there on the reservation would have decisions to make that are now being made down in Aberdeen.

Commissioner BRUCE. That is right.

Senator METCALF. By the area director.

Senator BURDICK. Yes. That is what you hope to promulgate.

Commissioner BRUCE. Yes.

Senator BURDICK. All right.

Now on page 3, the first paragraph there, starting in the third sentence, "By re delegating the authority of these intermediate area officials, but retaining them as technical assistants, we will provide optimum service to the tribes while providing them with a greater voice"—this is the people, now, of the tribes—"in decisions affecting their people and their resources."

Now, what authority do you envision giving to the tribes and the people at the present time that would differ from what they have now?

Commissioner BRUCE. I visualize that the tribal council would have more opportunity to develop their own program, and to work more closely with a person of authority, who would be the field administrator at the local level. They do have certain authority. Tribes do have the right to make recommendations, but I feel that if they were made at this level, there would be better opportunity to carry out those programs, maybe more quickly than they have in the past.

Senator BURDICK. But, Mr. Commissioner, that is still a general statement.

Can you give me some specific areas that you think this might apply at an early date? What authority? What decisions? What particular area?

Commissioner BRUCE. I would like to ask Mr. MacNabb to answer that question at this point.

Mr. MACNABB. Do you mean presently, this year, Senator Burdick, is the question which new authority would the tribes have?

Senator BURDICK. Yes.

Mr. MACNABB. Presently, Commissioner Bruce has instituted a policy where the tribes originate the budget preparation themselves. They outline in their own program memorandum the basic program concept, that they would like to go forward with.

The area office, under this new concept generally, would supply program and other technical assistance to help the tribe develop their own program plans.

But the Bureau of Indian Affairs can't legally confer to any tribe any more authority than the Bureau of Indian Affairs has, itself.

Senator BURDICK. Well, I would like to get specific. For example, you need a new schoolhouse. You need an addition to a schoolhouse. There is need of housing in this particular area.

Will this give the tribe any more authority to push these projects?

Mr. MACNABB. Yes, it certainly would. Because the tribes then, through their field administrators, would become an active advocate for their programs. They would become more deeply involved in the design of their programs.

But I don't really understand your question. Is your question, Will we give the tribes the authority to obligate the funds? We can't legally do that.

Senator BURDICK. Well, how far will you go?

Mr. MACNABB. As far as we can. We would transfer to the tribes whatever authorities it is the prerogative or the legal capacity of the Commissioner to transmit to the tribes.

Senator BURDICK. Well, I threw those out as possible areas for discussion. I am trying to get specific. You give them more authority.

Mr. MACNABB. Further, Senator—excuse me, Senator.

Senator BURDICK. Go ahead.

Mr. MACNABB. Further, Senator Burdick, this is the stage that the Bureau is presently at. The process of consultation with the tribes, to present a complete package that we can adapt to each tribe. We haven't finalized our internal documents, and through a process of consultation, we will arrive at a general pattern where each tribe would be able to pick up on their own initiative whichever decision-making areas of authority they would care to.

Senator BURDICK. Well, what rights will they have besides consultation?

Mr. MACNABB. Presently or in the future?

Senator BURDICK. In the future.

Mr. MACNABB. They will have all the rights that they have now, that related to the trust authority. They will have all of the rights to decide, again at their own initiative, and at their own impetus, what program decisions they would like to make, if it is legally possible for the Commissioner to confer these.

Senator BURDICK. Well, I am getting right back to specifics again. You say they have a right to consult, the right to decide their programs. Well, what can they do besides consult? Can they make a decision, at an evening meeting, and say, "We need the schoolhouse"?

Mr. MACNABB. Sir, one of the rights that they would have is the right to contract to operate programs. Again, specifically at the tribe's initiative, and at the tribe's volition.

Senator BURDICK. Well, I don't want to press the point, but what can they initiate, besides consultation?

Mr. MACNABB. All right, a tribe can assume the function of any and all programs that the Bureau operates, by contract. Or the supervision of Bureau personnel, within the constraints of the 1834 act and within the constraints of the subsequent Civil Service Act.

Senator BURDICK. That is over existing institutions.

What about decisions about future institutions? Such as housing, such as hospitals? Such as—well, anything that affects premises.

Mr. MACNABB. I think the key, Senator Burdick, is a point I mentioned earlier, is the tribal involvement in the budget. Then one tribe will have to compete with other tribes for the budget base that exists in the Bureau of Indian Affairs, and as the money is provided by Congress, there is no real absolute right that it can be conferred as far as what can be constructed from one year to another.

Senator BURDICK. Well, you are saying, then, you are just going to enlarge the consultation features between the Indian people and the Bureau on the local level.

Mr. MACNABB. Sir, I feel that if we are saying that the Indian people will be telling the Bureau of Indian Affairs what they want to have done, I think that is the way I conceive it.

Senator BURDICK. Is this consultation right denied now, many places?

Mr. MACNABB. No, I think there is a difference in consultation, and then having the Indian people decide what they want done for them. I think there is quite a bit of difference. "Consultation" is a word that

can go from one end of a spectrum to another, and I feel that the consultation on this point will begin, as far as the program design is concerned, with the Indian people telling the Bureau of Indian Affairs what is needed.

Senator BURDICK. You don't know what they need, in many places? They certainly tell me.

Senator METCALF. Would the Senator from North Dakota yield to me?

Senator BURDICK. Yes.

Senator METCALF. I have a letter here dated December 14 from Mr. John Woodenlegs, of the Northern Cheyenne Reservation, a man who I respect as one of the outstanding Indian leaders in America.

I will put this letter, if I may, in the record at this point.

(The document referred to follows:)

LAME DEER, MONT., *December 14, 1970.*

HON. LEE METCALF,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: I would like to say a few things about some of the recent statements from the Bureau of Indian Affairs.

1. Moving people like area directors and superintendents is nothing new at all. In the 15 years I was in tribal government, this process of changing people happened all the time. If a person is good and really getting something done in one area, that seems to be when he "advances" to some place else. It takes time for any BIA person to get to know the people and the area where they are to the point that they can really be of help and service. So moving them out after 2 years or so is just about the time they might begin to really *know* something and be effective.

2. If a BIA person is incompetent and is deadwood, he will be that way no matter where he is, no matter how often he is moved. This kind of person who doesn't care and who doesn't do much should just go—get out of the BIA altogether. No body needs him. So the point I am making is, just shifting people around solves nothing.

3. As long as the government holds trust responsibility, there is going to be some "authority" in government relations with Indians. I believe the majority of organized tribes want this trust relationship to continue. Without it, we could still easily lose land and be exploited by modern-day land and resource grabbers.

So at times even a tribal council needs the BIA to say such and such an action is illegal or unallowable. I have seen tribal councils do some very foolish things, even after being given the facts. They think they know what they are doing, but they don't. And later they wonder what happened. Maybe by then it's too late and the damage can't be undone. Making little mistakes is one thing; making really big ones can be impossible to correct.

So at times a superintendent is put in the position of authority because he is legally bound to carry out the government's trust responsibility. Yet we hear now: (quoting the Commissioner) "In their dealings with tribal leadership, field administrators must never allow themselves to become authority symbols. . . ." This is impossible.

4. If some major reorganization of the BIA is to take place, this should be planned *after* finding out what Indian leaders want. Get some advice from Indians who have a long record in tribal affairs. Younger so-called "militant" Indians often talk like they have all the answers, but they do not always have any experience. Talk is easy. They might find out something different if they tried to work year in and year out on a reservation and meet problems every day.

5. A statement Mr. Bruce supposedly made said it would take at least 6 months before he could gain some measure of the impact of his program. I have to say 6 months is nothing. At the pace most things happen on a reservation, 6 months just barely scratches the surface. This is true, no matter what the program or the changes.

My feeling is if the government is saying "we are going to listen to the Indians"—then let's not plan reorganization of any major sort until Indians really are consulted. And I can't see that this has been done in this case.

Sincerely,

JOHN WOODENLEGS.

Senator METCALF. He says, "If some major reorganization of the BIA is to take place, this should be planned after"—and he has underlined "after"—"after finding out what the Indian leaders want. Get some voice from Indians who have a long record in tribal affairs."

And then he goes on and says, "My feeling is if the Government is saying we are going to listen to the Indians, then let's not plan reorganization of any sort until the Indians are consulted."

And I can't see that this was done in this case.

Commissioner BRUCE. Mr. Chairman, I would like to again go back to the statement I made at the time I met with you 16 months ago. I stated at that time, talking about the changes that need to be made, and during his past 16 months, I have spent 40 percent of my time in the field, meeting with tribes across this Nation, and in Alaska.

And if you would like copies of the speeches that I have made you may have them. I have talked about this direction that we expect to go, talked with Indians, talked in Alaska, and to NCIA, indicating the direction we expected to go.

I met in October, in the field, with all of the superintendents and area directors, and at that time, indicated to them that more authority would be coming to the superintendents, and that the area offices would be serving as technical offices and rendering technical assistance.

I feel very strongly that I have met with Indian tribes, and asked them about this policy, as to whether it was a direction they wanted to go. I didn't just recently cook this up. I just wanted to be sure we were going in this direction.

Now about the matter of haste with which we moved to do this, some groups may feel that I didn't go specifically into all of the details on this program. And that may be a complaint and a criticism against this program.

Now I would like to make it clear to the committee here that I expect, within the next 90 days, as far as possible, personally to get back out to meet with these tribes before we put this thing into operation. And I want to make it clear, and I have said this to groups in Oklahoma. This plan, and this program, is not set in concrete, if I might use that term. But it is a flexible program, I want to consult with Indians, I want them to have a chance to express their feelings about their superintendents, and they have, and there are some who want to keep their superintendents, and I will listen to those, through resolutions. But there are others who want to move their superintendents, and I am caught in a situation at this time when some tribes are asking me to move their superintendents, but at the same time, the superintendent is asking them to submit resolutions to keep them there.

I also have some superintendents who say that the tribes have asked them to prepare resolutions to move, so I am trying to involve our Indian people, and consultation, certainly, is built into this policy. There is nothing in concrete. I am not cutting off employees anywhere, whether they are Indian or non-Indian.

Senator METCALF. Would the Senator yield?

Senator BURDICK. Mr. Chairman, I might advise that I have to go to the judiciary to make a quorum, and I will be back after a while.

Senator METCALF. Thank you very much. If the Senator would continue to yield just a moment, then I will yield.

Senator FANNIN. I just thought maybe I might have a clarification. But you go ahead.

Senator METCALF. Well, my point is that I have, in my file, since announcement of your program, complaints from Indian tribal leaders all over the State of Montana.

I would imagine that some of the other members of this committee, who also represent areas where we have substantial numbers of Indians, have the same complaints. They have said that they were not consulted, they didn't know what this plan was about.

Now, how many resolutions do you have from tribal councils, or the National Congress of American Indians, or the Northwest Affiliated Tribes, or such organizations, in support of your plan?

Commissioner BRUCE. We have seven resolutions from intertribal councils.

Senator METCALF. Where are they? We will put them in the record, if you will supply them for us.

Commissioner BRUCE. Yes.

Senator METCALF. And would you just list the names?

Commissioner BRUCE. Yes. We will supply those.

Senator METCALF. Well, would you recite, right at the present time, the names of the intertribal councils? We will put the resolutions in the hearing record. Well, would you supply that?

Commissioner BRUCE. United Sioux is one. I could go down through United Sioux tribes. But we can supply them for the record. We have a whole list of the tribes.

Senator METCALF. Very well.

(The information submitted by the BIA follows:)

RED LAKE BAND OF CHIPPEWA INDIANS—RESOLUTION No. 195-70

Whereas, the Red Lake Tribal Council has gone on record as objecting to and opposing any move by the Government to change the structure of the Bureau of Indian Affairs which in the Council's opinion, will adversely affect the Red Lake Reservation, and;

Whereas, the Red Lake Tribal Council looks upon the move to re-structure the Bureau of Indian Affairs as an arbitrary abrogation of the Government responsibility; a further attempt at termination of Federal responsibility by changing the policies and role of the Bureau from protective to guidance thereby opening the door to a grab of Indian land and resources; as an act of insubordination by the Department of Interior to Congress; and as an act of deceit to the Indian Tribes: Now, therefore, be it

Resolved, That no changes be made in respect to Bureau of Indian Affairs services being provided the Red Lake Reservation by the Red Lake Agency and Minneapolis Area Office, and be it further

Resolved, That pledged Indian involvement begin with initial preparation of any proposal such as re-structuring the Bureau of Indian Affairs rather than the back-door method as is becoming more prevalent, and be it further

Resolved, That Deputy Secretary Orme Lewis and Commissioner Louis R. Bruce meet with the Red Lake Tribal Council on this and any other future proposal affecting Bureau structure and services.

For: 7

Against: 0

We do hereby certify that the foregoing resolution was duly presented and enacted upon at the Special meeting of the Tribal Council held on December 3, 1970, with a quorum present, at the Red Lake Tribal Council Hall, Red Lake, Minnesota.

ROGER A. JOURDAIN, *Chairman.*
ROYCE GRAVES, *Secretary.*

RED LAKE BAND OF CHIPPEWA INDIANS—RESOLUTION NO. 198-70

Whereas the Bureau of Indian Affairs announced reorganization has been studied by the Tribal Council, and;

Whereas without question the discontinuance of BIA positions, activities and personnel changes proposed will be detrimental to the continuance of the Tribal operations and economic development of the reservation, and;

Whereas the proposed reorganization was formulated and announced without proper consultation with Indian reservation tribal officials, and;

Whereas it appears that those who make the biggest demonstration for changes are the only ones who secure response from government agencies, nullifying the right of each tribe to determine what structure and service we desire with respect to our own unique situation: Now, therefore, be it

Resolved, That the United States Congress be made aware of the opposition of the Red Lake Band of Chippewa Indians and other Indian tribes to the BIA reorganization plans and that Congress be requested to intervene and effect forthwith a cancellation of the Commissioner of Indian Affairs proposed reorganization and take such steps (such as field hearings, etc.) as are necessary to effect the cancellation, be it further

Resolved, That Congress and the Commissioner are hereby requested to accelerate action and funding for existing government programs for Indians which will require full existing staff; that rather than reorganize, give the Indian tribes a voice as to who is hired to conduct or assist with BIA programs on our reservations; be it further

Resolved, That resolution No. 195-70, dated December 3, 1970, is hereby reaffirmed.

For: 10.

Against: 0.

We do hereby certify that the foregoing resolution was duly presented and enacted upon at the regular meeting of the Tribal Council held on December 15, 1970, with a quorum present, at the Red Lake Tribal Council Hall, Red Lake, Minnesota.

ROGER A. JOURDAIN, *Chairman*.
ROYCE GRAVES, *Secretary*.

RESOLUTION

Whereas, the Commissioner of Indian Affairs has made a news release announcing drastic and what he describes as "dramatic" changes in the BIA structure and policies; and

Whereas, the news release indicates that with few exceptions superintendents and area directors will be "shifted"; and

Whereas it has been verified that the use of the term "shifted" does mean the physical transfer or moving of such top personnel and the Coeur d'Alene Tribal Council is apprehensive that this will mean the transfer of the Superintendent of the North Idaho Agency and the Area Director of the Portland Area Office; now, therefore, be it

Resolved, That the Coeur d'Alene Tribe does hereby petition and request that neither the Superintendent of the North Idaho Agency or the Area Director of the Portland Area Office be moved or transferred out of their present positions. In support of this request we hereby adopt the following.

STATEMENT AND EXPLANATION

The Coeur d'Alene Tribe has for many years been in the vanguard of those tribes working in long range plans and programs for the development of tribes and reservations and for the general welfare and good of their tribal members. During the years of the Eisenhower Administration and specifically until Thomas St. Clair became Superintendent at the North Idaho Agency, these long range, progressive plans and programs of the Coeur d'Alene Tribe were frustrated and delayed by a policy of non-cooperation that seemed to permeate the Indian Bureau from top to bottom. Those were the years when our then chairman, Joseph Garry, was told repeatedly, "Why make long range plans when termination is just on the horizon." The Coeur d'Alene Tribe answered by persevering in its plans and by carrying on a "head on" fight against termination.

National policies toward the preservation of Indian tribes and reservations began to change in 1960 and these changes for the better became apparent at the national level with the appointment of Philleo Nash as Commissioner in 1961. It was not until 1963, however, with the coming of Superintendent Tom St. Clair and the retirement of his predecessor, William Ensor, that the tribes in the North Idaho Agency and the Coeur d'Alene Tribe in particular began to enjoy the fruits of this emergent new policy.

The changes after 1963 were dramatic and, with the appointment of Dale Baldwin as Area Director at Portland, the impetus and motivation of the tribe in determining its own destiny and programs were accelerated and heightened.

From the tribal point of view, a working team emerged. A high degree of involvement accrued whereby the Tribal Council, the Superintendent and his assistants worked jointly in developing constructive long range plans for the reservation. The Superintendent had a willing ear and encouraged innovative approaches. After years of frustration, the tribe was among the first to make an "outside investment" in a mutual funds to finance its scholarship program. It purchased and leased back a grain elevator. It engaged in a long range land purchase and consolidation program which is now aimed at a tribal land enterprise. It planted seed money into local industries to provide employment for its members and market for its timber. It began a head start program. It moved rapidly into a whole spectrum of activities and programs for the good of its people and the community.

The attitude of the North Idaho Agency and the Portland Area Office was one of "supervised or directed prudence." The council and the tribe made prudential decisions, using the BIA personnel as a resource, a source of information, a part of a team to assist the tribal council in making these decisions. A high degree of autonomy and self-determination resulted. The tribe lost its suspicion of the BIA because it helped guide it but did not dictate to it in making its plans and decisions.

The new policies of the Indian Bureau under Commissioner Louis Bruce have talked of self-determination and autonomy. The Coeur d'Alene Tribe believes it has already achieved these to the extent it needs or wants them. We do not speak for other tribes or agencies but we believe that our tribe has already achieved most of the things Commissioner Bruce has stated to be his aims and goals for tribes in general.

Our main point is that the participation of the present superintendent, Thomas St. Clair and of the present Area Director, Dale Baldwin, has been pivotal to our progress. Their personal philosophies of cooperation and "working with a tribe" rather than directing it, have filtered down and governed the actions of their subordinates. This has created a most favorable climate for tribal and reservation development and progress. It has made possible the gradual assumption of responsibility by the tribe itself and the fading away of the Bureau in the decision-making process. It has reassured the tribe that it can assume responsibility and make its own decisions without loss of federal services and the trust status of its property and moneys. It has created confidence within the tribal council that the BIA will suggest positive, beneficial things and that the tribe must not be eternally suspicious of BIA decisions and recommendations.

With the foregoing in mind and amply demonstrated, the shifting or transferring of either superintendent or the area director can in no way benefit the tribe. Such will be viewed by the tribe as "change for change's sake" or "reorganization for reorganization's sake", the results of which, not filling any present need or desire of the tribe, will most surely be detrimental.

We, therefore, strongly urge that if the Commissioner does implement his reorganization, realignment program, he not allow it to result in the transfer or "shifting" of the superintendent of the North Idaho Agency or of the Area Director of the Portland Area Office.

CERTIFICATION

The foregoing resolution was adopted by the Coeur d'Alene Tribal Council at a meeting held November 24, 1970 at the Plummer Sub-Agency, near Plummer, Idaho, with the required quorum present, by a vote of 6 for and 0 against.

BERNARD LASARTE,

Chairman.

EVANGELINE ABRAHAM,

Secretary.

MEETING NOTICE

Re: Commissioner's Reorganization of BIA.

Who: Mr. Ernie Stevens, Director of Community Services, representing the Commissioner's office.

Where: At the coeur d'Alene Tribal Community Hall, DeSmet, Idaho.

When: Friday afternoon, 1:00 P.M., December 4, 1970.

Subject: The Completion of the Commissioner's Realignment Program.

The Coeur d'Alene Tribe is conducting a tribal institute at DeSmet on December 4 and 5, 1970. Enclosed is a copy of the entire agenda. Upon receipt of the releases of the Commissioner's reorganization or realignment program we contacted his office to provide himself or a speaker to speak for him to explain the program, answer questions and engage in discussions. We have therefore changed the agenda so that his representative, Ernie Stevens, will talk at the institute at 1:00 P.M. on December 4. Since this is a matter of concern to all tribes, we know that many others will want to attend.

Any officers or other members of your tribe are invited to attend the entire institute but especially invited to attend Friday afternoon. Any BIA representatives are also invited.

THE COEUR D'ALENE TRIBAL COUNCIL
By BERNARD "HAPPY" LASARTE,

Chairman.

[Telegram]

NOVEMBER 27, 1970.

To: Harrison Loesehe, Assistant Secretary of the Interior; Louis R. Bruce, Commissioner of Indian Affairs:

National Recognition of Ute Tribe for social and economic progress is in no small part due to capable, unselfish and energetic cooperation of our Superintendent Stanley D. Lyman and our Area Director W. Wade Head. To remove them now would be absurd and devastating. If we are to have any voice in our own affairs do not force announced change of these officials against our will. Tribal Resolution follows.

FRANCIS WYASKET,
Chairman, Ute Tribal Business Committee.

RESOLUTION NO. 70-382—UINTAH AND OURAY AGENCY, FORT DUCHESNE, UTAH,
NOVEMBER 30, 1970

Whereas, it has come to our attention that Louis Bruce, Commissioner of Indian Affairs, has announced his intention to transfer supervisory personnel, including Superintendents and Area Directors who have been in their present posts two years or more, and

Whereas, the very satisfactory working relationship between the Ute Indian Tribe and Stanley D. Lyman, Superintendent of the Uintah and Ouray Reservation, and Area Director W. Wade Head has proved to be helpful and beneficial to the advancement of the members of the Ute Indian Tribe, and

Whereas, the tribe is further informed that the recommendation of the tribe as to the retention of their Superintendents and Area Directors will be given favorable consideration, and

Whereas, it is deemed advisable and to the best interests of the Ute Indian Tribe to retain the present Superintendent and Area Director of the Phoenix Area in order to avoid an interruption in the progress that is now taking place on the Uintah and Ouray Reservation: Now therefore be it

Resolved by the Uintah and Ouray Tribal Business Committee of the Ute Indian Tribe. That the Commissioner of Indian Affairs be immediately informed of the desire of the Ute Indian Tribe to retain their present Superintendent, Stanley D. Lyman, and their present Area Director, W. Wade Head, and the Tribal Chairman is hereby authorized to take such steps as he may deem necessary to prevent such change.

FRANCIS WYASKET, *Chairman.*
FRED A. CONETAH, *Member.*
IRENE C. CUCH, *Member.*
HOMEY J. SECAKUKU, *Vice-Chairman.*
WILBUR CUCH, *Member.*
CLIFFORD H. DUNCAN, *Member.*

CERTIFICATION

I, hereby, certify that the above resolution was adopted by the Uintah and Ouray Tribal Business Committee under authority of the Constitution and By-Laws or Corporate Charter of the Ute Indian Tribe at a meeting held in Fort Duchesne, Utah, on the 30th day of November, 1970, at which time a quorum was present and by a vote of five for and none against.

M. MAXINE NATCHEES,
Secretary, Uintah and Ouray Tribal Business Committee.

TRIBAL EXECUTIVE BOARD,
ASSINIBOINE AND SIOUX TRIBES, FORT PECK INDIAN RESERVATION,
Poplar, Mont., December 2, 1970.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D.C.

DEAR SIR: This is to acknowledge your letter of November 24, 1970 in which you transmit the policy changes you plan to implement within the next 90 days.

The one major thrust of your new plan is the reassignment of a substantial number of Bureau managers and supervisors: namely, Superintendents and Area Directors. This is a major concern to me. I wholeheartedly agree that the Superintendent and the Area Director are the key managers to implement the present administrations policies.

I am sure you and your staff have given this proposal much thought and planning, but here again, I must say the tribal leaders have not been given an opportunity to have their inputs. The other area of major concern is (where reservations such as Fort Peck have made progressive strides in economic development, human resources development and have developed excellent working relationships with other agencies: State, County and Federal), programs and progress could be set back if the wrong people were selected to be our next Superintendent (Field Administrator) and Area Director.

Much of your policy has been implemented here at Fort Peck. For example:

1. The Tribes constructed, with tribal monies, a new office building and are leasing it back to BIA. This in itself had a tremendous impact on the attitude of the BIA personnel which has been favorable to our Indian people.
2. A number of BIA buildings and lands have been transferred to the Tribes. These buildings and lands are being fully utilized to carry on many tribally sponsored programs.
3. Excellent working relationships exists between the Tribes, local community leaders, and the city, county and federal agencies.
4. A resolution by the Tribes has been passed establishing a local Task Force to see what BIA functions can be assumed by the Tribes. This is a result of the emphasis on tribal participation in budget-making; whereby direct involvement became a reality and much new thought provoking insight was gained. (Resolution attached)

It appears the approach you are taking in this mass rotation of Superintendents and Area Directors is contrary to the fundamental concept of Tribal Leadership Involvement and contrary to the President's Message. There is no doubt weak areas exist and changes are needed. I strongly recommend talks and discussions be held with tribal leaders before any major changes are implemented.

Very truly yours,

WILLIAM YOUPEE,
Chairman, Fort Peck Tribes.

RESOLUTION

Whereas; the Fork Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fork Peck Reservation and is empowered to act in behalf of the Tribes. All actions shall be adherent to provisions set forth in the 1960 Constitution and By-Laws and Public Law #449, and

Whereas; the present administrations new policy for Tribes to be more involved and to actively participate in management of their own affairs, and

Whereas; it is recommended that a study group be appointed by the Tribal Chairman to study the feasibility of direct Tribal management or take over of programs and functions presently administered by B.I.A., and

Whereas: That members of this study group not necessarily be from the Tribal Executive Board;

Therefore, be it resolved; the Tribal Executive Board does hereby approve of this recommendation.

CERTIFICATION

I, the undersigned Secretary-Accountant of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, hereby certify that the Tribal Executive Board is composed of 12 voting members of whom 12 constituting a quorum were present at a Regular meeting duly called and convened this 23rd day of November, 1970; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 12.

Approved:

WILLIAM YOUPEE,
Tribal Chairman, Fort Peck Tribal Executive Board.
ANNETTE W. BOXER,
Secretary-Accountant.

THE INTER-TRIBAL COUNCIL OF THE FIVE CIVILIZED TRIBES,
November 30, 1970.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D.C.

DEAR SIR: Enclosed is a resolution adopted by The Inter-Tribal Council of the Five Civilized Tribes, together with the Osage, Miami, Eastern Shawnee, and Quapaw tribes of Indians, in a special-called session held at the Trade Winds Motel, Muskogee, Oklahoma, on November 28, 1970.

This resolution expresses the views of this Council, as well as the other four tribes, and it is respectfully submitted to you for your sincere consideration and favorable action.

Sincerely,

W. E. McINTOSH, *President.*

Enclosure.

RESOLUTION

Whereas, The Inter-Tribal Council of the Five Civilized Tribes of Oklahoma is established for the purpose of enlightening the public toward a better understanding of the Indian race; to preserve Indian cultural values; to enhance and promote the general educational opportunity among members of the Five Civilized Tribes; to see an equitable adjustment of tribal affairs; to secure and to preserve rights under Indian treaties with the United States; and otherwise to promote the common welfare of the American Indians, and

Whereas, on this 28th day of November 1970, The Inter-Tribal Council of the Five Civilized Tribes, together with the Osage, Miami, Eastern Shawnee, and Quapaw tribes of Indians under the jurisdiction of the Muskogee Area Office, Bureau of Indian Affairs, met in special-called session at the Trade Winds Motel, Muskogee, Oklahoma, and

Whereas, Chief W. E. "Dode" McIntosh, presiding as Chairman, called the meeting to order and introduced Mr. George Scott, Deputy Director of Education Programs, Bureau of Indian Affairs, Washington, D.C., and

Whereas, Mr. Scott read each paragraph of Commissioner of Indian Affairs', Louis R. Bruce, proposal to make certain changes within the Bureau of Indian Affairs and discussion was had by all parties present of each paragraph as it was read, and

Whereas, after a full and complete reading and discussion of said proposal, the following motions were made and passed unanimously:

1. Motion was made by John Shaw, Osage representative, that this organization go on record as inalterably opposing this mandate from the Commissioner of Indian Affairs as far as it affects the Muskogee Area Office, Bureau of Indian Affairs. Seconded by B. Bob Stopp, Cherokee representative, and motion carried unanimously.

2. Motion was made by John Shaw, Osage representative, that this organization send to the President and Vice-President of the United States and go on record asking their support for an immediate repeal of House Concurrent Resolution 108. Seconded by Forest Olds, Chief of the Miami Tribe, and motion carried unanimously.

3. Motion was made by Overton James, Governor of the Chickasaw Nation, that this organization go on record as opposing the regionalization of the education and engineering services of the Bureau of Indian Affairs now performed by the area offices. Seconded by Charles E. Grounds, Seminole representative, and motion carried unanimously.

Whereas, said motions were declared duly passed by Chairman McIntosh, and motion was made that said motions be placed in a proper resolution for the purpose of calling said motions to the attention of the various governmental and Congressional authorities;

Now, Therefore, be it Resolved by all those in said special session that all of the above motions should be called to the attention of the President and Vice-President of the United States; Secretary of the Interior; Commissioner of Indian Affairs, and the Oklahoma Congressional delegation;

Be it Further Resolved, That copies of this resolution be furnished to all of the above-named parties to solicit their support and help in preventing the Commissioner's proposal from being executed insofar as the Muskogee Area Office, Bureau of Indian Affairs, and all the tribes under its jurisdiction are concerned.

In witness whereof we have adopted this resolution on this 28th day of November 1970 at Muskogee, Oklahoma, in the Old Creek Nation.

Attest:

ELIZABETH SMITH,
Executive Secretary.
W. E. "DODE" MCINTOSH,
President.
CHARLES E. GROUNDS,
Chairman.
DR. B. FRANK BELVIN,
Member.
D. E. MARTIN,
Member.
Resolution Committee.

ROTATION OF GOVERNMENT EMPLOYEES AREA DIRECTORS-FIELD ADMINISTRATORS

We the members of the Intertribal Council of North Central Oklahoma, do hereby take the following action with references from statements made by the Commissioner of Indian Affairs before the Senate Committee on Insular Affairs on August 11, 1969: "The main goal of the Bureau of Indian Affairs under my administration will be to actively encourage, allow, and train Indian people to manage their own affairs under the trust relationship and to make the Bureau more responsive to Indian needs."

Also, from the Commissioners statement of May 21, 1970, Denver, Colorado, stating that: "B.I.A. Area Offices will be made fully responsive to Indian needs and expressed desires. Flexibility will be the new order at the Area level. Development of Indian committees and tribal estates will be the objective—and the objective will be carried out along lines that the Indian tribes themselves feel to be appropriate and necessary."

We then the Intertribal Council of North Central Oklahoma, with the authority vested in us from the following tribes: Otoe Missouri, Ponca, Tonkawas, and Pawnee, do hereby make the following changes that we feel would be most essential and beneficial to the social and economic progress of our Indian people.

ROTATION

Rotating of any Bureau official from this area must meet the approval of said council.

EDUCATION

All educational grants, application approvals for any schools, and loans, final approval must be made at the Pawnee Indian Agency. All the advisory boards set up for our Indian schools in this area will become school boards authorized to act in that capacity.

BUY INDIAN CONTRACTS

Buy Indian contracts must be expedited within a period of no longer than ninety days and that Buy Indian Contracts be made simple and all authority be vested in the Pawnee Indian Agency.

INDIVIDUAL INDIAN MONIES

All I.I.M. accounts and funds belonging to tribes under the jurisdiction of the Pawnee Indian Agency will be brought back to said agency.

Also, we reserve the right at this time, to add or take from what has been set forth.

KENNETH E. BLACK,
Otoe Missouri Tribal Council.
LEVI STEVENSON,
Tonkawa Tribal Council.

Ponca Tribal Council.
DELBERT HORSECHIEF,
Pawnee Tribal Council.

EVALUATION AND ROTATION POLICY OF COMMISSIONER LOUIS R. BRUCE, BUREAU OF INDIAN AFFAIRS

Whereas: the National Convention of Urban Indian representatives of fifty cities of 27 States and Tribal Organizations as called by the National Council on Indian Opportunity has met in Warrington, Virginia on December 14, 15, 16, 1970, and

Whereas: Commissioner Louis R. Bruce has announced a new evaluation and Rotation Policy for management people within the Bureau of Indian Affairs, and

Whereas: the delegates are members of member Indian Tribes Affected by this Indian Policy, and

Now Therefore Be It Resolved, That the members of this convention in formal session does hereby support the action of the re-alignment of the Bureau of Indian Affairs as in the best interests for the benefit of the American Indian and,

Be It Further Resolved: That continued effort be made toward Indian involvement in his own self-determination . . .

RESOLUTION—FORT MOJAVE TRIBE OF THE FORT MOJAVE RESERVATION
CALIFORNIA, ARIZONA AND NEVADA

Whereas, the Fort Mojave Tribal Council has read with interest the POLICY FOR ROTATION OF EMPLOYEES IN THE BUREAU OF INDIAN AFFAIRS, and the STATEMENT OF PENDING BIA ACTIONS, and,

Whereas, these documents represent far-reaching changes in the operation of the Bureau of Indian Affairs and these changes will have direct and immediate impact on the day to day activities of reservation communities, and,

Whereas, the entire Administration (including the President of the United States, the Vice President, the Secretary of the Interior, and the Commissioner of Indian Affairs) has pledged Indian participation in matters affecting Indians and Indian Tribes, and,

Whereas, the Fort Mojave Tribe after many years of dissension with, and distrust of, the Bureau of Indian Affairs has finally attained a good working relationship with the Agency and Area Offices of the Bureau

Now Therefore Be It Resolved, That the Fort Mojave Tribe condemns the announced Policy and Pending Actions for the following reasons:

1. Contrary to the President's commitment for Indian participation the Fort Mojave Tribe was not consulted about these matters; indeed, to our knowledge no Indian Tribe participated in the decision.

2. If there are Superintendents and Area Directors who should be moved, the Commissioner has the authority and should have the intestinal fortitude to move them without having to hide behind a "rotation" policy.

3. The policy is based on a premise that Indian Tribal Councils are dominated by Superintendents; this premise not only is in error but can only flow from a basic lack of confidence in the ability of Indian people to elect council members with firm convictions of their own and the know-how to implement their convictions.

4. Taking authority from Area Offices and centralizing it in Washington is not in keeping with the pledge of the Commissioner of Indian Affairs to get authority for Bureau operations to the lowest practicable level.

5. Because of the many important matters in which the Fort Mojave Tribe is engaged, particularly the move of some of our people to our reservation lands

in Arizona and the extensive land title and boundary and water rights problems, it is critical to us that no changes be made at this time.

6. We see the announced Policy and Pending Actions as a backdoor means of termination; the Central Office is so disorganized and so weak that little or no help to Indian Tribes is coming from the Washington level of the Bureau. If the Area and Agency offices are put in a similar situation, we will in fact if not in law be terminated.

Be It Further Resolved that the Fort Mojave Tribe hereby informs the Commissioner of Indian Affairs that we want the Phoenix Area director and the Colorado River Agency Superintendent to remain in office where they are.

Be If Further Resolved that the Fort Mojave Tribe respectfully requests the President of the United States to call for the resignation of those people who do not agree with him about Indian participation in the making of decisions affecting Indian matters and who do not believe that Indians have the ability to form their own opinions and to act independently of Agency Superintendents.

Be If Further Resolved that the Chairman make as wide a distribution of this Resolution as in her judgment is necessary to let our views be known to those who can assist us in our resolve.

CERTIFICATION

We, the undersigned, as the chairman and the secretary, hereby certify that the Fort Mojave Tribal Council is composed of 6 members, of whom 4 constituting a quorum, were present at a special meeting on the 4th day of December, 1970 and that the foregoing resolution was adopted by 4 affirmative votes.

FORT MOJAVE TRIBAL COUNCIL,
MINERVA JENKINS, *Chairman*.
JEANNETTE OTERO, *Secretary*.

INDIAN VIEWS ON THE REORGANIZATION OF THE BUREAU OF INDIAN AFFAIRS,
ADOPTED BY THE EXECUTIVE COUNCIL OF THE NATIONAL CONGRESS OF AMERICAN
INDIANS, WENDELL CHINO, PRESIDENT, ON MAY 6, 1969, ALBUQUERQUE, N. MEX.

The National Congress of American Indians would like to project several views and ideas that we have concerning the Federal Administration of Indian Affairs during the present and subsequent Administrations.

The creation of the National Council on Indian Opportunity by President Johnson was a milestone in the involvement of Indian people with the administration of this country, and as such it can be a vital mechanism for Indian involvement in their own progress. There is no other body which gives the Indian people such vital participation in the discussion and solution of their problems. The National Council on Indian Opportunity must be continued and funds appropriated for its continued operation.

There is no question about the desirability of appointing an Indian of recognized ability to the Indian Claims Commission.

The Bureau of Indian Affairs for a long period of time has handled matters involving Indian people. After a fair consideration of all the issues involved, we believe that the Bureau of Indian Affairs has, in good conscience, attempted to carry out its programs and functions, but we believe that the time has now arrived to take a long and analytical look at this Bureau.

The abolition or dispersal of the Bureau of Indian Affairs and all of its services among other government agencies certainly is not the answer. We believe that the Bureau of Indian Affairs can effectively perform its present duties if the organization is revised. It has the experience and know-how that is required in areas that it directly involves the Indian people in management.

The Bureau of Indian Affairs should, by the legislation, be made an independent commission or agency. At the present time the Bureau of Indian Affairs must compete for funds with other agencies and bureaus within the Department of Interior who are also the responsibility of the Secretary of the Interior. The Department of Interior is basically a land oriented organization, rather than a human oriented organization. The Department's Budget Managers are also land oriented. They do not have the required empathy regarding basic Indian problems which are human in nature, such as the community problems of education, housing, etc. The Secretary of the Interior often finds himself hamstrung by the Department and other interests which are more interested in other areas. This conflict of interest at the Secretarial level cannot contribute to the fair and impartial administration of Indian Affairs.

The very bureaucratic structure of the Bureau of Indian Affairs insulates the Secretary of the Interior from the Indian people. The Secretary's chief representative of the Indian people, the Commissioner of Indian Affairs, is also further insulated from the people by the Area Offices. With these insulations, it is no small wonder that many critics of the Bureau of Indian Affairs claim that the job is not being done, and that top heavy administration results. Limited funds are now being wasted on useless office support, which also breeds excessive red tape and reporting requirements. Direct access to the top administrators is needed. The establishment of an independent Indian Commission will remove most of the bureaucracy that makes it so cumbersome for Indian people to communicate with those who are responsible for Indian Affairs. We believe that this proposed Indian Commission will be more responsive to the Indian people and speed the day when full-scale development can be implemented in Indian communities.

We would recommend the establishment of a committee or commission to study the operation of the Bureau of Indian Affairs. Included in this body should be a broad representation of responsive Federally recognized Indian leadership. One of the primary tasks of this body should be a complete study and evaluation of the present Bureau of Indian Affairs budget process. The present process has built-in pitfalls which not only encourage, but promote and nourish the building of empires by bureaucratic Branch Chiefs through their control of funds, promotions, etc. at the Central, Area and Agency levels.

We believe that funds appropriated by the Congress for the benefit of Indians and Indian Tribes should be appropriated with broad discretionary powers for their use given to the Commissioner of Indian Affairs and especially to the Agency superintendent. The present line-item-functional appropriations result in waste for some functions through an overabundance of funds while other necessary functions are curtailed because of fund limitations. The revision of the budget process should also include the approval or the veto power by Tribal governing bodies during the local Agency budget submittal process.

The Indian Agencies at Reservation level should be reorganized, taking into account local needs and the total Reservation development programs. The present Bureau structure, which calls for an Agency Branch to complement every Washington Branch Chief whether it is essentially needed or not, should be eliminated. The local Agencies should be revamped to include an effective combination of facilities and services urgently and ultimately needed to achieve the human resource, natural resource and economic developments in the Indian Community.

We have some reservations about Indian Tribes contracting to perform services for the Bureau of Indian Affairs. In many cases, Indian Tribes do not have the necessary capital to contract to perform these services. In Indian Tribes are to be encouraged to contract with the Bureau of Indian Affairs, the necessary working capital and equipment must be made available on an outright grant basis to permit the Tribe to function economically. It should be specifically understood that if Indian Tribes are to contract with the Bureau of Indian Affairs, that a fair return by the Tribes is to be expected and that the Tribes should not be expected to pay sub-standard wages to perform these services. Also, the Tribes should be offered not only the dirtiest, smallest and most difficult jobs which the Agency must accomplish, but Tribes should be encouraged to accept major tasks that many require them to develop their own staffs of skilled experts. In many instances, Tribes are offered just those jobs that the Bureau of Indian Affairs has never been able to successfully accomplish, or those which are insignificant, or those which the Bureau of Indian Affairs does not want to be bothered with.

If Indian Tribes with very little capital contract with the Bureau of Indian Affairs, this contracting could bankrupt them unless payment procedures by the Bureau are improved. Further, the failure of Congress to give continuity of appropriations for Indian contract programs and developments could leave Indian contractors with costly, but unusable equipment. Excessive contract supervision and red tape requirements should also be kept in check if Indian Tribes are to be expected to contract successfully.

We have many years to go before the Indian people and their communities reach optimum development; therefore, any thoughts of abolishing or parceling out the services of the Bureau of Indian Affairs to other Federal agencies is out of the question at this time. If another Federal agency attempted to take over one of the present functions of the Bureau of Indian Affairs, that agency would have to learn the difficult task and would be faced with the same problems which the Bureau of Indian Affairs faces. We suggest that the change of the present Area-Agency system is the most expedient route to take.

If the Bureau of Indian Affairs is abolished or its services fragmented it will again jeopardize, and in many cases it will terminate the present services of the Federal government. It will be termination in disguise. Indian people have never been successful in competing for services through other government agencies, and the services received from these agencies have been very small or practically nil except for the excellent services now received from the Economic Development Administration and the Office of Economic Opportunity.

Politically and socially it is almost impossible for the Indian to compete for services among other Federal agencies. With the huge backlog of services and developments needing to be accomplished, at best, the parceling out of Bureau of Indian Affairs services to other Federal agencies would only be an injustice to these agencies because of their already insurmountable work load. A revamped and revitalized Bureau of Indian Affairs with sufficient funds can and will do a better job.

RESOLUTION No. 6

Whereas the President of the National Congress of American Indians has carefully considered the question of necessary reorganization of the Bureau of Indian Affairs, and has presented a well-written and thoughtful paper on this subject, and

Whereas an adequate opportunity to study the recommendations contained therein has now been afforded to the Executive Council of the National Congress of American Indians, and

Whereas a special committee for the purpose of reporting to the Executive Council its view of the Chino paper has met and reported its recommendations, and

Whereas said special committee has recommended the adoption of the Chino paper, subject to certain modifications; Now, therefore, be it

Resolved, That the report of the Special Committee on the Chino paper be adopted as the position of the National Congress of American Indians, and that this resolution, together with the Chino paper as modified, be distributed to appropriate officials of the government as the position of the National Congress of American Indians.

REV. WENDELL CHINO,
President, National Congress of American Indians.
FRANK DUCHENEAUX,
Chairman, Resolutions Committee.

MAY 5-6, 1969.
ALBUQUERQUE, N. MEX.
Attest:

MR. BENNY ATENCIO,
Recording Secretary, National Congress of American Indians.

RESOLUTION No. 11

Whereas one of the most serious problems facing the Indian people today is the lack of quality education for Indian children, and

Whereas the Bureau of Indian Affairs had entered into a contractual agreement of training the kindergarten teachers to serve on various Indian reservations, and

Whereas said contract was terminated by the Bureau of Indian Affairs without consulting Indian leaders and in particular, the National Association for the Education of Young-Children-Kindergarten Project: now, therefore, be it

RESOLVED, That the National Congress of American Indians urges the Bureau of Indian Affairs to consult with Indian leaders and the National Association for the Education of Young Children-Kindergarten Project on all such matters and urges the Bureau of Indian Affairs to reconsider its decision on this matter before making any further commitment to any other party.

REV. WENDELL CHINO,
President, National Congress of American Indians.
FRANK DUCHENEAUX,
Chairman, Resolution Committee, National Congress of American Indians.

MAY 5-6, 1969.
ALBUQUERQUE, N. MEX.
Attest:

MR. BENNY ATENCIO,
Recording Secretary, National Congress of American Indians.

QUINAULT TRIBAL AFFAIRS,
 QUINAULT INDIAN RESERVATION,
 Taholah, Wash., December 10, 1970.

Mr. LOUIS R. BRUCE,
 Commissioner,
 U.S. Department of the Interior,
 Bureau of Indian Affairs,
 Washington, D.C.

DEAR MR. BRUCE: For many years the Quinault Tribe has been critical of the Bureau of Indian Affairs in the four areas mentioned in your letter of November 24, 1970. The Quinault Tribe agrees that some of the recommended changes are needed in order for our people to move ahead in this modern era. "We do not agree with the major element in this plan, "to reassign all the superintendents". The Quinault Tribe has a very close working relationship with our Superintendent and Assistant Superintendent. "The Superintendent is instrumental in assisting the Quinault Tribe on long range programs, tribal objectives, and trying to carry out the same objectives in this new plan. In all fairness to the reservation Indian people we feel it only right that we are consulted before any major changes or transfers are made. We are certain that if Bureau Authorities are delegated to the agency nearest the Indian people our present Superintendents will carry out the job that needs to be done.

The Quinaults have always been critical of the Portland Area Office as a hindrance and un-necessary step for tribal programs to be processed through. We will never understand why one third of the appropriated budget for reservations is necessary to maintain an Area Office from which we receive limited service. The Agencies personnel near and on reservations develop and prepare the programs, in Forestry, Roads, Plant Management, Reservation Programs, etc. in line with Bureau regulations and have to forward them to the Area Office for approval, by a counterpart who in most instances has never seen the Quinault Reservation.

The Quinault Tribe is in accord with contracting certain services from the Bureau, if the Bureau is fair and above board with the amount of monies available and provides the necessary technical assistance for a tribe to administer a successful program.

The Quinault Tribe can *not* support any new legislation by the present administration and cannot visualize any sincerity in the administration as long as the termination resolution 108 is on the books and a law.

I hope your office will consider our views in this most serious matter.

Sincerely yours,

JAMES JACKSON,
 Chairman, Quinault Tribal Council.

RESOLUTION No. 71-18 OF THE QUINAULT TRIBAL COUNCIL

Whereas, under the bylaws of the Quinault Tribal Council of the Quinault Indian Reservation, the Quinault Tribal Business Committee is charged with the management of the business and affairs of the General Council of the Quinault Tribe as the executive of that body, pursuant to Section 3, of the bylaws of the Quinault Tribe, and

Whereas, the Bureau of Indian Affairs central office announced a new bureau policy change on November 24, 1970 which proposes to rotate Bureau Superintendents and certain managers and supervisors who have been at the same location for more than two years, and

Whereas, the Western Washington Agency Superintendent, Mr. George M. Felshaw, and the Hoquiam Sub-Agency Assistant Superintendent, Mr. S. A. Lozar, have established a very close working relationship with the Quinault Tribal Council, and

Whereas, the Long-Range Programs the Quinault Tribe has been able to develop, with the assistance of Mr. Felshaw and Mr. Lozar, completely follow the objectives set in the November 24, 1970 pending actions, and

Whereas, the Quinault Tribe is confident that Mr. Felshaw and Mr. Lozar are in a better position to carry out the new policies and the programs that have been developed jointly by the Tribe and the Bureau of Indian Affairs with the proper delegation of authority, and

Now, Therefore, Be It Resolved that the Quinault Tribal Council would consider it a disaster to rotate Superintendent Felshaw and Assistant Superintendent Lozar when concrete programs they have taken part in are on the verge of becoming a reality.

JAMES JACKSON,
 Chairman, Quinault Tribal Council.

CERTIFICATION

The foregoing resolution was adopted at a regular meeting of the Quinault Business Committee held on November 23, 1970, at which time a quorum was present, and was passed by a vote of 4 for, and 0 against, the chairman and secretary having authorization to sign this resolution.

MARION L. HOLLOWAY, *Secretary.*

RESOLUTION—KALISPEL BUSINESS COMMUNITIES

Whereas, we have received notification and much explanatory material regarding the Commissioner's realignment of authority program, his plans for reassignment, transfer and rotation of key personnel and his encouraging of tribes to assume Bureau of Indian Affairs responsibilities through the process of contracting, and

Whereas, the Kalispel Tribe is apprehensive that the initiation of the Commissioner's programs will result in the transfer or reassignment of its Superintendent and of the Area Director to the detriment of the tribe, now, therefore, be it

Resolved, That the Kalispel Tribe go on record as requesting that the Superintendent of the Northern Idaho Agency and the Area Director of the Portland Area Office be exempted from the implementation of the Commissioner's programs and that they not be transferred, reassigned or in any way moved out of their present positions.

The tribe points out that it has had a dynamic reservation and tribal development program in operation since Superintendent (now Field Administrator) Thomas St. Clair came in 1963. It has had perhaps one of the most successful housing programs in the United States. It has built a neighborhood center, inaugurated a land purchase program, initiated studies regarding its water and land rights, initiated a minors trust for minors funds and accomplished or begun many other programs which are only talked about and seldom started, much less accomplished, on many other reservations. This has occurred after decades of dormancy. The success of these programs has been the result of close team work between the tribe and the Superintendent's office and the Area Office, a team work that blossomed and began to bear fruit immediately after the present Superintendent moved to Lapwai.

With regard to the realignment of authority, the Tribal Business Committee points out that the Kalispel Tribe, like many small tribes, wants the decision making in the Bureau of Indian Affairs kept as close to the tribe as possible. It would suggest the delegation of even more authority to the Area Office and to the Field Administrator. In no event should a realignment of authority mean a "taking back" to Washington, D.C. of line authority that is presently in the field, either at the Area or Superintendency level.

Like its neighboring tribes, the Kalispel Tribe would consider contracting individual programs that seem to increase or add to the federal or state services now available. It believes that basic Bureau of Indian Affairs trust responsibilities should stay in the Bureau and not be delegated to tribes through the process of contracting.

CERTIFICATION

The foregoing resolution was adopted by the Kalispel Business Committee at a meeting held December 16, 1970, at the Community Hall near Usk, Washington, with the required quorum present, by a vote of 6 for and 0 against.

LOUIS ANDREWS,
Chairman.
ALICE IGNACE,
Secretary.

RESOLUTION NO. 70-206—SPOKANE TRIBE OF THE SPOKANE RESERVATION

Whereas Louis Bruce, Commissioner of Indian Affairs, has recently announced his inauguration of a new policy of realignment of Bureau authority, reassignment and rotation of superintendents, area directors and other Bureau of Indian Affairs personnel and transfer of Bureau functions and responsibilities to Indian tribes through contracting, and

Whereas the Spokane Tribe has participated in regional and area meetings of Indian tribes at Desmet, Idaho and Seattle, Washington and listened to explana-

tions of this program by representatives of the Commissioner and reviewed the proposals with representatives of many other tribes, and

Whereas the Spokane Tribe is just beginning the management and operation of a new agency located at Wellpinit, Washington with C. V. "Moot" Nelson as its superintendent, and this new agency, from the time of its first proposal to its inception and now its actual administration, is keyed to the history and concept of excellent cooperation at all levels of the Bureau of Indian Affairs and the tribe is hesitant indeed to support any program which would change these accustomed patterns of Bureau of Indian Affairs cooperation and tribal involvement, now, therefore, be it

Resolved, That the Spokane Tribe hereby urges the Commissioner and his staff not to implement his new policies except gradually, over a long period of time with continued and increased opportunity of the Spokane Tribe and other tribes to consult with and advise the Bureau of Indian Affairs and the Commissioner what changes in policy and personnel will help each individual tribe and which will not help.

That the Spokane Tribe hereby recommends that the Portland Area Office and the Superintendencies under it be exempted from the realignment, reassignment, rotation program, at least for the time being. It makes this recommendation because of its conviction (based on favorable experience) that the present Area Office is especially cooperative with Indian tribes, has evolved a pattern of increased tribal involvement and self-determination without termination pressures, and has been most productive in the fields of tribal and reservation development.

That the Bureau continue to explain the availability of "contracting" but only as a means to increasing and making more effective Federal services to the Indians and the reservations. That it not appear to "push" or "pressure" tribes to accept contracting and that the Bureau not seek to contract away any of its fundamental and key trust responsibilities.

That the Spokane Tribe wants to specifically express its strong support for its superintendent, C. V. "Moot" Nelson, and Area Director Dale Baldwin. It is the understanding of the tribe that Mr. Nelson is presently exempted from any transfer or rotation under the new policy because of the recentness of the new agency and his appointment as superintendent. The tribe, the Superintendent and the Area Director and their staffs have worked as an effective and productive team resulting in great benefits for the Spokane Tribe and excellent programs for the future. We would not want the team impaired or destroyed by the transfer or reassignment of one of the key men responsible for it, Dale Baldwin.

The tribe agrees that there should be a realignment of authority but primarily in the direction of both the Area Office and the Superintendent. It has always advocated greater decision making capacity at both levels. It fears that the Commissioner's program for realignment of authority, while possibly meaning some additional authority for the Superintendent, will actually result in realignment of much decision making authority back from the Area Office to the seat of government. This would be a step in the wrong direction. Rather, the tribe advocates the gradual, systematic redelegation of authority from the Commissioner's office to the Area Office and from both the Commissioner's office and the Area Office to the Superintendent's office.

CERTIFICATION

The foregoing was duly enacted by the Spokane Tribal Business Council on the 29th day of December, 1970 by a vote of 3 for and 0 against under authority contained in Article VII, Section 1, of the Constitution of the Spokane Tribe of the Spokane Reservation ratified by the Spokane Indians on May 12, 1951, and approved by the Commissioner of Indian Affairs on June 27, 1951.

ALEX SHERWOOD,
Chairman, Spokane Tribal Business Council.

RESOLUTION NO. 317-16—THE TULALIP TRIBES OF WASHINGTON

Whereas the policy of the present administration has been to give recognition to the views of the Indian tribes in matters affecting them, and

Whereas the local Agency superintendents represent key positions in the special relationship between Indian tribes and the Federal Government, and

Whereas we have received information that George N. Felshaw, Superintendent of the Western Washington Indian Agency will be transferred, a decision unilaterally reached, now therefore; be it

Resolved by The Tulalip Tribes of Washington, an Indian tribe organized pursuant to the Act of June 18, 1934 (48 Stat. 984) as amended, That Superintendent George M. Felshaw be retained at his present post.

Passed this 5th day of December, 1970, in regular session, with a quorum being present, by a vote of 6 for and 0 against.

Attest:

BERNARD GOBIN, *Chairman.*
RALPH JONES, *Secretary.*

Commissioner BRUCE. And I want to be honest with the committee, they are certainly not all—and I don't want to polish this off—in favor of this move, and they have a right to be, you know, suspicious about it.

Senator METCALF. Well, Mr. Bruce, I don't think that any of us are especially expressing our favor or disfavor, and in my consultation with the tribes and the tribal leaders in my State, they, too, are not expressing favor or disfavor. They are certainly in favor of greater local autonomy. I am, too.

They feel, perhaps, that the elimination of the interval of having to go through an area director will be beneficial to them, but they would have liked to be consulted about the plan, and they would have liked to be told what the proposals were about.

Now you have rotation. You have had it for a long time. As far as I am concerned, I think you as the Commissioner should have to go out and sit on a reservation for a while, and find out what the local problem is. I think the Forest Service should have to go out and determine the local problem.

I think people get back here in Washington, in these offices, and forget about what the real problems of the Indian reservations are. So you should have rotation.

Our point here is that the Indians have not been consulted at the local level about this problem, about your program, other than the speeches you have made in generalities, about the program you are going to put into effect. They may be for it. We may approve you and applaud you wholeheartedly.

But you have sprung a program without proper consultation or proper advice.

Senator Fannin.

Commissioner BRUCE. Mr. Chairman, may I answer?

Senator METCALF. Oh, surely.

Commissioner BRUCE. I am disturbed to hear this, because I did spend a lot of time on the reservations in Montana and in Browning. I did visit. I have made it very specific.

Senator METCALF. You spent time in Browning. Mr. Earl Old Person, from the Blackfeet Tribe now leads the National Congress of American Indians. He has asked that until he has a consultation with his group, that we have a delay, until he can find out what this is about.

Now, he is one of the outstanding Indian leaders in that area. And he tells me that he is not sure just what the impact of this is going to be, either on the Blackfeet Tribe, or on the Northwest Indians, or on the Indians that he represents as president of the National Congress of American Indians.

Commissioner BRUCE. I would like to say, Senator, that I have gone to Browning, at the request of a long-time friend, Mr. Earl Old Person, and that I sat in my office with him, presented the program in person to him, and asked him to review it, and to be in touch with me, and told

him at that time, as I am saying right now, that this is not in concrete. I do expect to get back to them to discuss this further.

We are not putting this in operation until we have a chance to get their views and ideas.

Senator METCALF. Before I call on Senator Fannin, I am going to ask unanimous consent to put in the record a resolution of the affiliated tribes of the Northwest, which is dated December 9 and 10, and it starts off, "We must condemn the absence of prior consultation with American Indian tribes concerning these drastic changes of the proposal of Commissioner Louis R. Bruce's program of reorganization."

I will put the whole matter in the record, and it is signed by Earl Old Person, president of the Northwest Affiliated Tribes; Lucy Covington, recording secretary, and Tandy Wilbur, Jr., executive director.

(The document referred to follows:)

RESOLUTION OF THE AFFILIATED TRIBES OF THE NORTHWEST

Whereas, we, the Affiliated Tribes of the Northwest, have been presented with Commissioner Louis R. Bruce's program of reorganization of the Bureau of Indian Affairs, involving immediate realignment of administrative authority, reassignment and rotation of Bureau personnel, and assumption by the tribes of Bureau responsibility through an increased use of contracting authority, and

Whereas, the Affiliated Tribes of the Northwest have met in special session in Seattle, Washington, December 9 and 10, 1970, to consider these matters,

Therefore Be It Resolved that we express the following response and evaluation of this program:

1. We must condemn the absence of prior consultation with American Indian Tribes concerning these drastic changes. This is contrary to assurances given by the Commissioner that he would consult with the Tribes, before, not after, new policies affecting American Indians were promulgated in the Bureau of Indian Affairs.

2. We must object to the impression given by the Commissioner's Office that the proposed plan had the support of most Indian leaders. This was misleading and contrary to the fact.

3. We ask that no action be taken to implement the proposed reorganization for at least six months in order to allow time for adequate study of these changes by the Indian People. We insist that there be full participation by tribes in formulating the final plan.

4. All tribes feel that it is vitally important to obtain high quality personnel for key positions in the Bureau of Indian Affairs. Many feel that realignment of the Bureau is necessary. But, we object strenuously to a total reshuffling of personnel. Personnel changes should be considered on a tribe by tribe basis. Where personnel are found to be incompetent or disqualified, they should be removed from the Indian Service altogether and not merely shifted around to another tribe. No Superintendent or Area Director should be removed without the consent of the tribe or tribes involved. Tribes should not have to fight to retain Bureau of Indian Affairs personnel who have worked successfully with them.

5. The idea of contracting with tribes for them to assume functions now performed by the Bureau of Indian Affairs presents many serious legal and practical problems. This innovation needs further study and evaluation of actual field results before any major Bureau of Indian Affairs emphasis can be placed upon it. It should be undertaken only at the option of each tribe and with careful safeguards to insure that the Bureau of Indian Affairs will resume its responsibility if the tribe so desires.

6. The Bureau of Indian Affairs should abandon the idea of evaluating Superintendents of Field Administrators on the basis of their success in getting tribes to assume Bureau of Indian Affairs functions, as presently stated in the proposed job description for Field Administrators.

7. The Bureau of Indian Affairs should invite tribes to state what criteria they feel should be applied to evaluation of agencies and should incorporate these criteria into the guidelines to be used by evaluation and inspection teams.

In evaluating any agency, a hearing should be held with the tribes served by that agency.

8. We intend to study further the proposals of the Commissioner, and hope to take part in detailed discussions with the Commissioner and his aides at the time of the January meeting in Washington, D.C., of the Executive Council of the National Congress of American Indians.

9. We understand and appreciate the Commissioner Louis R. Bruce's sincere commitment to the Indian People. We share his objective of Indian involvement in planning for our future, and we look forward to working with him and his staff to achieve progress for the American Indian.

Adopted at Seattle, Washington, this 10 day of December, 1970.

Attest:

LUCY F. COVINGTON,
Recording Secretary.
EARL OLD PERSON,
President, Northwest Affiliated Tribes.
TANDY WILBUR, JR.
Executive Director.

AFFILIATED TRIBES OF NORTHWEST INDIANS—A TENTATIVE ANALYSIS OF NEW BIA POLICIES OF "CONTRACTING" AND "REASSIGNMENT"

1. Administration officials seem to have decided to do something dramatic in the field of Indian Affairs in addition to their formal legislative package.

2. The traditional "villain" in Indian Affairs is the BIA, which is often seen as a group of domineering colonial officials stifling Indian initiative and perpetuating problems by maintaining their power.

3. Top White House aides (names frequently mentioned are Ehrlichman, Garment, Patterson) have indicated that the solution to the Indian problem is to dismantle the BIA and let the Indians run their own affairs.

4. The means they seem to have chosen for dismantling the BIA without destroying local programs is for tribes to contract with the government to take over the funds, programs, and responsibilities formerly handled by the BIA.

5. William King of the Commissioner's Office is widely credited with originating the "contract theory", and is reported to have developed a "near-compulsion" to get tribes to contract their own programs. He is supported in this philosophy by the powerful Orme Lewis in the Interior Dept., who is also reported to be King's brother-in-law.

6. Tribes have felt certain pressures to contract programs; they have experimented with some minor programs; but they have generally resisted any broad programs of contracting until they get a better understanding of its meaning and possible effects. In recent meetings at Seattle and Santa Fe Mr. Suarez, director of law and order from the Commissioner's Office (also reportedly related to Bill King and Orme Lewis) caused great tribal disfavor by his adamant stand that tribes must consider contracting their law and order programs.

7. Tribes fear that the Commissioner's Offices' new field evaluation teams may hold vacated positions open as a means of forcing tribes to contract these positions if they want the programs continued. Tribes fear that the developing realities of the situation are in conflict with the Commissioner's policy statement that "under no circumstances will program responsibilities to be forced on unwilling or reluctant Tribes."

8. Since "contracting" is not proceeding as fast as desired by the Commissioner's Office, a new policy has been formulated in Washington to re-assign all area directors and agency superintendents every two to five years. Many of these officials are assumed to be protecting their own jobs and those of their staff by directly or indirectly discouraging tribes from contracting, although Tribal leaders themselves have not indicated this to be the case. The new re-assignment policy of November 23rd flatly contradicts Bruce's memo of July 29th in which he stated: "I am concerned that many people have the impression that we contemplate wholesale changes of Superintendents. This definitely is not the case."

9. Bruce's new policy statement specifically complains that "Although the contracting policy has been in effect since April of this year, it has not been implemented significantly at the Area Office and the reservation levels." The new policy statement says that "the field administrator will be primarily measured by the extent to which his functions are reduced. For example, the number of functions which are assumed by the tribe." This gives greater evidence that the lack of progress in contracting is the reason for re-assigning all top area

and agency personnel who have not "brought their tribes along" in this new contracting philosophy. Tribes would rather that superintendents be evaluated in terms of how cooperatively they work with the Tribes rather than by how many programs they convince them to take over.

10. Though verbal assurances have been given to tribal leaders that a "tribal option" will be recognized in allowing tribes to keep the directors and superintendents that they want retained, all written documents indicate that transfers will be automatic, or at the discretion of a Central Office inspection team.

11. The Administration and the Commissioner have insisted that the new policy is "that American Indians and Alaska Native people must be full partners in a Federal Indian partnership. In order to effect such a relationship, the decision making process must initiate at the local level. But the new "rotation policy" decision was initiated only at the Washington level. It was announced on November 23rd, and not until that night and the next day were prominent Indian leaders called and informed of the new decision. Many tribal chairmen didn't receive any formal notification till over a week later.

12. By these moves, the Commissioner's Office is violating the very principle that it is proclaiming—"partnership in decision-making which must initiate at the local level." This violation of principle in the areas of "contracting" and "re-assignment" has caused a new "credibility gap" between the Indians and the Administration. This is creating a new resistance to the gradually growing tribal interest in contracting for certain federal services.

13. In order to justify this violation of principle, the Commissioner's Office produced a news release on November 27th stating: "Indian leaders, tribal officials and heads of Indian service organizations around the country responded enthusiastically today to the new changes in Bureau of Indian Affairs structure and policy." This release ignored the cool reception given by many tribes and the absolute rejection of many others.

14. At the present time the concept of "contracting" is only valid in certain limited "service areas." A solicitor's memo concerning the Zuni contract emphasized that federal "trust" responsibilities over trust land and trust money may not be contracted away to a tribe or to anyone other than the legal federal trustee, who is the Secretary of the Interior.

15. The concept of "federal trust" is the legal basis for the special relationship between Indian Tribes and the Federal Government. Everything hinges upon the "federal trust" established by treaty. Contracting to tribes in key areas of trust land and trust money tampers with the legal basis of this federal relationship. Many are beginning to fear that the contracting technique for breaking up the traditional BIA may even develop into a new kind of termination threat in disguise.

Senator METCALF. I interrupted you about Earl Old Person, because he is a respected and admired member of the Blackfeet Tribe, at Browning, Mont., and when he says there was inadequate consultation, there is some lack of communication.

Commissioner BRUCE. He has been a long-time friend. I have great respect for him.

Senator METCALF. He is a long-time friend of mine, too.

Commissioner BRUCE. And a great leader.

Senator METCALF. Yes, sir, I concur.

Commissioner BRUCE. I have nothing to say against him or any other Indian leader.

Senator METCALF. He is one of the new group of fine, aggressive, progressive Indian leaders in America. I concur.

Senator FANNIN.

Senator FANNIN. Mr. Chairman, I don't want to preclude my senior colleagues here from questioning first or testifying first, but I just wanted to clarify one point that was brought out in the bulletin that was issued by the Commissioner, "Policy for Relocation of Employees in the Bureau of Indian Affairs," and I think it clarifies just what we have been discussing.

The timing is the important factor, because there has been a great deal of misunderstanding, and I think complaints, criticism, because of the misunderstanding of timing. I see in your bulletin that the following general guidelines will be observed in implementing this policy.

And the No. 2 paragraph, the second paragraph, says committees will be established to recommend reassignment of employees committee recommendations "will be preceded by indepth evaluations of the needs of Indian people, programs, and employees."

Could you comment on that particular paragraph, Mr. Commissioner? Because I feel that this is important, who will be members of that committee, and just exactly what will happen, the timing that will be involved, and what authority will be delegated.

Commissioner BRUCE. We will establish a committee within the central office, of five people—four will be Indians—who will review that situation and meet with the tribal council.

Senator FANNIN. Before action is taken?

Commissioner BRUCE. Before action is taken. They will have a chance at that time to indicate their desires, whether they want to keep that superintendent there and why, and so forth, and we will listen to them and follow their advice.

Also, trying to figure out what direction we go when we have maybe that superintendent wanting to move, without letting the tribal council know about this, or maybe the tribal council themselves wanting the superintendent to move, and he not knowing about it.

We will follow this idea of letting them select from a list of names. Now within reason, you know.

In one instance, not long ago, we submitted 16 names for their consideration, as a superintendent, and they selected none of them, and turned back to me and said, "You make the appointment, and we will go along." And that is an expensive route.

But we do intend to ask, let them have a choice, and have an opportunity to select, within reason, and this is the thing I point out.

Senator FANNIN. Well, thank you, Mr. Commissioner.

Mr. Chairman, that was the point I wanted to bring out, I think that there is a timing misunderstanding, and I feel that this is very important in our considerations.

Senator METCALF. Thank you very much. I think that is an important point. And the whole point of this hearing, Mr. Bruce, is that perhaps you have felt that you have made the necessary preparation, but the details and the specifics of your plan have not been spelled out to the Indians, or to the Indian leaders, and they are somewhat unhappy about it and, of course, it was presented to us without the same explanation.

Senator Allott.

Senator ALLOTT. Mr. Chairman, I would still like to defer to the ranking member of the subcommittee, Senator Fannin. I think it is proper that he precede me in this.

Senator FANNIN. Well, thank you.

Senator METCALF. The Senator from Arizona.

Senator FANNIN. Thank you, Mr. Chairman.

I do feel that we have a problem in delineating exactly what is being accomplished, or what you have as a goal, and I know that that has

been misunderstood, because when it was first announced, the report that I received was very confusing, Mr. Commissioner, but my conversations with you, and with the members of your staff here today, that has been clarified, as far as I am concerned.

But I think the delegation of authority that you talk about, at the manager's-administrator's level, is important. And this is why I feel that you should make it very clear, that you are not changing a policy to the extent that it is just a reversal of any program in the past, but that you are bringing about a greater coordination of effort at the local level, and, of course, the expression was that you are going to Indianize the BIA.

Well, of course, this expression sometimes is misunderstood, that you are going to accomplish this all overnight, and the people that are there, that are not Indians, that they would be dispensed with.

I know that isn't your desire, but I think that this is something that we should clarify, because as you know, we have had numerous complaints from the field from people who think that overnight, they are going to be dismissed or going to be reassigned, without consideration, and I do feel that this should be a point of consideration here today, as to clarifying the goal that you do have.

Commissioner BRUCE. Senator, I think you will agree, as well as the rest of the committee, that in any situation, good business practices require an administrator to set some kind of a policy, somewhere along the line. I felt we needed a policy, and that is the first step, and that is what I did here. set a policy that in 2 years, within a 2-year period, two to 5-year period, there can be negotiations for change, on the part of that superintendent.

Now, this doesn't mean that under 2 years, there can't be some changes, also. But the policy is there, and then from then on, we negotiate as Indian tribes want to.

When we set the 5-year period, it was based on the fact that the average change in all superintendents is 4 years. Now it is true there are some who have been at the agencies 30 to 35 years. The average change is 4 years. A 5-year period, it seemed, and there is some discussion about whether a superintendent can learn about Indians, and I think here, it makes a difference whether that person is Indian himself, or that he is just coming in brand-new.

Now it may take longer than 5 years, but I feel, in my position, that I needed to set a policy, and that is what we did. We are not following through on this change, so that there will be any change in authority, except at the area office level, that the authority will be passed on through to the superintendent, who will have more authority at this point.

This means, and it can't all be done overnight, that there has to be an evaluation of that agency, of that superintendent, because there are already some people who are saying, "Well, the superintendent we have here doesn't have the background and experience and training to carry this added responsibility."

And so we are having some valuations made right now at the present time, in 12 different agencies, to see if we can't establish some sort of criteria, and this kind of thing will be done every 6 months, because I feel, you know, that we shouldn't let things go, but come back in with the tribes, to evaluate that agency.

I might say that the evaluation team includes a technical person from the central office, one who knows the Bureau of Indian Affairs, and has been working in the central office, and in the field, the tribal council, in the agency, where we are evaluating, we will select a person there. We will select a non-Bureau employee, one from the Department and one from the solicitor's office, to make this evaluation.

Senator FANNIN. Well, I understand the goal that you have. In other words, you are going to place greater responsibility at the superintendent level. Under the new program, he is called administrator, or manager, which is it?

Commissioner BRUCE. Field administrator.

Senator FANNIN. Field administrator.

Commissioner BRUCE. Yes.

Senator FANNIN. And he will have a greater responsibility, have greater authority, and so you feel that in some instances, that the area director or the person that now is holding that superintendent's job is not perhaps qualified to assume that increased authority.

Is that your position?

Commissioner BRUCE. I am not saying that generally, but—

Senator FANNIN. In some instances.

Commissioner BRUCE. In some instances. Only in some.

Senator FANNIN. But in many instances, the superintendent does have that experience, and that training, and the background and qualifications, so they will be retained. Is that right?

Commissioner BRUCE. That is correct.

Senator FANNIN. Thank you, Mr. Chairman.

Senator METCALF. Senator, would you yield a moment?

Senator FANNIN. Surely.

Mr. MACNABB. Senator Fannin?

Mr. Chairman?

Senator METCALF. Sure, go ahead.

Mr. MACNABB. To add to the Commissioner's answer, that which was implied, that none of the new administrative moves that are proposed by the Commissioner are in violation of any of the civil service laws or regulations that apply to all Federal employees, the appointing authority is still reserved in Federal officials, as is required by law, and further, all the employees' rights are fully protected by any move.

The Commissioner has anticipated the future, when an employee who diligently literally works himself out of a job and turns over the program to the tribe. The Commissioner is developing a rather effective, efficient, sophisticated outplacement programs, so that these employees' future will not be left to chance, and he has assumed this is a responsibility of the Bureau of Indian Affairs.

Senator FANNIN. Well, I think that this was made clear, or at least was clarified, in the bulletin that came out, the policy, the merit promotion program, and the equal employment opportunity program, and the other Federal programs that would be adhered to.

Mr. MACNABB. Yes, sir; and one other point. On the time frame relating to the 76 superintendents that we have, agency superintendents, 13 of them have been at their location more than 5 years. However, their tenure at their previous location was 3 years, and we came up with an average that is right on 4 years. This point is addressed to the fact

that our reassignment time span is not arbitrary, and again, it is open-ended, even at the end of 5 years.

Senator METCALF. If the Senator would yield to me for just a moment.

Senator FANNIN. Yes, surely.

Senator METCALF. I have suggested that there hasn't been adequate of sufficient consultation with the Indian leaders, especially the Montana Indians, with whom I am acquainted. On the other hand, I suggest that there hasn't been sufficient consultation with the members of the Bureau.

Now I have a letter, and I will put the whole letter in the record, Mr. Bruce, from the National Federation of Federal Employees, and on page 2 of that letter, I am going to quote three paragraphs.

In recent months, dedicated BIA employees, many of them Indians, have expressed profound concern at the course of events. In the name of "reform," experienced employees are being replaced, in some cases by so-called "activists" with little or no administrative or technical skills.

The merit system in BIA is increasingly being subverted, and among those whose careers are being so adversely affected are many Indians who, by training and competence, have won positions of increasing responsibility in the Bureau of Indian Affairs.

Acting upon its tradition of vigorous support for maintenance and extension of the merit principle in the Federal service in the national interest, and upon the mounting concern of BIA employees nation-wide, the NFFE over a period of months has held a series of detailed conferences with top Interior and BIA officials and also with officials at the highest levels in the Administration.

Now this is a pertinent paragraph:

We have presented incontrovertible evidence that, however, rationalized, the hard fact is that the merit system in BIA is being persistently undermined; qualified civil service employees, among them many Indians, are being harassed, transferred, demoted, and being shown the door . . . and as a result, morale in BIA has sunk to an all-time low and its effectiveness has been greatly impaired.

That is the end of the part that I am going to quote, and without objection, the entire letter will be put in the record at this point.

(The material referred to follows:)

NATIONAL FEDERATION OF FEDERAL EMPLOYEES,
Washington, D.C., December 9, 1970.

DEAR SENATOR: We are enclosing for your information—and the action so urgently indicated—a telegram and a statement by the NFFE as well as certain other pertinent official-released material with respect to the critical situation which has developed in the Bureau of Indian Affairs, placing the Federal merit system in grave jeopardy.

Among the experienced and highly qualified career civil service employees who are being or soon will be adversely affected by recent sweeping and far-reaching personnel policy actions in BIA are in fact many Indian people themselves. But it should be strongly emphasized that this issue is not in any meaningful sense an ethnic one. On the contrary, it is a question basic to sound personnel administration and the merit principle in the Federal service . . . and, as noted, many employees whose careers are being or will be shattered have been drawn over the years from the ranks of the Indian people.

We believe that the situation now has reached and indeed passed the point at which the Congress should act in a positive way by manifesting its deep concern and emphasizing to responsible officials of BIA and the Interior Department that the need for action to preserve and maintain the merit system in the agency is immediate and urgent to prevent further disruptions and destruction of morale.

Yours sincerely,

N. T. WOLKOMIR, *President.*

NATIONAL FEDERATION OF FEDERAL EMPLOYEES,
Washington, D.C., December 7, 1970.

To All NFFE Bureau of Indian Affairs Locals:

We are enclosing for your information a series of detailed statements, presentations, reports, etc., made available to us covering recent "restructuring" and other far-reaching changes in the Bureau.

For a long period of months, the NFFE has had almost innumerable conferences with top Interior and BIA officials, as well as with members of the staff of the President of the United States, on these very serious matters.

In these meetings we have expressed to the officials, on behalf of the many NFFE BIA Locals and members who have conveyed to us their profound concern and misgivings, both on details of the changes and the over-all effect on long-time career employees regardless of ethnic background.

We have underscored among numerous other issues but with especial force the very real basic danger that in the so-called "restructuring" process—however laudable the motivation—the merit principle in Federal employment is being undermined . . . to the potential and actual detriment of large numbers of dedicated BIA employees and thus creating a situation inimical to the civil service system as a whole . . . with all that implies.

Also, and of great importance, we have strongly protested the failure of BIA to take meaningful steps to cushion the impact of this program on present dedicated career employees by means of reassignment, transfer, referral, and other tangible actions in accord with sound personnel administration and the merit principle. We further have lodged vigorous protests with the President, with Interior and BIA, and key members of Congress on actions taken by BIA in direct contravention of policy stated to us in a letter from the Bureau dated September 21, 1970. In that letter we were assured that attrition would be the means of effecting personnel changes under the program. We have had numerous reports of *enforced* personnel changes, creating a situation which, as we have told the President and other officials, is contrary to stated policy, destructive of morale, and of the very objectives which BIA asserts it is seeking. (Copy of telegram enclosed).

Articulating these views, which we have expressed on behalf of our BIA members and in full consonance with NFFE policy since the inception of our organization, we have just issued a statement which we also are enclosing for your information. *You may make any additional use of this statement in your area which may be feasible and desirable.*

This statement sets forth our profound concern, and that of so many BIA-NFFE members, on these issues, so important to their careers in the service . . . and to their families.

We solicit your views and because of the importance and the timeliness of this matter we request your early consideration and reply by telegram or air mail. Please let us know particularly and specifically how the effects of this program already have been felt in your area. We need hard-fact cases to establish a basis for possible legal action in addition to other steps taken.

NFFE National Officers and staff are continuing to exert every effort both in the Executive Branch and in Congress to protect the interests of the many fine men and women who are career employees of BIA, to safeguard the civil service system from being gravely undermined, and at the same time to take no position which could in any way be construed as standing in the way of sound and constructive advancement of the cause of the Indian people.

Since the founding of the NFFE more than 50 years ago, BIA employees nationwide have been members of and leaders in our organization . . . in very large numbers. This includes, as you know, many outstanding men and women from the ranks of the Indian people themselves. The NFFE now as always in the past has the largest number of BIA employees as members of any employee union . . . because the NFFE knows the problems of these employees and the NFFE really cares.

Over the last several years we have given untold hours to the many and complex problems facing these employees and the BIA as a Federal agency. We have done so gladly because no members of the NFFE have been more loyal or devoted or effective in their attachment to the programs and principles of the NFFE.

You may be certain that in the difficult days ahead, we will continue to utilize to the full all of the skill, energy, influence and expertise we have gained on these problems to both *secure and advance* the best interests of all BIA employees without exception . . . and the civil service system of which they are so important a part.

Fraternally,

N. T. WOLKOMIR, *President.*

NATIONAL FEDERATION OF FEDERAL EMPLOYEES NEWS RELEASE

The National Federation of Federal Employees declared today that widely-publicized "reforms" in the Bureau of Indian Affairs, allegedly designed to "turn all BIA and related activities over to the Indians themselves" in practice is doing violence to the merit system in the service and in many cases is working to the detriment of Indians with long careers of effective accomplishment under civil service.

In telegrams to the President, to BIA Commissioner Louis Bruce, Acting Interior Secretary Fred Russell, and to key members of Congressional committees, the NFFE today also strongly protested that despite the asserted long planning which has gone into the most extensive restructuring of BIA in 130 years "no meaningful steps have been taken to cushion the impact of this program on present dedicated career employees by reassignment, transfer, referral, and other tangible actions in accord with sound personnel administration and the merit principle."

NFFE further told these officials that despite a recent letter from BIA to the union stating specifically that personnel changes would be accomplished by attrition "we have numerous reports of enforced replacements. This is not only inequitable, contrary to regulation, but is destructive of morale and of the objectives which BIA is seeking. We urge immediate action to insure equitable treatment in accord with civil service principles for the many employees whose careers have been, are being, or soon will be heavily impacted by the radical changes within BIA."

Dr. Nathan T. Wolkomir, NFFE President, said that "we have no quarrel at all with a program for progressive and constructive reform whenever and wherever needed . . . in the Bureau of Indian Affairs or anywhere else in the Federal service. On the contrary, we actively seek sound and progressive change.

"It should be noted that employees of BIA were among the founders of the NFFE, the pioneer Federal union, more than 3 years ago, and throughout the years they have taken an active role in working for constructive reform, both within BIA and in the service generally.

"In recent months, however, dedicated BIA employees, many of them Indians, have expressed profound concern at the course of events. In the name of 'reform', experienced employees are being replaced, in some cases by so-called 'activists' with little or no administrative or technical skills. The merit system in BIA is increasingly being subverted, and among those whose careers are being so adversely affected are many Indians who, by training and competence, have won positions of increasing responsibility in the Bureau of Indian Affairs.

"Acting upon its tradition of vigorous support for maintenance and extension of the merit principle in the Federal service in the national interest, and upon the mounting concern of BIA employees nation-wide, the NFFE over a period of months has held a series of detailed conferences with top Interior and BIA officials and also with officials at the highest levels in the Administration."

"We have presented incontrovertible evidence that, however rationalized, the hard fact is that the merit system in BIA is being *persistently undermined; qualified civil service employees, among them many Indians, are being harassed, transferred, demoted, and being shown the door . . . and as a result morale in BIA has sunk to an all-time low and its effectiveness has been greatly impaired.*

"We have been given repeated assurances in meetings here in Washington that present employees would not be adversely affected by the changes within the Bureau and that meaningful steps would be taken to cushion the impact upon them. In fact, as we have pointed out, this has not been the case. Enforced vacancies have taken place rather than attrition . . . and there has been no genuine system of reassignment, transfer, or referral as, for example, in the Department of Defense.

"None can and we believe no one does oppose sound reform. The record of the NFFE on that issue is beyond question or cavil. Moreover, there is a strong national sense, which we are sure most Americans share, that the time is long overdue for the United States to redress many ancient and deeply-rooted wrongs.

"But it should not be and in fact it is not at all necessary to undermine and subvert the civil service merit system to accomplish the laudable announced objectives of the Administration in this vital area. Nor is it defensible in the name of 'reform' to tarnish or diminish or destroy the careers of many dedicated BIA employees, including Indians in a wide range of positions, skills, and qualifications, to attain the ends sought . . . which in themselves are unexceptionable.

"If so-called 'reform' in BIA is to be achieved at such cost, none can doubt the

truth of the assertion by a growing number of Indians themselves, both within and outside BIA, that in the long run more will have been lost than gained.

"We have placed these facts before responsible officials in BIA, in Interior, and at the highest level in the Administration.

"We also will be placing them in documented detail to the Congress.

"It is only too evident that the whole situation as it has developed and is now proceeding should be given the fullest public airing . . . with a view to prompt and meaningful remedial action."

NATIONAL FEDERATION OF FEDERAL EMPLOYEES,

Washington, D.C., December 31, 1970.

To the Committees on Interior and Insular Affairs of the U.S. Senate and House of Representatives:

Because of its pertinent interest to you, I am forwarding herewith for your information a copy of a "Status Report on Bureau of Indian Affairs Restructuring" which we have just sent to all of the many Locals of the NFFE composed of BIA employees.

In this connection, I also wish to respond directly and forthrightly to a point brought up at the recent hearings by the Senate Committee on Interior and Insular Affairs when Senator Metcalf placed in the record, and quoted from, a letter on this subject which I wrote and which went to the Bureau, members of Congress, and other interested officials.

It was implied that Commissioner Bruce and his staff had never seen the letter and were not aware of the circumstances described therein.

The facts are that the letter quoted by Senator Metcalf at the hearing was sent to the Commissioner as well as to the Acting Secretary of the Interior. Furthermore, in personal conferences with key officials of the Bureau, including Commissioner Bruce and his staff, as well as others in the Administration, hard-fact evidence was indeed presented by the NFFE to substantiate our communication.

In fact, it is the unresponsiveness of BIA to our presentations over a period of months, which has made it imperative for us to present these facts to others with interest and responsibility, including, of course, the members of the appropriate Senate and House Committees. In fact, we were informed directly by Commissioner Bruce and staff that we would be fully and promptly informed of all pertinent matters at issue. This was not done!

We reject the contention that we should have made a case by case presentation because this in fact was done in a series of conferences which yielded no substantial remedial result. Commissioner Bruce at the hearing failed to mention the fact of his conferences with NFFE and other meetings with his staff.

Our stand that the merit system in the Bureau of Indian Affairs is being subverted, that long-time dedicated employees of all ethnic backgrounds, including Indians, are being harassed, denied promotions, arbitrarily reassigned, and in some cases urged by patent innuendo to quit the service . . . those charges stand . . . and we are ready, willing and able to provide, once again, such documentation as the circumstances require. Pledges were made, we agreed to help communicate, but no pledges were kept by Commissioner Bruce or his staff.

The National Federation of Federal Employees is the pioneer among Federal employee unions. It is the largest of all independent Federal employee unions. Employees of the Bureau of Indian Affairs, including thousands of representatives of the Indian people, have been members of and leaders in our organization since its inception in 1917.

The NFFE is an organization whose integrity and reputation for presenting *the facts* is well known. We do not lightly make statements about BIA. We would not do so were we not convinced on the basis of incontrovertible evidence that we have stated the case accurately . . . that we already have gone through all of the administrative channels of communication and consultation open to us . . . and that the situation in BIA has in fact and in truth deteriorated to a point where morale is so impacted as to severely impair the capacity of the agency properly to fulfill even its Service mission.

For these reasons, the continuing close interest in and probing attention of your Committees to these matters is of the most vital and pressing importance.

Yours sincerely,

N. T. WOLKOMIR, *President.*

Enclosure.

NATIONAL FEDERATION OF FEDERAL EMPLOYEES,
Washington, D.C., December 28, 1970.

To all NFFE BIA Locals:

STATUS REPORT ON BIA RESTRUCTURING

It is evident by the numerous letters and phone calls received at National Headquarters that the morale of career employees in BIA, both Indian and non-Indian, has reached a new low. The following is an attempt to reply to all inquiries via a status report:

1. On December 16, 1970, the Senate Committee on Interior and Insular Affairs held hearings on the "proposed changes in structure and policy of the Bureau of Indian Affairs." Commissioner Bruce and his key staff (Ernest Stevens, Lee Cook, Tony Lincoln, Jim Hana and others) presented prepared statements and answered questions raised by members of the Committee.

2. For the record, it is to be noted that the members of the Committee present were:

- (a) Senator Lee Metcalf (Montana) presiding.
- (b) Senator Clinton P. Anderson (New Mexico).
- (c) Senator Quentin N. Burdick (North Dakota).
- (d) Senator Gordon Allott (Colorado).
- (e) Senator Len B. Jordan (Idaho).
- (f) Senator Paul J. Fannin (Arizona).
- (g) Senator Clifford P. Hansen (Wyoming).
- (h) Senator Ted Stevens (Alaska).
- (i) Senator Henry Bellmon (Oklahoma).
- (j) Members of the Committee's Staff.

3. The entire hearing was devoted to the Agency presentation which in the NFFE observer's opinion merely reiterated the restructuring philosophy of the Bureau in general terms. No specifics or detailed reorganization matters were discussed. As the hearing progressed, there appeared to be a sharp division of attitude to the agency presentations. Senator Metcalf introduced into the record the NFFE position on the issues as we had expressed them to the members of both the Senate and House Committees. You were previously sent from National Headquarters our statements and related materials in support of the NFFE position.

4. In order to avoid any possibility of misunderstanding, let me state again briefly but I hope clearly and emphatically what the position of the NFFE is on these issues, so vitally important to all of our BIA members without exception. The NFFE position is a *positive* one not a *negative* one. We do not oppose reasonable and progressive changes and restructuring. For more than 53 years, the NFFE has articulated the aspirations of BIA employees, including many hundreds drawn from the ranks of the Indian people themselves. What the NFFE is protesting strongly against is the failure of BIA to communicate in a meaningful way its plans to employees; its action which have thrown the merit principle into gravest jeopardy, thus impacting all career employees; it has given 90 days "notices" of impending radical personnel actions which inevitably have had the effect of undermining morale throughout the service; it has made public statements which have reflected unfairly on long-time dedicated career employees; and it has taken certain other actions which are in direct contravention of statements and assurances made to the NFFE by BIA representatives in Washington. These meetings and agreements were not mentioned at the hearings. For all of these reasons, the NFFE has mounted a strong effort which has as its basic purpose the maintenance and preservation of the merit principle of ALL BIA employees . . . an effort which is a *positive* one from every standpoint . . . and which should have the support of EVERY BIA Employee, regardless of position, locale, ethnic background, or any other considerations. What is crucially involved here is the good faith of the BIA toward its career employees . . . and the long-range best interests of the people the Bureau of Indian Affairs was established to serve. Self-serving platitudes are no substitute for organized and thought-out planning.

5. The National President of the NFFE and members of our National Headquarters staff who have been devoting many long hours and weeks in an effort to secure an equitable solution of these complex issues will be meeting again with Commissioner Bruce and key members of his staff here in Washington. It is our intention once again to bring all of the facts to the attention of these officials . . . including additional new information which has come to us from our BIA Locals and members in recent days. If you or your Local has still

further *hard-fact* data, *case instances of impacted employees*, etc., which will be helpful to us, please send such information to me personally via air mail as soon as possible. All such information will, of course, be kept in strict confidence as to source if so desired.

We will continue to keep you fully advised on all pertinent developments.
Fraternally,

N. T. WOLKOMIR, *President.*

P.S.: Important: Since writing the above letter to you, we have received a letter from Commissioner Bruce (copy enclosed) which was pursuant to our recent telegrams to President Nixon and the Acting Secretary of the Interior, in which we expressed our profound concern about "restructuring" changes in the BIA adversely affecting many career employees. You will note that the Commissioner acknowledges the deep concern of employees, regardless of ethnic background, and the resultant deterioration of morale which was the subject of a special communication from the Commissioner addressed to all BIA employees.

Of particular interest and importance in Commissioner Bruce's current letter to the NFFE is the statement: "If you are aware of any instances where an employee of the Bureau was forced out of his job without benefit of the protection to which all Civil Service employees are entitled, I would like to be informed. Such actions are contrary to the Bureau's policy and, if taken, I will personally direct corrective action."

We are concerned, of course, not only with employees forced out improperly but also with other actions inimical to them, such as punitive transfers, downgradings, refusal of promotions, arbitrary reassignments, and others.

As noted in my letter above, we shall be meeting shortly with Commissioner Bruce. It is imperative for us to be able to present to him documented, hard fact instances not only of the employees being "forced out" of their jobs to which he made specific reference in his letter, but to all other aspects of recent BIA personnel actions which have had or can potentially have an adverse effect upon career employees. Your cooperation in this essential activity by providing us with actual cases can be of decisive importance in securing meaningful and effective remedial action.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., December 23, 1970.

Mr. NATHAN T. WOLKOMIR,
President, National Federation of Federal Employees,
Washington, D.C.

DEAR MR. WOLKOMIR: Your telegrams to President Nixon and the Acting Secretary, Department of the Interior, expressing concern about program changes in the Bureau of Indian Affairs have been referred to us for response.

We are very conscious that our employees are deeply concerned about their jobs and opportunities during periods of change such as those we are now going through. Over the past several months we have met with employees, and provided information through correspondence, in a sincere attempt to assure all of our employees that there are opportunities for careers in the Bureau. Copies of correspondence are attached. Obviously, in an organization as large as ours, mistakes are made. For example, we found that some supervisors were improperly advising our employees on matters concerning their jobs and careers. As a result, we prepared a memorandum dated October 19, 1970, subject: *Inaccurate and Inappropriate Supervisory Counseling*. A copy of this document is attached. Where mistakes such as this are made, we move quickly to correct them.

Our whole purpose in instituting the most recent changes is to recast the Bureau as a service organization available to assist Indian people, as contrasted to an organization that manages their affairs. An integral part of this approach is the continuing option to tribes to assume the operations of their affairs. In those instances where tribes do assume the operations of their affairs, the jobs of our employees may be affected. This is not a new concept in Indian affairs. For years the Bureau has been in the business of turning over the operations of programs for Indians. A notable example in the past has been the operation of schools to local school districts, and operations to Indian enterprises such as the Cherokee Boys Club. More recently, tribes have displayed increasing interest. Our position has been to encourage these efforts, for they are, after all, the very heart of the policy of this Administration.

When these actions have taken place, we have moved to protect our employees by offering reassignment and opportunities or assistance in finding other jobs. This has been a longstanding policy of this Bureau, and our record is good. We will continue to make every possible effort to place within the Bureau each employee whose job is affected by any program changes. We are also working with the Department and the Civil Service Commission to enlist their assistance in the event any employee would need to be placed outside the Bureau because his job is abolished.

If you are aware of any instances where an employee of the Bureau was forced out of his job without benefit of the protection to which all Civil Service employees are entitled, I would like to be informed. Such actions are contrary to the Bureau's policy and, if taken, I will personally direct corrective action.

Our mission is vital to the lives and destinies of Indian people. Vital to meeting these heavy responsibilities is a workforce wholeheartedly supporting programs and providing maximum effort. In turn, employees must have a work environment which provides maximum opportunity in all respects and fosters high morale. It is in this spirit that we solicit the help and support of all groups interested in the welfare of our employees.

We will be pleased to provide any additional information you may desire.

Sincerely yours,

LOUIS R. BRUCE, *Commissioner.*

(The material submitted by NFFE is a duplicate of that furnished to Senator Jackson in the correspondence from Commissioner Bruce under date of November 24, 1970.)

Senator METCALF. Would you comment on that, Mr. Bruce?

Commissioner BRUCE. Yes. All placements of promotions have followed the merit promotional system. Let me comment further.

I made this statement, as I did in Oklahoma last Saturday, that in the Bureau of Indian Affairs, we have some very dedicated people, and I have to say this, because I sit with them, I work with them, I see what happens to them, I see in some instances they, themselves, and some Indians, torn apart by tribal councils, even, and they sit there, and are patient, and are understanding, and I am talking about Indian and non-Indian, and whatever program is underway, that we have in the Bureau, as far as I am concerned, personally, there is no discrimination against anyone in the Bureau, and the word that we are trying to drive all non-Indians out of the Bureau is wrong.

Senator METCALF. That isn't what it says. They say that you are discriminating against Indians and non-Indians alike. No one has charged you with driving all the non-Indians out of the Bureau.

This letter says, and I tried to emphasize it as I read "Among" those whose careers are being so adversely affected are many Indians, who by training and competence have won positions of increasing responsibility.

"We have presented incontrovertible evidence that among the merit system in BIA is being persistently undermined, qualified civil service employees, among them, many Indians."

Now this is our concern, too, that it is not Indians or non-Indians, it is a matter of just undermining the morale of your own agency, by inadequate and insufficient explanation of what your goals and your purposes are.

Commissioner BRUCE. I would like to ask, Mr. Chairman, who this evidence has been presented to. We have no record of this. But at this time, I would like to call on Jim Hena, who is Assistant Commissioner, and OEO officer.

Senator METCALF. This is from the National Federation of Federal

Employees, and is signed by the president of the National Federation of Federal Employees, Nathan T. (Nate) Wolkomir.

Mr. MACNABB. This is a mere accusation, Mr. Chairman.

Senator METCALF. Certainly. I want you to respond to these.

Mr. MACNABB. Before Jim comments, this is a mere accusation, unaccompanied by any documentary evidence. We do not have any substantial evidence to support these charges, nor have they presented their case to us.

Senator METCALF. Well, I will supply you with a copy of the letter, and we will keep the record open, in order that you may respond to the various accusations, paragraph by paragraph.

Mr. MACNABB. We can defend the Commissioner's position completely.

Senator METCALF. Please do that.

Mr. MACNABB. The Commissioner has assiduously followed the Merit Promotion System in all places.

Senator ALLOTT. Mr. Chairman, would you yield to me?

Senator METCALF. I don't have the floor. The Senator from Arizona does.

Senator FANNIN. Certainly.

Senator ALLOTT. For just a remark. I think the Federation of Federal Employees has done a great disservice in this matter. If this letter, which the Commissioner has never seen, nor the staff have never seen, is brought up here and I think the Senator is entirely correct in bringing it up here—it occurs to me that if it is an organization of the kind it purports to be, they should have been bringing these matters up on a case-by-case basis, and saying, "Mr. Commissioner, why don't you take care of this, and why are you doing it?"

And it seems to me they would be in much better grace, in this situation, if they had done it before this time, because I know good and well, I remember an incident that concerned a tribe, not the Commissioner, several years ago, and I sure didn't wait until we had a hearing on Indian affairs some 5 or 6 or 7 or 8 or 10 months later, to bring it up. I took it up at once, and I think they would be in much better grace, and would much more effectively represent the service employees, if they had brought the thing up at the time these acts were alleged to have been committed, and taken them up with the Commissioner.

That is what I would do, if I thought they were not treating a constituent of mine fairly.

Senator BELLMON. Mr. Chairman.

Senator METCALF. May I comment on this?

The whole point of it, of this whole discussion, is that it demonstrates, both on the matter of the tribes and the employees, a failure of communication back and forth.

As the Senator from Colorado has pointed out, perhaps these matters should have been brought up before the Commissioner, but they are being brought up now, and we want a response.

Senator ALLOTT. Sure.

Senator METCALF. The Senator from Oklahoma.

Senator BELLMON. Mr. Chairman, I just want to bring out that Mrs. Fred Harris, the wife of the highly respected senior Senator,

and an Indian, is in the room, I just wonder if she could be invited to sit at the table with the Senators.

Senator METCALF. Certainly. We will be delighted to have Mrs. Harris.

I want to say to the Senator from Oklahoma that I am anxious, at some future hearing, to have representatives of the Indian organizations appear, and I think she should appear at that time, rather than appear along with members of the committee.

Senator BELLMON. But it seems to me she could be seated here.

Senator METCALF. Oh, I am delighted to have her seated. Where is Mrs. Harris? Would you come forward?

Mrs. HARRIS. Thank you.

Senator METCALF. We have always enjoyed having your participation and your advice and counsel on the committee.

Mr. HENA. Mr. Chairman.

Senator METCALF. Sure, go ahead.

Mr. HENA. I would just like to expand on the comments the Commissioner has made.

Senator METCALF. Please do.

Mr. HENA. Regarding the employment of non-Indians and so forth in the Bureau. I am involved in the Equal Employment Opportunity programs at the reservation level. I have been quite involved in negotiating the settlement of these complaints that have been filed against the Bureau.

And in my activities, I have nowhere found that there is an indication that Indians are being discriminated against by the Bureau, or that non-Indians are being discriminated against, by the Bureau.

I think on the contrary, that in terms of Indian employment, within the Bureau, that of the 15,000 employees, 56 percent are Indians, and they are primarily at the GS-7 or below grade level, which seems to me indicates a pattern of the kind of things you are talking about in reverse, rather than an indication of discrimination against non-Indians.

It appears to me from the records that I have looked at that discrimination is perhaps not the word to use, but the buddy system within the Bureau is utilized in order to promote non-Indians over Indians.

Senator METCALF. Well, that is a grave sort of a charge to make, and this is a charge that at times I have made against the Bureau, that there has been discrimination against the Indians, and that there has been promotion of non-Indians over Indians.

This is not the question before the committee today. The question before the committee today is as to the advisability of this whole new policy, and to quote Commissioner Bruce, "The restructuring," according to the letter I read, was discriminating against Indians and non-Indians alike, who are at present active employees of the Bureau.

Mr. HENA. Well, Mr. Chairman, if I can bid your patience, I would like to—

Senator METCALF. I just want you to explain completely.

Mr. HENA. I think before we can express a proper perspective into the whole business of the realignment and so forth, that we need to begin with reviewing the history of Indian affairs, as far as the relationship between Indian tribes and the National Government is concerned, and I think we need to review, in the terms of Indian tribes;

many of these tribes negotiated treaties and so forth, with the U.S. Government.

In those treaties are statements alluding to the protection of restricted lands for Indians. There is also language contained in these treaties, regarding the provision of providing general welfare assistance to Indians who negotiated these treaties.

And I think the Reorganization Act of 1934 explicitly provides for the provision of trying to assist Indians by hiring Indians and so forth. And I think we need to establish a philosophical basis from which we can address ourselves with regard to the national Indian problem, using that as a means to take off from.

I would indicate to the committee here that if the Indian is to take his proper place in the mainstream society of America, and I think what we are talking about is providing the skills and the techniques to the Indian tribes to manage and operate programs on the reservation which it needs—

Senator METCALF. May I interrupt you there?

If the Indian is to take his proper place in the mainstream of America, then Earl Old Person, of the National Congress of American Indians, should be consulted on a restructuring of the Bureau of Indian Affairs. John Wooden Legs of the northern Cheyenne tribes, Bill Youpee, president of the Tribal Council of the Assiniboine Sioux, should be consulted, and the whole problem here today is that you and Mr. Bruce and your colleagues have not adequately and sufficiently consulted these Indians as to the reorganization or the proposals that you are going to make.

Again, let me read from Mr. Wooden Legs:

My feeling is, if the Government is saying we are going to listen to the Indian, then let's not plan reorganization of any major sort until the Indians are consulted.

Now we have had several restructurings. You are reciting a history of this. Sometimes the area directors have been put in charge, probably they have too much authority at the present time.

Sometimes, we bypass the area directors and have gone directly to the superintendents. It has been a policy of the various, Mr. Bruce, of some your predecessors. But the whole point here today is that neither the employees of the Bureau nor the Indians themselves, have been sufficiently and adequately advised as to the impact of this program.

Mr. HENA. I would like to address myself to that point, Senator. And that is that I am Indian myself, most of my experiences have been at the reservation level, as a tribal councilman, and chairman, and so forth.

And throughout the years, I have heard the gentlemen whom you mention talk about more involvement in the decisionmaking process of the Bureau's operations and so forth.

And it seems to me, at least from my standpoint, that these are the same things that we hear Indians saying, throughout the country, when we speak about involvement in a decisionmaking process.

Heretofore, the Bureau has been a bureaucracy, where it has been a "father-knows best" type attitude and operation. And I think what the new policy is doing, with regard to the Commissioner's announcement, is it is creating a delivery system, or a vehicle or mechanism,

however you want to describe it, to provide for the involvement in the decisionmaking process, to whatever extent is possible, and I don't think we are changing anything drastically.

Senator METCALF. Well, I want to agree with you, that perhaps you are, and perhaps this is beneficial, and perhaps this is in the best interests of the Indians.

What I want to bring home, Mr. Bruce, is that tribe after tribe, leader after leader, all over America, has protested to the members of this committee, to their Senators and their Congressmen, that they have not been consulted. They have not been advised of the impact of this change.

Now I have been handed a letter addressed to the chairman, from the All Indian Pueblo Council, representing the 19 New Mexico Pueblos. Despite news releases by the Commissioner and explanations by his staff to the contrary, the 19 Pueblos of New Mexico do not feel they were consulted on this matter before it was announced.

This is signed by Mr. Montoya, chairman of all Indian Pueblo Council, and without objection, the whole letter will go into the record. In addition, I have a letter, and supplemental material from the same gentleman addressed to Senator Anderson and that too will be included at this point:

(The material referred to follows:)

ALL INDIAN PUEBLO COUNCIL, INC.,
Albuquerque, N. Mex., December 8, 1970.

HENRY M. JACKSON,
U.S. Senate Office Building,
Washington, D.C.

DEAR MR. JACKSON: We have heard of your interest in the new "Personal Rotation Policy" of the Bureau of Indian Affairs.

Despite news releases by the Commissioner and explanations by his staff to the contrary, *the 19 Pueblos of New Mexico do not feel that they were consulted on this matter before it was announced.*

When two members of the Commissioner's staff came to our All Indian Pueblo Council meeting to explain the new policy, they admitted to us that certain portions of it were adopted without consulting the tribes because it was felt we would be influenced by our Superintendent; for this reason it seems that the closed circle of top BIA Indian staff decided to act as "Indian input" themselves.

We fear that the urban Indians are making moves to strengthen their influence within the Bureau, at the expense of reservation people. Indian militants are usually people who have lost their own tribal ways and seek to adopt Anglo ways to replace them. Just as a "Great White Father" cannot truly understand our Pueblo ways and the kinds of solutions we seek, neither can the young activists.

One of the superintendents serving the Pueblos is currently unaffected by the rotation policy. The Southern Pueblos Agency Superintendent, however, was told (before the Southern Pueblo leaders were informed) that he will be reassigned. The manner in which this action was handled by the Washington Office does not sound like Indian self-determination in action. Please see the enclosed resolution on this, signed by the 10 Governors affected.

Finally, the portion of the Policy Statement which says:

"... thus, the success of Field Administrators (Superintendents) will tend to be measured primarily by the extent to which their functions are reduced. . . ."

concerns us as well. With the Northern Pueblo Agency serving eight reservations, and the Southern Pueblos Agency serving ten reservations, they cannot easily turn their programs over to "a tribe" since many are involved. Virtually all programs are underfunded with the frequent situation occurring that the budget covers staff salaries but not enough operating money for the salaried personnel to carry out the functions they are paid for and able to do. Roads and irrigation are two conspicuous examples of this.

With the known budget problems being a historical fact the Pueblos are

understandably hesitant to take over many Agency programs and naturally fear that a Bureau Policy geared to that end will ultimately mean a decrease in U.S. responsibility and assistance to their tribes.

We hope you will investigate the circumstances surrounding this new Bureau policy and the implications of it and will do what you can to see that the Pueblos wishes are considered.

Thank you very much for your consideration of what is, to us, a very important matter and for whatever assistance you may be able to give us in this matter.

Sincerely yours,

DOMINGO MONTOYA, *Chairman.*

ALL INDIAN PUEBLO COUNCIL, INC.,
Albuquerque, N.M., December 2, 1970.

Hon. CLINTON P. ANDERSON,
U.S. Senate,
New Senate Office Building
Washington, D.C.

DEAR SENATOR ANDERSON: I am enclosing copies of releases prepared by the Washington Office of the Bureau of Indian Affairs regarding the Commissioner's new policy for rotation of employees within the BIA. The Commissioner has apparently adopted a policy that would transfer, within the next ninety days, area directors and superintendents. This new policy was implemented by the Washington Office without involvement of our local Indian people concerning this decision.

Kenneth L. Payton, Superintendent of Southern Pueblos Agency, was notified by telephone by Mr. Clarence Acoya from the Commissioner's staff, that he was being rotated prior to any notification given to the tribes he serves as superintendent.

I am enclosing a resolution dated November 25, 1970, which was adopted by the Southern Pueblos requesting that our superintendent not be transferred in accordance with his proposed plan. It is our feeling that a superintendent for Southern Pueblos Agency needs to serve approximately four to five years in this location to become fully acquainted with the Indian people before he can be effective. This agency serves approximately 25,000 Indian people and ten separate and distinct tribal governments.

The governors of Southern Pueblos feel that the Agency Superintendent has established rapport with the tribal governments; he knows the people and is responsive to their needs. He has entered into long range planning with us; has identified our needs and wishes, and is actively and effectively working to meet these needs. It would be appreciated if your office would review this proposed Indian Affairs rotation plan and see that the Indians' wishes and desires are considered.

I want to take this opportunity to thank you for whatever assistance you may give us in this matter.

Sincerely yours,

DOMINGO MONTOYA, *Chairman.*

Enclosures.

RESOLUTION ON THE SOUTHERN PUEBLOS AGENCY SUPERINTENDENT—NOVEMBER 1970

Whereas, the ten governors of the Southern Pueblos Agency have been informed about the forthcoming reshuffle of the Agency Superintendent and Area Directors; and

Whereas, the decision to implement this plan was not in accordance with the announced plan of the President of the United States to involve American Indians in decisions in which they are involved; and

Whereas, for the first time in many years the Southern Pueblos Agency Superintendent has rapport, understanding and charisma with the people the Superintendent works for and with; and

Whereas, the ten Pueblos involved have been planning and discussing the economic future of the Pueblos and ways to acquire funds to implement programs which will benefit the Pueblos. A change of our Superintendent at this time will cause cancellation of plans, and definitely, re-education of the new Superintendent with much further delay of plans; now, therefore, be it

Resolved, That the ten governors and their Councilmen of the ten Southern Pueblos heartily *oppose* transfer of their Superintendent; and be it further

Resolved, That instead of transferring the present Superintendent the BIA should establish an internship program to train and prepare young Pueblo Indians to various agency positions.

This resolution was acted upon at the regular monthly meeting of the ten Southern Pueblos held at Isleta Pueblo on November 25, 1970, after receiving a telephone call from Clarence Acoya, Assistant to the Commissioner.

A majority of the members and their delegates were present and the vote for this resolution was unanimous.

THE TEN GOVERNORS

Governor of Acoma, Governor of Cochiti, Governor of Isleta, Governor of Jemez, Governor of Laguna, Governor of Sandia, Governor of San Felipe, Governor of Santa Ana, Governor of Santo Domingo, and Governor of Zia.

(The names of the governors were illegible and could not be reproduced.)

(The material supplied by Mr. Domingo Montoya is a duplicate furnished to Senator Jackson in the correspondence from Commissioner Bruce, under date of Nov. 24, 1970.)

Mr. HENA. Mr. Chairman, the Eight Northern Pueblos who are members of that organization, the All Pueblo Council, also are sending a resolution supporting the realignment, Zuni Pueblo, who is also a member of this organization, has already sent in a letter supporting the general policies that have been stated by the Commissioner.

Senator METCALF. Do you have that letter?

Mr. HENA. I believe it is—

Senator METCALF. All we have is the letters that have been sent in.

Mr. HENA. We will supply the letters, sir.

Senator METCALF. Please do.

(The documents referred to follow:)

DECEMBER 11, 1970.

Hon. LOUIS R. BRUCE,
Commissioner, Bureau of Indian Affairs,
Washington, D.C.

DEAR MR. BRUCE: I am writing you in regard to your recently announced new policy. Since you have announced these policies, I have heard remarks from various tribal leaders, in addition to our member of Bureau employees, which indicates that they are very disturbed. I, too, am disturbed because I feel that these people do not understand the basic intent of these new policies.

I strongly endorse your emphasis on increased usage of "Buy Indian" and application of the 1834 Law. As your announcement stated, this has been your basic intent for the BIA and there is no question that Mr. Nixon intended this message to get across.

I strongly endorse your intention to delegate much of the authority presently vested in the Area Office to the field installations. I agree that a direct line of communication from the Central Office to the field installation will be more efficient and there is no question that the field installation is "where the action is." Therefore, more authority is needed.

On the other hand, I am not wholly in agreement with your intention to leave the Area Office as a technical assistance pool. I may, perhaps, not fully understand this portion of your new policy and stand to be corrected. However, it would appear that many of the technicians who are presently in the Area Offices could be sent to field installations to bolster the staff there and thus offer better services to Indian tribes. In my humble opinion, the Area Offices should consist of "housekeeping" functions, such as personnel management, budget, finance, procurement and the like.

I somewhat agree with your announced policy of rotation of administrators and managers. It was my understanding, previous to your announcement, that Indian tribes could request the removal of an administrator or manager whenever, in their opinion, he was not productively assisting them. This period could be as short as three months and might be longer than five years. On the other hand, I am sure that many administrators and managers somewhat tend to slack off in energetic implementation of programs after they have been at one installation for a long time.

Regarding rotation of Mr. Walter O. Olson, my Area Director, I regret that he is being considered for reassignment. Mr. Olson is the first Area Director that has ever encouraged all Indian tribes in his jurisdiction to use the 1834 law. He was extremely helpful to us in the development of all of our plans as well as our current experience under the program agreement. We do know that many Area Directors are skeptical of the Zuni take-over and we may be unlucky to get one of these.

Another point that I would like to bring to your attention is the fact that, after a Superintendent has worked with a tribe for a number of years, he becomes very familiar with the problems and needs of that particular tribe. I have submitted this point several times in different conferences, and I still maintain that Superintendents do not have the right tools to work with. In order to have the best program, each Superintendent must have a good program officer. This is sadly lacking in many Agencies. Under the EDA program there are some 15 selected tribes who are showing good progress. All of these tribes, including Zuni, have program officers who are assisting in the planning, or development specialists who are assisting in the implementation. There are another 16 tribes in a second category of planning, most of which have a program officer or development specialist. These are also making good progress. Therefore, it would appear that the cost of rotating Superintendents might be better invested in the salaries for good support personnel.

Another thought that should be given serious consideration is to make program officers Field Administrators. There are many areas in Indian country that are called subagencies which should have full-time Superintendents. An increase in the number of Field Administrators would have a beneficial effect on the morale of many Federal employees because it would offer them an opportunity for advancement.

The forementioned skepticism and critical attitude toward tribal take-over is not limited to just Area Directors. I feel that it is rather widespread and is occasioned by discouragement on the part of Federal employees.

Speaking for my people, I admire and appreciate the wholesome attitude of your administration and your personal convictions in regard to Indian problems. You have, in my opinion, taken more steps to allow and encourage Indian tribes to do their own planning and assume more responsibilities than any previous Commissioner.

Do not overlook the Indian mind; the apprehension that is arising because of fear of termination, fear of loss of Federal funding and general unsureness of their own capabilities. I want you to know that I stand ready to assist you and the President in explaining to other Indians what this is all about. If I can be of assistance, do not hesitate to call on me. I feel sure that there has been a breakdown in the communication of your basic intent.

As a suggestion, a seminar for tribal leaders is being planned at Zuni to explain our experiences with the Zuni Comprehensive Development Plan and the take-over. Perhaps it would be wise to consider expediting this seminar and establishing an agenda that will fully explain this and utilize every moment to stimulate and excite these tribal leaders toward greater achievement. Let us chair this seminar for the above purposes as well as to explain your new policy. Let the representatives of all of the Indian tribes vote as to how many want new administrators and managers. I further suggest that Superintendents from all Agencies, as well as all Area Directors, be invited for the last two days. We can then lay everything on the table and dispel the confusion and insecurity that seems to be arising. Further, this could become an annual affair held at a different location and hosted by a different tribe each year. It would be well if you, your staff and, if possible, the President himself or his representative could be there.

This has never been done, and only those Indians who are specifically delegated by their people to represent them and who can vote in a knowledgeable manner should be in attendance. I sincerely believe that, if we take this step now or in the very near future, we will clear the air and convince other Indian tribes that you are doing your utmost to communicate with them as well as to comply with their wishes. I am certain that tribal as well as Bureau personnel will come away from such a meeting really "charged up" to move ahead.

I would appreciate your reaction to these suggestions. Again, you may depend on the Zunis to assist you and support you in any way possible.

My warmest personal regards.

Sincerely,

ROBERT E. LEWIS,
Governor, Pueblo of Zuni.

Commissioner BRUCE. Mr. Chairman.

Senator METCALF. Go ahead.

Commissioner BRUCE. May I make this statement right now?

Senator METCALF. Surely.

Commissioner BRUCE. I want you to know that we want to effect this policy, and we can assure you that we have consultation built into this system. There will be consultation there with tribes, and no hard and fast movement will be taking place on this program until we have consulted with the tribes.

Senator METCALF. Well, I think that is a fine statement, and that is a very helpful one.

Senator FANNIN. Mr. Chairman.

Senator METCALF. The Senator from Arizona.

Senator FANNIN. I think if the Commissioner had to follow all of the difficulties that we are talking about, it would be an impossible task for him to perform. Here we are with a study, made by a Senate subcommittee, making certain recommendations.

Amongst those recommendations, is that we have more Indian people involved in the educational programs, that we do not try to place a quota, or a system, other than just one that would bring more Indian people into that program.

But now we have the NFFE complaining about this matter, without submitting any definite case where there has been anyone discriminated against.

Now I have the same letter you have, and I have other letters from them, and I have one from one of their locals, but at no time have they given one specific instance.

Now, I do know of an instance, in my own State, that a person came to me, and said he was not being treated fairly.

I talked to him, and I found that no decision had been made in his case. There was nothing for him to complain about. He was just anticipating a problem, and I think that this is the greatest difficulty we have to face at the present time, is that so many people are anticipating problems that have not come about.

So I think we should give the Commissioner a chance to carry through with his explanation of what is being contemplated, and have the other members here this morning ask their questions, but I think that we are getting into a position where we are asking him to reconstruct something that hasn't even been fully constructed.

Commissioner BRUCE. I think there is something here that I think I should call attention to. I dare say that this is the first time that this committee has met with Indians—us, we are Indians, sitting here looking at you, now—and that we understand the Indian problem.

We are not going to do anything to hurt this thing. We do want to make it more meaningful to tribes. We do want them to be more involved, and we wouldn't take them down any other route than that one.

Senator STEVENS. Mr. Chairman.

Senator METCALF. The Senator from Alaska.

Senator STEVENS. I don't want to precede my senior colleague here, but I think the point that the Commissioner has made is, in view of my experience down at the Department of Interior, an extremely valid one. I request that you ask each member of this young team to tell us what his experience is, and what he is doing.

This is a bright new team in the Bureau of Indian Affairs; it is turning this thing towards a service organization, instead of a management organization, and it is going to provide, I think, a different accent on dealing with our Indian people, and one that is sorely needed.

I would really like this record to show that, because I hope we can send this record out to our people who are asking questions as to what this policy means and I would like them to know who these people are, that are advising Commissioner Bruce.

Senator METCALF. Could you do that, Mr. Commissioner?

Commissioner BRUCE. Mr. Stevens.

Mr. STEVENS. Members of the committee.

Senator METCALF. Could you have the microphone a little closer?

Senator STEVENS. What is your tribe?

Mr. STEVENS. I am an Oneida Indian.

Senator METCALF. State your name first, please.

Mr. STEVENS. Ernest Stevens. I am Director of Community Services for the Bureau of Indian Affairs, and a member of the Oneida tribe in Wisconsin, former executive director of Intertribal Council of California, and as a matter of fact, only 3 months ago.

I am glad that I was given the opportunity to speak about what it is that we are trying to do, because I sit here and listen to remarks about consultation and so on, and it is kind of ironic that only 3 months ago, and years before that, in all my 38 years, I was hauled to Washington and asked what Indian people thought, and now I am accused, or I hear remarks that we are not consulted.

It seems to me that my very presence, and the presence of some 14 or 15 other Indians who have been asked to become a part of the executive realignment, are a part of that consultation, because we have years of experience.

The one thing that I would like to specifically say is that I would hope that this committee would accede to the Commissioner's wishes, and at least on the one point, I worked on the committee, I am a member of the committee, that assisted in drafting the policy as it pertains to the rotation of employees within the Bureau of Indian Affairs.

And I personally have consulted with Indian individuals, I have consulted in only the last 3 weeks, with two intertribal councils, in Nevada and California, and eight tribes in the Northwest. And I would like to say that—

Senator METCALF. Would you name the tribes in the Northwest? Would you name those eight tribes?

Mr. STEVENS. I can't remember all the tribes, sir. It was a meeting of a number of tribes in Coeur d'Alene, Idaho, a couple of weeks ago.

Senator METCALF. It read in that resolution that those Northwest tribes felt that they had not been adequately and sufficiently consulted.

Mr. STEVENS. Yes, sir.

Senator METCALF. That was the same group.

Mr. STEVENS. Yes, sir. I am saying now, sir, that I was present in Coeur d'Alene, Idaho, 2 weeks ago, and explained to at least 100 people what it is that we are trying to do.

I would like to explain just one thing, Senators, is that within the context of the policy statement we have laid out, that it not inconsistent with consultation.

In other words, we have assured the people in the Northwest, we

have assured the people in Oklahoma, and some of the other individual tribes that have expressed concern, that we will accede to their wishes.

If they wish to have time to listen further, before we make any moves, we will do that. The Commissioner is only asking that we be able to implement this policy, so that the process of consultation can begin.

In no case, whenever, for instance, a tribal council adopts a resolution, in support of that person that is now on the reservation, in no case will we remove that person, without consulting and negotiating with that tribe, and we have promised them that they will not do that. So we need that.

The other part about the redelegation of area authorities again is within the confines of consultation. We have told them that we will begin in 90 days, within those 90 days, extensive consultation will take place, and we will not—will not—implement any policy that isn't within consistence with the consultation and the opinions of most of the Indian tribes in America.

Senator METCALF. May I say, Mr. Commissioner, that you have very eloquent spokesmen on this new and imaginative team that Mr. Stevens is talking about.

All right, next?

Mr. COOK. My name is Lee Cook. I am Deputy and Acting Director of the Office of Economic Development for the Bureau. I came on a couple of weeks before Mr. Stevens.

Prior to that, I have had experience in working with urban Indians in Minneapolis-St. Paul, I have worked with tribes in Minnesota, and all over the Midwest.

I ran for tribal chairman at one time, and needless to say, I didn't win.

In the last couple of years, I have been working for the Economic Development Administration.

Senator METCALF. Why do you say "needless to say"?

Mr. COOK. Because I wouldn't be here.

Senator METCALF. So if you didn't win for tribal chairman, now you are up here as an official of the Bureau.

Mr. COOK. That is right.

I am of the Red Lake Chippewa, Red Lake, Minn.

I think each of us here have committed ourselves. I have personally, since I got out of school, some 10 years ago, to working with my own people. I wanted to be chairman, I thought that was the first place I ought to start.

Since that time I have had to change course, I have worked with agencies, particularly Federal agencies, that have had the kinds of programs that I thought were really designed to do a job for Indians; namely, antipoverty program and EDA. I don't think the people that I have represented in Arizona, or elsewhere in the Midwest, will doubt the fact that I haven't done an adequate job for them? Nevertheless, the kinds of discussions we are having today are representative of a tremendous amount of misunderstandings, by the Indians, I think by this committee, and by the Bureau of Indian Affairs.

Somebody said that we haven't discussed with our employees. Since I have been here in 3 months, a little over 3 months, I have had two general staff meetings, and it is my understanding, that these haven't

been held to any consequence before, within the Office of Economic Development.

I had one of these meetings shortly after I got on board with the Bureau. I had one 2 weeks ago with my entire Washington staff.

I do believe in honesty, and I do believe in integrity. I think these are a couple of characteristics that have simply been missing in this system for some time, and especially between the Bureau and their Indian constituents, in terms of what it is that we are all about.

I have, since the beginning of discussions some months ago, consulted with Indians and members of my staff as to how we really generate a systematic change in the Bureau, because that is what we are talking about: a systematic change. A change that is really going to have some impact on the delivery of services and funds to Indian people.

Since that is a prime responsibility of the Bureau of Indian Affairs, we thought of all kinds of ways, and it has been discussed for many years, in all parts of Indian country, of some way to alter the system, to make it more effective and to make it more responsive.

I don't think any of us came here with any other intention but to try to do that. When we came up with what we thought were really basic policies and fundamental policies to bring about a change, the two principal ones we came up with, of course, are those policies referring to the reassignment of administrators and managers, within the system, and the redelegation of authority, both of which, in my own opinion, represent very fundamental changes in system.

When you are talking about management, it is a fundamental administrative matter to delegate responsibility and commensurate authority to the lowest level possible.

We think in delegating that responsibility and authority to the field administrators, that this is very fundamental. They are the people that in fact are closest to our Indian constituents, and in fact, the most responsible, or at least, ought to be the most responsible and responsive to those people.

Since that time when we came up with these policies the very Monday—we worked for an entire weekend trying to come up with an appropriate method. Because we haven't had time since we have been here, trying to learn the system, but we don't feel that we have got a whole lot of time to do what it is we want to do.

We feel that a lot of things have been discussed and hammered, and for years, within the system, by a lot of people before us, that have never been able to put a team together to make constructive change.

We think we have got such a team now, and we think we will have been at least attempting to prove it, not only to ourselves but to the Indian people, and to your committee.

We have tried to contact as many tribal chairmen as we have been able to, since we came out with the tentative proposals for change by our new policies.

I have personally made dozens and dozens of calls, to tribal chairmen, to the regional vice presidents of NCAI, to intertribal groups, to Indian newspapers; I have called the Bureau people, in areas that I had responsibility to call, namely, the Midwest, Minnesota, Wisconsin, and Michigan, and parts of Arizona and Nevada.

We have since then been talking and discussing with numerous peo-

ple. I have met a week ago with the intertribal council in Arizona, for a full meeting, for 7 hours. It was supposed to be intended for 1 hour. The interest is there, yes.

I met just last Thursday, in Minnesota, with representatives from Minnesota, Wisconsin, and Michigan, for a general meeting. There was seemingly no adverse opinion, except for one resolution that came in.

Now, as you all know, generally, it is the opposition, and the people who feel they are getting the greatest squeeze, that will send the resolutions in at this time. We have got many, many Indians that support the program, but are saying to us, "Yes, we agree; yes, we support."

They haven't, on the other hand, come in with the kind of resolutions and information that you receive and are receptive to as indicating what the support is that we really have.

Nevertheless, we have tried. We have probably gotten and developed more interest in the last month than anybody has had in the last 10 years, if not longer. We have tried to get the word out to as many people in Indian country as possible.

I venture to say that there hasn't been an effort like this ever extended on any minor change or any major change within the Bureau to the Indian people, or even to the employees within the Bureau.

But we have tried, we have consulted; I have discussed this with my own people, that I am responsible to within the Bureau, and those people that I think are my constituents in Indian country.

So what we are trying to do is not really a new thing, it is not something that just happened overnight, but something that has been discussed for years; it has been something that has been thought about, and have attempted before within the Bureau, but never has before been able to be carried out.

We have never had a team like this on top of the Bureau. We think we have got a team that is responsive. We think we have got a team that is really going to try to be responsible to our Indian constituents as Indian people.

Fourteen of the top 20, maybe 15 right now, of the top 20 administrators for the Bureau, are Indians. We have all come off the reservation. All of us have had some experience on the reservation, knowing what life is like there.

We have all worked directly and indirectly with Indians, every member of this team. We do think that we have been consulting; we do think that we have got a ways to go.

When we set guidelines and time limitations, we thought they were realistic. They may not be. Maybe it is going to take more time than we anticipated.

But in the final analysis, we really believe that we will have consulted, that we will have input from the tribes, and that we will have good support, and good consultation with the tribes and with the people under us within the Bureau of Indian Affairs.

Thank you.

Senator METCALF. Well, thank you for a very excellent statement.

However, in my discussion with the Indians, they regard your consultation as just telling them that this is the way it is going to be. And their consultation was not before the fact, but was after the fact.

Now again, let me reiterate, Mr. Bruce, to you and these very bright young men that you have put around you, that it may well be that this is the most important and the most significant development that has happened to the American Indian for a long time.

And it may well be that you will have the enthusiastic and complete support of every member of this committee.

The only problem is that it has just been sprung on our Indian colleagues, and some of your friends, without a proper discovery of the impact, and that is what we are talking about today.

And I think we have made, with these statements and your statement, that there are going to be a continued consultation in the tribal areas, that we have made progress in this committee hearing today.

Senator STEVENS. Can we continue?

Senator METCALF. Yes. I think this has been a most important discussion.

Senator Anderson wants to say something.

Senator ANDERSON. Do you know Wendell Chino, president of the Mescalero Apache Tribe? Do you know him?

Commissioner BRUCE. Yes.

Senator ANDERSON. He is a very fine person. And it should be noted that there was no tribal consultation with members of the Apache Tribe prior to this announcement.

Would you agree with that?

Senator METCALF. Who consulted with the Mescalero Tribe?

Commissioner BRUCE. I did. I talked to Wendell Chino myself.

Senator ANDERSON. Well—

Commissioner BRUCE. Some 2 or 3 years ago, Mr. Chino prepared a position paper along these same lines, and suggested that these changes be made, when he was chairman of the NCAI. He was president of NCAI. He made a speech, and presented this paper, to make these changes along with the resolution that came out of NCAI at that time. A number of times.

Senator METCALF. We will put Mr. Chino's letter in its entirety in the record at this point.

(The letter referred to follows:)

THE APACHE TRIBE
OF THE MESCALERO RESERVATION,
Mescalero, N. Mex., December 8, 1970.

Senator CLINTON P. ANDERSON,
*New Senate Office Building,
Washington, D.C.*

DEAR SENATOR ANDERSON: I am sure that you are aware of the radical changes which are being proposed in the organization and management of the Bureau of Indian Affairs. I would like to herewith respectfully make my views on this matter known to you for your consideration.

1. On the matter of arbitrarily transferring Superintendent and Area Directors merely because they have been in a certain location for a fixed period of time: I believe that the fixing of a minimum or a maximum time that a person can serve in one place is foolish. The performance of the individual, as measured by the Tribe or Tribes that he serves, together with the desires of the individual involved should provide the overriding criteria for internal moves. I believe that the arbitrary time limits imposed under this recent policy change are indicative of the narrow thinking that has been recently persistent in the BIA and do nothing except lower the effectiveness and morale of Bureau of Indian Affairs employees. Most men need more than two years to become acquainted, start and accomplish programs and then pass their accomplishments on to others. On the other hand, in six months' time it can be determined if a man is deserving of a longer period in one location.

2. On the matter of reducing the authorities and staffs of Area Offices: I believe that the Area Offices should be abolished and all responsibilities, authorities and funds passed to the field. It is possible that some of the so called "housekeeping" functions could be retained at regional centers or moved into Washington. The budget stranglehold of the Area on the field operations and programs must be broken. I emphasize, those powers which the Area currently holds should be transferred down to the field and *not* pulled back into Washington as presently proposed, if we are to avoid having another "Chicago Indian Office". I feel very strongly that if Tribes are to assume more and more responsibilities, that the decision making powers must be vested in the local field agencies. This will provide the Tribes with the opportunity to become acquainted with these responsibilities prior to the assumption of these responsibilities if the Tribes so desire.

3. All of this leads us to what I believe is the crux of another very thorny problem. I believe that the Bureau's budget process needs complete revision. If we assume that the Tribes are going to assume more responsibility, the local agency *must* be able to move with the Tribes in providing support, both financial and technical, expeditiously and efficiently. At the present time, funds are allotted by Washington Branches to the Area Office, and reallocated by Area Branches to the local agency. This leaves the local administrator with absolutely no power or authority to make changes in programs requested by Tribes, or with funds with which to make these changes without probable violation of the "intergrity of funds" theory. This review of the budget process should include Department, Bureau of the Budget and Congressional Committees.

I believe very strongly that a Superintendent or local administrator should be given program funds in a lump amount, and sufficient to the needs of the agency, and then the power to be flexible and make decisions consistent with broad and general Bureau policy and, more importantly, the desires of the Tribes served. Unless and until the local agencies and the Tribes are treated by the Bureau Central Office as if they had some management ability, I do not believe that progress will be made in the assumption of responsibilities by the Tribes.

As you can see, there are some policies proposed with which I can find partial agreement, but it appears that even there, some extreme modification of the policies as enunciated will be required.

I hope, that if you have any questions on my comments, or if you feel that you can insert my comments for the record you may and if I can be of a service to you on this matter, that you will call. The Bureau and the Tribes are at a crossroads and I believe that honest criticism is the only way that Tribes can voice their opinion of the Bureau's policy. It should be noted that there was NO "tribal consultation" with the Mescalero Tribe prior to the announcement of this policy on November 25, 1970. I doubt very much if any of the other New Mexico Tribes were consulted on this matter. Our State has a large Indian constituency and it is deserving of consultation on policies and issues having a vital effect on future generations of Indian peoples.

Your very truly,

WENDELL CHINO,
President, Mescalero Apache Tribe.

Senator METCALF. Go ahead. The next witness.

Mr. LINCOLN. Thank you, Mr. Chairman.

My name is Anthony Lincoln, Census No. 56485.

I am a member of the largest tribe possibly in the United States, being a Navajo Indian. I have crawled out of a hogan. My father and mother still live in a hogan.

Now I can speak, I think, for the tribe that has asked me to come here, and when Mr. Bruce called me 6 months ago, and asked if I would join his team, I consulted first with the tribe, and the tribe said yes.

Following that, I also consulted with the new chairman, that was recently elected to the Navajo Tribal Council, Mr. Peter MacDonald. And in both cases, the Navajo tribe has spoken out affirmatively for the policy that we are now debating and discussing.

I am married to an Acoma Pueblo Indian, and I have worked with the Acoma Pueblos, maybe not in a leadership, but in the leadership

which I believe is genuine, and the leadership that is recognized, the medicine men. They have said, "Yes, it is a good policy."

They have also spoken with concern about consultation. And I promised them there would be consultation.

Now I don't think anyone has said that consultation will not continue, and that consultation will not be a part of this program. It is going to be a part of this program. I don't think anybody has gotten notice that this is it, cut and dried, set in concrete, and there isn't a thing you can say about it.

I think what is being said, though, is that, yes, we have afforded a policy that we feel was representative of the interests and the intents of the Indian, and now we will sit in consultation and determine the effect, and the point to which it becomes relevant to those Indians that we intend to serve.

I can only but reiterate what my colleagues have said. I share your concern, because it is the concern of the Indian, but I want to assure you personally, and as a Navajo, that we will continue to have consultation, that I don't think there is any place in this policy that says there is going to be no consultation, and that the moves that are to be made are going to be made in consultation with those tribes.

I think many people have anticipated problems. I still don't think we have a problem yet.

Thank you, sir.

Senator METCALF. Thank you very much. Next?

Senator STEVENS. Mr. MacNabb.

Mr. MACNABB. My name is Alexander MacNabb. I am the Director of the Office of Operating Services, and I am of Micmac Indian descent. I came to the Bureau of Indian Affairs with the rest of this new team approximately 6 months ago from the Office of Economic Opportunity, where my last post was special assistant to the director of the community action program.

When I first received a call from the Bureau of Indian Affairs, I spoke with my good friend, Dr. James Wilson, an Oglala Sioux, and the director of the Indian program, and we mutually agreed that it would not be a good move. Upon meeting Commissioner Bruce, and the members of his Indian team, I was convinced that we were being brought in here to serve Indian people, and this is what brought me to the Bureau of Indian Affairs.

In the short time that I have been at the Bureau of Indian Affairs, I have personally seen a change. The BIA parking lot formerly would be empty at 4:30, every day; today, there is a sense of mission has brought to this Bureau of Indian Affairs, people are in the building at 8 or 9 o'clock at night. I think the wheel has come full cycle as far as sense of mission is concerned.

In Washington, last week, Jim Hena picked up the phone and tried to get someone at OEO at 7 o'clock on a Thursday night, and nobody was there, and he wanted to know, "What time do those people leave there these days?"

There is not one person on this team who I can't personally vouch for. Each one would make any personal sacrifice they could for Commissioner Bruce or for the policies he has put forward.

But I wanted to underscore one thing the Commissioner said, and that is nothing in these policies, or nothing in the contracting proce-

dures, is being pushed at Indian people. Anything we develop is at the initiative of the tribe, any contractual procedure is at the initiative of the tribe.

There is one common commodity which the Commissioner has brought to the Bureau of Indian Affairs, and that is a deep, sincere dedication which all of us feel.

Senator METCALF. Next?

Mr. HENA. My name is James Hena.

Senator METCALF. Please speak up, just a little.

Mr. HENA. My name is James Hena, Pueblo Tesuque Zuni descent. I have, during the last 15 years, been actively involved in Pueblo Indian affairs in New Mexico.

I was employed with Arizona State University in the OEO programs as a field representative and worked in the State of Arizona.

Later, I worked in a seven-State area. I have also worked with my own tribe and with the eight northern pueblos in New Mexico, and was recently employed with the Navajo Community College, in Many Farms, Ariz.

When Commissioner Bruce approached me about coming to work with him, and joining his team, my first response was, "No. That Bureau is going to be the same as it has been for the last 146 years, and nothing is going to change it."

And I said, "I have seen other Commissioners come in, and changes have been made at the top," and my feeling was, as long as you didn't make the changes down the line, in terms of a staff that would support the philosophy that the Commissioner expressed, then you couldn't change the system. All you did was change the name and the face at the top.

And so I explicitly at that time told him that I was not interested in joining his team.

Of course, he was persistent, and later, convinced me that he was going to do something about changing the Bureau. I think with regard to the concern of not consulting with the Indian leadership, I think we need to express also that those of us who have worked with the Indians, at the reservation level, are quite aware that very often, the bureaucracy also defends itself against change.

I think you would find that a number of Bureau employees have been employed with the Bureau for years and years and years, and they are stuck in the mire of doing the things the way they were done 25 years ago, and changes, the kind of innovative changes that we are talking about today, are very hard for them to accept.

Therefore, in many instances, what they do is they politic, in defense of themselves, and so forth.

But I think the intent of the new policy is not to conduct a purge of employees and so forth. I think the bigger picture is that you are trying to address yourselves to a delivery system that would improve the social and economic conditions on the reservation. This is what we are addressing ourselves to.

And I think, by streamlining the operation, this is what our intent is. And I think that if Indian leadership would weigh the changes in terms of these factors, that they will eventually begin to line up in support of the realignment.

Now they are saying, "Well, you are going to be reassigning our superintendent or our area director," but I think that they fail to

recognize that very often, if a superintendent has been there for years, the leadership ought to ask in terms of "Well, you have been here 5 years. What have you done, in terms of actually improving the educational level of our children? What have you done in terms of actually improving the housing conditions, the unemployment conditions, and all of the other factors that many of you are aware of, in terms of the Indian citizen? What have you actually done?"

"Now you may have been a good friend. I mean, you know we go out and drink coffee and we go fishing together, but that's not the point. The point is, what have you done in terms of improving the socioeconomic conditions?"

And I think once tribal leadership will address themselves to these kinds of factors, I am hopeful that they will begin to gradually accept the changes that the Commissioner has announced.

And like many of the others have already said, consultation is built into the policy. And so I don't feel that any significant changes are going to be made, with regard to the new policy, without the involvement of Indian leadership.

Commissioner BRUCE. Mr. Chairman, may I just ask the remainder of our staff to stand up, and give their tribe and move right along from there? Could I do that?

Senator METCALF. Surely.

Senator STEVENS. State their names, yes.

Senator METCALF. Surely. Would the rest of the members of Mr. Bruce's staff who are present at this hearing stand?

(The other members of the BIA team staff introduced themselves as follows:)

(The biographical sketches of the BIA staff are on p. 82.)

Senator METCALF. May I say that I am very grateful to the Senator from Alaska for this opportunity to meet some of these bright young men that you have assembled to work out these Indian problems. And I am sure that when this record is read, down in the various tribal agencies, this repeated assurance that there is going to be consultation at the tribal level is going to solve some of the trepidation that our Indian constituents have.

Senator STEVENS. Mr. Chairman, our colleagues the Senator from Colorado and the Senator from Arizona, had two matters they would like to have placed in the record at the end of the testimony. They are telegrams and correspondence that they have received.

(The material referred to is in the appendix.)

Commissioner Bruce, I think that a lot of white men can learn from a lot of Indians, but we have certainly learned something from you. I think you have taken the militants into the Government, you know. And I think that we are going to see some great changes.

As you know, I spent 4½ years down there, trying to figure out what was going on in the Bureau of Indian Affairs, as part of Fred Seaton's team. We have just seen the designation of "Hickel's Mafia." I think you have got Bruce's Braves here, and you ought to give them all a little symbol, so that they will stand out wherever they go, as being one of the people of this new team.

I am interested in the contracting concept, that I don't think has been explained in this record. And I know it is going on in Alaska now. Contracting with the entities, the tribal entities or the villages,

to do the services that have previously been performed by BIA employees on a direct government basis, and I wish you would explain that for us. I think it would be a partial answer to one of the original questions of Senator Burdick, as I understand it. And I particularly would like you to use an example. The one that we have got up in Alaska would be a good one, but you can use anyone you want. This contracting concept ought to be understood fully, I believe, by everyone that is involved with us.

Commissioner BRUCE. That is right.

Senator, I would like to ask Calvin Brice, who has been working and is a member of our team, to explain this in detail.

Mr. BRICE. Senator, the purpose is to give as many options as possible to the Indian community. One option which is available is the option of contracting with the Bureau for any particular service the Bureau renders, or a service within the same line item category which a tribe may wish to install in the place of a service rendered by the Bureau, and under this concept, the tribe, merely by contract, a negotiated contract under the Buy Indian Authority, then sets forth the proposal, in cooperation with the Bureau, and by contract, moves to render services as it sees fit to meet its needs by providing services formerly performed directly by the Bureau under the appropriation.

Now this is only one of the options available. There is no intent to compel the tribal group to enter into this, or if a tribe wishes to enter in in a small way, and test it, and then gain confidence to move further. This is something which will be flexible as to each tribal entity or tribal group.

Senator STEVENS. Well, now, let's get specific, as Senator Burdick wanted to do, on that. If the BIA has been operating a cannery up in my State, and the group involved wants to run that cannery themselves, you will welcome a proposal for a management by the group itself of the cannery?

Mr. BRICE. That is right. And in fact, we have a committee in the central office available that will assist the tribe, directly from the central office level, and with the tribe's attorneys or its representatives in working out the details of the contract that would be mutually satisfactory to protect both the interests of the tribe and of the Commissioner, and to give the tribe the maximum input and a maximum involvement in the operation of that cannery.

Also, should they wish not to run a cannery, but to do some other activity in place of that, this is also possible. We will assist them in developing such a contract.

Senator STEVENS. And the employer under that contract would be the tribal group or village group itself?

Mr. BRICE. Whatever the entity might be. It might be the Indian group, it might be a corporation which the Indian group has formed; it might be some type of a tribal enterprise, set up and established by the tribe.

Senator STEVENS. Fine.

Now Commissioner Bruce, I would like to get back to this rotation plan. I think that is a primary problem that is involved, that we have all heard about from our constituents.

As I understand your proposal, the area administrator will replace the superintendent, in designation. There will no longer be superintendents anywhere in BIA. Isn't that correct?

Commissioner BRUCE. That is correct. They will be field administrators.

Senator STEVENS. I absolutely welcome the change. I don't think that the designation "superintendent" ever applied, in any event, and I think it is a welcome change.

Now this area administrator is going to be a person who consults with the tribal group or village involved, within his area. Isn't that correct?

Commissioner BRUCE. That is right.

Senator STEVENS. And in terms of his new role, he is going to have a greater role than a superintendent. Could you explain to us what that greater role will be?

Mr. MACNABB. Senator Stevens, the role of the field administrator will be to work with the tribe, helping the tribe develop its own operations. The new tribal options are (including some of the old options) (1) the direct tribal involvement in the budget preparations; (2) the setting of program priorities by the tribe; (3) the tribal input into the selection of personnel (legally have to reserve the selection authority under civil service law to the Federal Government, but the maximum legal involvement will be provided); (4) the contract options which you have touched on as a specific illustration; and (5) the evaluation of ongoing BIA programs which the tribe will be involved in.

Senator STEVENS. I think it is important for people to understand, a portion of that authority was previously delegated to the area director, wasn't it?

Mr. MACNABB. Yes, sir.

Senator STEVENS. And you are taking that in effect down to the field level for a broader application of immediate consultation; right?

Mr. MACNABB. Yes, sir. But because of the unique differences, we don't cast reservation communities in a common mold across the United States, and there would be varying degrees of delegated authority, from the area office to the agency. We are presently reviewing all delegations within the Bureau, so that an adequate and proper delegation of authority, with the idea of bringing decisionmaking closer to the tribes, can be put forth in written documents.

Senator STEVENS. Now part of this, as I understand it, is you are going to look at each one of these area administrator's tasks and write a job description for that particular job. Right?

Mr. MACNABB. Yes. We have prepared a draft document for—you are talking about the field administrator?

Senator STEVENS. Yes. For the field administrator.

Mr. MACNABB. I wrote and we have circulated a draft document, job description for field administrator. It is a very broad, general document. The field administrator, the person who replaces the agency superintendent, is responsive and, where possible, responsible to that tribal governing body. It is his job to work with that tribe, at the tribe's initiative, in developing, not pushing, programs on the tribe, but assisting the tribe at their initiative, in either taking over BIA programs or improving the conditions in that reservation community, or in that community, within the ability of the Bureau of Indian Affairs budget base.

Senator STEVENS. Now, Commissioner, in a conversation I had with you, I have asked you about—and I hope you don't mind if I just put it

right here in the record—I asked you, for instance, a superintendent in Alaska, who is going to be affected by this rotation policy, the fact that he is going to be rotated doesn't mean that he is automatically going to leave Alaska, does it?

Commissioner BRUCE. No, no.

Senator STEVENS. You are going to try and put him in the place where he can do the best job for the total service of the BIA.

Commissioner BRUCE. That is right.

Senator STEVENS. And he could stay in Alaska, if there is a place where he can do a better job.

Commissioner BRUCE. That is correct.

Mr. MACNABB. Senator Stevens, could I also add for the record that in the old job descriptions which we analyzed, the statement that it was the responsibility of the superintendent to help the tribes toward termination was specifically stated. Apparently it hadn't been looked at for some time. In this new job description, we have added some different responsibilities to the trust responsibilities of the Federal Government to that of the man who deals directly with the tribal groups shares in the trust responsibility.

Senator STEVENS. And the total concept is the self-determination without termination? Right?

Mr. MACNABB. Yes, sir, the job description itself is a very flexible document, is adaptable to almost any situation. However, as the Commissioner earlier stated, none of this is set in concrete, if someone would like to change the language of it, we would be very happy to receive their comments.

Senator STEVENS. Maybe that is what we could give all your young men, in the way of a pair of Chicago overshoes.

Thank you very much, Mr. Chairman.

I think that it is important that we have a clear record of what they are going to do.

I failed to ask one question. Now with your area director, he is going to have a lesser responsibility for the everyday affairs in the field administrator's office, he is going to have a greater responsibility in coordination between Washington and that area administrator, isn't he?

Commissioner BRUCE. Yes, definitely.

Senator STEVENS. So the total role, part of the responsibility of Washington is flowing out to the area.

Commissioner BRUCE. I think that is very good.

Senator STEVENS. Thank you.

Senator METCALF. Senator Bellmon?

Commissioner BRUCE. Mr. Chairman, I would like to say that the new team here, in BIA, has the support of the White House staff, and also the Secretary nominee has discussed this with our team.

Senator METCALF. Thank you very much.

That is more or less impressive as you talk to my left or to my right.

Senator Bellmon.

Senator BELLMON. Thank you, Mr. Chairman.

I have to begin by saying that when I came in this morning, I wasn't entirely sure what this was all about. I realize that the Commissioner has been in Oklahoma, but I wasn't quite sure just what all this reorganization amounted to, and I want to thank the Com-

missioner and his team for at least informing me about what they have underway. But I would like to ask some questions as to how your policy applies particularly, and specifically to Oklahoma.

Now I may not get the terminology exactly right, but as I understand what you propose to do is to turn the area offices, such as Muskogee, which now in effect is a management office, turn this into a service office.

Commissioner BRUCE. Technical office.

Senator BELLMON. Technical office. Now can you be a little bit more specific about what you mean by that phrase "technical"?

Commissioner BRUCE. Well, he would be in a program assistance, and development, and as one of the area directors in Oklahoma indicated, he felt that this new assignment would give him more time to be of service to the tribes there, and to meet with them more frequently. In other words, he wouldn't be behind a desk constantly, but would be able to move around, and discussing new programs, new ideas, and giving them more technical assistance in the development of plans and programs than he has had before.

Senator BELLMON. What kind of staff would you anticipate developing at the Muskogee office? What capabilities would it have?

Commissioner BRUCE. Senator, that hasn't been determined yet. This is just in the formative stage.

Senator BELLMON. Well, in a general way what would you expect that staff to accomplish? If they are not going to be management people, what kind of people would they be?

Mr. MACNABB. Senator Bellmon, the general type of staff that we see would be a staff that would have a capacity to help tribes and field administrators develop programs in education, housing, and so forth. There is also a possibility that some of the financial review would be there. It depends on the cost of duplicating certain recordkeeping functions and financial functions, at the field administrator level. But as I stated earlier, to Senator Stevens, because of the different nature of various tribal communities, we haven't specifically spelled out the difference in delegation. I think we can generally say that it is our objective to provide the area offices with a completely competent technical assistance staff in program areas, and the various other BIA areas of activity, engineering, and so forth, so that they can respond to the field administrators to the tribal needs.

Commissioner BRUCE. Senator, we see no changes in personnel at this time in the Muskogee or the other offices.

Senator BELLMON. You don't see any changes, even in the capabilities?

Commissioner BRUCE. In personnel. Oh, in capabilities, yes.

Mr. MACNABB. As far as the total number of staff, Senator Bellmon, we definitely do not plan to add to the number of employees at BIA now. As I mentioned, we are presently developing the operating plan. They would apply to the areas and to the agencies, and also to the central office.

Senator BELLMON. Well, from the statements that have been made here, I got the impression that what you might be thinking about is turning the area office into a kind of support agency for all the field offices, so that you will have available somewhere in our State, in one location, all the professional services that an Indian tribe might

need, which could include such things as soil conservation, or perhaps even home economists or counselors. Is this in general what you are thinking about?

Commissioner BRUCE. That is the idea.

Senator BELLMON. And it is not expected that all the agency offices would ever conceivably be able to have that kind of talent available individually. Is that correct?

Commissioner BRUCE. That is correct.

Senator BELLMON. So that your thought, then, is that you would use the one area office as a kind of backup for the agency's offices, and strengthen their operations by giving them professional assistance that might not otherwise be available.

Commissioner BRUCE. That is true.

Senator BELLMON. That is what you had in mind generally?

Commissioner BRUCE. Yes, sir.

Senator BELLMON. Well, now, so far as the decisionmaking process is concerned, is it your thought, then, that a local office, representing perhaps one of the tribes, or maybe more than one tribe, would then not go through the area office, or that you would eliminate one layer of bureaucracy?

Commissioner BRUCE. That is the idea, yes.

Senator BELLMON. Who would they deal with? Who would the agencies deal with?

Mr. MACNABB. Senator Bellmon, a couple of sentences ago you mentioned one area office, in your statement. There are presently two area offices.

Senator BELLMON. Well, I am talking about one.

Mr. MACNABB. Well, yes, sir, but we are still thinking of two area offices in Oklahoma, and I would like to get that on the record.

Senator BELLMON. All right.

Mr. MACNABB. As far as your question, then, was who would the field administrator report to?

Senator BELLMON. Yes.

Mr. MACNABB. Presently the superintendents report to the or through the area director, and the area director to the two Associate Commissioners. We are presently designing a Washington central office mechanism that would not require additional staff, and let me give you a hypothetical, recasting the tribal operations personnel could adequately provide sufficient reporting personnel in the central office, so that there could be a good line of communication between the field administrator and the central office in Washington,

Senator BELLMON. When you say "central office," you mean the Washington office?

Mr. MACNABB. Yes, sir.

Senator BELLMON. You don't have anything like a regional office in Dallas, which is where most of them seem to be?

Mr. MACNABB. No, we haven't used FAR programs at all. In response to Dallas. No, the FAR program, as far as it is geographically concerned, adjusts itself to urban populations. It is not the case with the Bureau of Indian Affairs.

Senator BELLMON. And the reason, likely, is that you feel that there is very little likelihood that you will ever be able to use the present arrangement to staff up adequately to meet the needs of the different agencies and tribes. Is that a fair statement?

Commissioner BRUCE. That is correct.

Mr. MACNABB. Yes, sir.

Senator BELLMON. I might say, Mr. Chairman, that in our State we have had all kinds of reaction to the plan announced by the Commissioner. I have before me statements on both sides, which I think is a very good sign. I think if it was unanimously accepted, it would show that we have been asleep too long, and we should have made the change a long time ago, and if there is no objection, I would like to enter these in the record.

Senator METCALF. Without objection, they will be received.

(The statements referred to by Senator Bellmon are in the appendix.)

Senator BELLMON. And I also have statements for the proposal.

Senator METCALF. May I make a general ruling here?

That the various members of the subcommittee who have statements both in favor and against this proposal will be permitted to put them in the record.

Senator BELLMON. All right, sir.

I also have statements, part of which I would like to read. One of these has not been signed, but it has been received by phone from Mr. Bill Keeler who says that—and by the way, Mr. Keeler is the principal Chief of the Cherokee. He apparently was on the Today Show, and was quizzed about this and I did not realize it had gotten quite that much national attention, but apparently it has. He says, he indicated his support of the Commissioner's policy of giving Indians the opportunity to manage their own affairs. And then he goes on to say:

The rotation of field personnel may have merit, as regards particular individuals. However, where there is an area director or superintendent who is doing a good job in responding to the tribe's desires to the satisfaction of the tribe, I feel he should not be forced to move.

Well, is there anything in your policy that is going to force such a direction?

Commissioner BRUCE. No, not at all.

Senator BELLMON. I think this is one thing that has created a great deal of resistance, the feeling that you are going to just wholesale move all the area directors and superintendents. And this, you say, is not your plan?

Commissioner BRUCE. That is right. We will not force any of these moves.

Senator BELLMON. I don't think if I were you, I would get quite in that shape. You may want to move some of them.

Commissioner BRUCE. I know.

Senator BELLMON. Now, Mr. Chairman, I have one other statement.

Senator METCALF. Would you yield just a moment?

Senator BELLMON. Yes.

Senator METCALF. This is your statement, sent to Chairman Jackson (see page 2) on November 24, Mr. Commissioner. All area directors except one are scheduled to be rotated under this policy.

Commissioner BRUCE. They are eligible for reassignment.

Senator METCALF. Likewise, some 69 agency superintendents, and field employment assistance directors, are "scheduled for reassignment."

Commissioner BRUCE. Eligible.

Senator METCALF. "Under the new plan, within 90 days."

Commissioner BRUCE. They are eligible. That has got to be a policy.

Senator METCALF. Now we have a tremendous area director in the State of Montana, the Billings office, Jim Canan. I think he has the support of every Montana tribe. And I am not going to quarrel with some of this program, of reassignment; we have had some fine people in the Public Health Service, and they are reassigned every 2 years. That is too often, I think, as far as my Indian friends are concerned, but that is a policy. But you say that every area director except one is going to be rotated, and you have already plans for reassignment, for reassignment of 69 agency superintendents.

Senator STEVENS. They are eligible for reassignment.

Commissioner BRUCE. Eligible.

Senator METCALF. He says, "69 agency superintendents are scheduled for reassignment within 90 days."

Commissioner BRUCE. Well, it is an unfortunate choice of words. Eligible for reassignment. And that is a policy, and what I am trying to say is that beyond that, we negotiate with the tribes.

Senator METCALF. You are going to consult with the Indian tribes, in areas concerned, before these reassignments take place?

Commissioner BRUCE. That is right.

Senator METCALF. This is what they are really concerned about.

Senator STEVENS. Yes, but Mr. Chairman, I think the point is that the consultation doesn't mean accepting dictation.

Senator METCALF. Of course it doesn't. But at least they would like to be advised, and to talk about the continuation of such splendid leaders as we have in some areas, especially in Montana at the present time.

Senator BELLMON. Mr. Chairman, I have one additional statement for the benefit of the members of the committee, and since it is short, I would like to read it. Also because it is a statement from Mrs. Fred Harris, whose opinion I valued very highly in matters of this kind.

She says she would like to take this opportunity to endorse recent reorganization of the Bureau of Indian Affairs. She congratulates Commissioner Bruce for this progressive step toward allowing native Americans to take control of their own destiny. She supports Commissioner Bruce's objectives which affirm that Bureau services must conform to local tribal objectives and programs.

Bureau authorities must be executed close to the Indian people they affect. Bureau staff changes are needed to assure implementation of new and revitalized policies. Bureau regulations and policies and procedures must be revised to facilitate greater Indian participation. Rotation of administrative personnel will furnish fresh ideas and approaches to problem-solving. Consultation with tribal leadership before assignments of new field administrators and in 90-day trial period will give tribes the opportunity to secure BIA representatives that can work closely with the tribe. Changes in job description do much to finally rid the Bureau of insipient institutional racism, and places administrators in the role of change agent and advocate. Authority to make decisions will shift from the ponderous area offices to the local level, where the problems and needs of local people can be best determined.

The Bureau's reorganization offers an innovative opportunity for Indian leadership and tribes to contract for assuming BIA service programs, and vacant positions at all levels of the BIA. Tribes will be able to deal directly with Washington. We would like to.

We would like to point out that we do not believe that this aspect of the Bureau's reorganization means termination of BIA's services.

Commissioner Bruce has clearly spelled this point out when he stated that any tribe unwilling to assume program responsibility will not be forced or pressured to do so, and that the BIA will reassume control of the services any time the contracting tribe says it is unwilling or unable to continue providing the services. The high level evaluation and inspection teams will provide Commissioner Bruce with needed review and feedback on Bureau programs. We believe that the reorganization of the Bureau of Indian Affairs will provide a significant new direction in the Government's attitude on policy concerning the needs and aspirations of native Americans.

That is the end of the statement, Mr. Chairman. I would just like to conclude my comments by saying that since coming to the Senate, 2 years ago, I have been terribly distressed by what I feel to be the failure of the policy of our Government toward American Indians.

I served for a time as a member of the special committee on Indian education; I attended the hearings on that subject, listened at great length, and of course visited our Indian schools in Oklahoma, and I have to say that the schools apparently are not doing the job. So whether your plan is the best plan or not, I would compliment you for having had the courage to tackle what seems to me to be a kind of stagnant bureaucracy, that just hasn't been serving the needs of our Indian citizens, and you probably are going to have to make some changes in your plan as you go along, and I think you testified here this morning that you intend to do that, but I certainly agree with you that if you just continue doing business as usual, with the same kind of a bureaucracy that you inherited, that the Indian people's needs are certainly not going to be met, and I would like to offer you my support; when you get a policy that will do the job, I believe that the other members of the committee are going to want to follow along with you.

Commissioner BRUCE. Thank you very much.

Senator BELLMON. That is all, Mr. Chairman.

Senator METCALF. Senator Hansen.

Senator HANSEN. Thank you, Mr. Chairman.

First of all, I would like to compliment you on scheduling these hearings. I recognize that there are a great many people here today representing a far greater number who do not feel that their voices and their counsel have been heeded by the Commissioner. I think that they feel that their advice hasn't been sought as it might have been, but I would suspect that that is always true. It is impossible, when you head up an organization that reaches out and involves as many people as this ones does, to talk to everyone that you should.

I join with my colleagues from Oklahoma in complimenting the Commissioner for having taken the bull by the horns, as we say out in Wyoming, and trying to do something about it. And I suspect one of the real pluses that will follow from this hearing here today is that by virtue of the exposure to some other ideas, Commissioner Bruce

and his fine crew will be able to serve more completely and reflect more completely the wishes of those people whose concerns must be the concern of all Americans.

I think that change is indicated. There has been considerable evidence of stagnation, throughout the country, and change is always painful. Change never is accepted by everyone quickly, without misgiving, but I think that anyone who has observed the failure of Government to meet the needs of the first Americans must agree that we do need to have a change in direction, and I am pleased indeed that you have done what you have done, and I think that hearing, as I know you will, from representatives here today, and from others, you can make those policies which you are now in the process of implementing reflect their will.

I am pleased, too, to note, as I gather from what you have said, in various numerous conversations we have had, Mr. Commissioner, that it is your intention to make the BIA service rather than a management operation. And I think that is what it should be. I think it should serve the people that it is supposed to serve. It should not try to manage their lives as it has done for all too long.

And let me conclude by saying that I appreciate your leadership, Mr. Chairman, in calling this hearing, in order that we can hear from these people whose concerns and interests mean so much to all of us. I am certain it is a constructive hearing, and I know it is not yet concluded, but I did want to say that while the Commissioner was here.

Senator STEVENS. Mr. Chairman, may I add one thing right there? We heard from the five young people who are seated with the Commissioner. The balance of this team has a background that I think our Indian constituents should know, and I would like to ask that you request each member of the Commissioner's new team to give us a short statement to go after their own personal introduction of their background and what their function is in this team.

I think it is important for our people to know that these people do have background that qualifies them to do this new task.

Commissioner BRUCE. We should be glad to do this, Mr. Senator.

Senator METCALF. Just a moment. I concur in your suggestion. That will be done.

Now I propose to ask the staff—ordinarily we would hold this record open for further information and so forth. However, there is considerable interest and concern among the Indian tribes of the United States about this reorganization plan that you have suggested. I think that the results of this hearing have been so valuable, the statements made, that I am going to suggest that as soon as possible the staff put together and print the hearings and circulate them among the tribes, so that they can read the statements that we have heard here this morning, and get some reassurances as to the results of the misgivings that they have expressed.

So therefore, Mr. Commissioner, would you have those brief biographical sketches presented to the staff sometime this afternoon?

Commissioner BRUCE. Yes, sir, be glad to.

(The biographical sketches are on page 82.)

Senator METCALF. And unless there is objection, the record will not be held open. The record will be completed, and we will print these

hearings just as soon as possible. Copies will be made available to you, Mr. Commissioner and we will have copies available to the members of the committee, so that we can send them to our constituents who have expressed concern. And without binding anybody in the next Congress, I think that we should hold another hearing early in the next Congress at which we hear our Indian constituents, as to the interim results of both the consultation that you have assured us is going to be given, and the progress of the plan that you have underway.

Senator STEVENS. Mr. Chairman, may I be heard on that?

In the first place, I would be very interested in having Commissioner Bruce's reaction to the National Federation of Federal Employees.

Senator METCALF. I hope that he can get that up.

Senator STEVENS. Well, this afternoon will be awfully fast. It took me a half day to read it.

Senator METCALF. It takes several days, but I would like to have that, as much material, the biographical sketches and so forth, up this afternoon, so that they can be sorted out.

Mr. MACNABB. Yes, Mr. Chairman.

Senator METCALF. And as soon as is possible.

Now the record will be held open until you get that material up, but I think it is in your interest to have your statements and the admirable statements of your staff circulated as widely as possible, among the Indian community, and that is why I would like to close the hearing and close the record as rapidly as possible.

The Senator from Wyoming.

Senator HANSEN. Just one question, Mr. Chairman.

In response or in further pursuance of the point raised by the Senator from Alaska, do I understand correctly that the Commissioner would be afforded an opportunity to respond to the NFFE charges.

Senator METCALF. Yes, he will be afforded an opportunity.

Senator HANSEN. Those were serious charges, and I think it is only fair that he do so.

Senator METCALF. And the record will be held open for a reasonable time, and in your own interest Mr. Bruce, I ask you to get that response up as quickly as possible.

Senator STEVENS. There is one other thing, Mr. Chairman. I think this 90-day period that is involved in this case is a period of consultation, and there is no implication here that we want to hold up at all the process that the Commissioner's team has started and consultation should go forward, and we are hopeful that these hearings that you will call next year will be to evaluate the results of the feed-in's.

Senator METCALF. Evaluate progress. We not only do not have the authority, but it is not the intention to stop a program that you feel is advisable, and beneficial. We just want to be assured that our Indian constituents are consulted as we have been assured today, that they will be, and that you will continue to carry this program, not only this one, but all your programs, down to the level of the Indian tribes, and the Indian community. And believe me, you will have the wholehearted support of this Senator, if you do that.

Commissioner BRUCE. Mr. Chairman, I would like to say that we are starting tomorrow to meet with tribal councils. I am headed for Florida to meet with the group down there, and others of our staff

are out meeting with tribes. Some of the staff was not here. Billy Mills, I believe, is in Pine Ridge, today, but we will start soon to be in touch with tribes.

Senator METCALF. I see my old friend Edison Real Bird, who is the chairman of the Crow Tribal Council, one of the very influential tribes. I suggest maybe you could talk to him this afternoon.

Commissioner BRUCE. Well, there are tribal representatives here today who wanted to make some statements. Can these be included in today's record? If they have prepared one?

Senator METCALF. Representatives of the tribes?

Commissioner BRUCE. Yes.

Senator METCALF. I think it would be better to hold a hearing next year, wherein the tribes and their representatives can all make statements, or be prepared to present them, and let this hearing and this record be a statement of the principles that you and your staff have enunciated today. Otherwise, we would have to leave the record open indefinitely, and I think it would be more beneficial to have these assurances that you have given the committee, and given the Indian people, circulated as quickly as possible.

Commissioner BRUCE. We thank you for this opportunity to present that.

Senator METCALF. I am very grateful for a splendid and informative presentation.

Thank you very much.

The committee is adjourned.

(Whereupon, at 12:30 p.m. the committee was recessed subject to call.)

Subsequent to the hearing and pursuant to the chairman's request, the Commissioner of Indian Affairs submitted his response and the biographical sketches of his staff:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., December 18, 1970.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for providing us an opportunity to respond to the letter of December 9, 1970, from Mr. N. T. Wolkomir, National President of the National Federation of Federal Employees.

Attached to the letter of December 9, 1970, are documents containing charges that the Bureau of Indian Affairs is undermining the Merit System and forcing our employees out of their positions contrary to regulations. I am shocked by these and other charges and the approach which the union has taken to express those charges.

We first learned about the NFFE press release and the letter from the National Office to NFFE Locals on December 11, 1970, when a member of my staff obtained copies while in Phoenix, Arizona. To date, we have not received officially from NFFE any document or copies of documents relating to these matters, including the December 9, 1970 letter addressed to the Committee.

The press release, prepared and issued by NFFE on December 7, 1970, states that "incontrovertible evidence" to support the charges has been presented. We have received no such evidence, and attachments to the letter of December 9, 1970 to the Committee contained no evidence. I find it particularly disturbing that NFFE has, on the same day it published the charges, asked its Locals for cases to support those charges. On the basis of this information, I am con-

strained to say that it appears the charges were made first and now an attempt is being made to support those charges.

At the present time NFFE Local 40 is circulating petitions seeking signatures from non-Indian employees in the Bureau. It appears that the National Office of NFFE participated in the preparation of the petition.

The petition alleges that non-Indian employees cannot get promotions or training, and implies that they will be forced from their positions to make room for Indians. This NFFE Local represents all employees in a unit, regardless of ethnic background. We are concerned that this action will tend to polarize employees along racial lines.

The Bureau of Indian Affairs and the National Federation of Federal Employees have enjoyed a relationship of long standing. Much good for our employees has resulted. Under the Executive Order for labor-management relations in the Federal Service, we now have 62 exclusive agreements covering approximately 4,500 of our employees. This constitutes 32 percent of our workforce. With mutual effort the potential is extensive, and we are anxious to work closely with NFFE in the interests of employees.

We believe we have made a sincere effort to work with Mr. Wolkomir and members of the NFFE staff nationally and locally. My key staff and I met with him on August 12, 1970, and my key staff met with him on September 3, 1970, to discuss policies and programs of the Bureau. Copies of correspondence to NFFE are attached. Documents pertaining to new policy emphases which we discussed with the Committee on December 16, 1970, were provided NFFE on December 3, 1970. Much of the material attached to the letter of December 9, 1970 from Mr. Wolkomir to the Committee consists of copies of documents we provided him.

We are very conscious that our employees are deeply concerned about their jobs and opportunities during periods of change such as the changes we are now going through. Over the past several months we have met with employees and provided information through correspondence, in a sincere attempt to assure all of our employees that there are opportunities for careers in this Bureau. Copies of correspondence are attached. Obviously, in an organization as large as ours, mistakes are made. For example, we found that some supervisors were improperly advising our employees on matters concerning their jobs and careers. As a result, we prepared a memorandum dated October 19, 1970, subject: Inaccurate and Inappropriate Supervisory Counseling. A copy of this document is attached. Where mistakes such as this are made, we move quickly to correct them. In this regard, we have repeatedly asked NFFE to tell us of any problems coming to their attention, so that appropriate action could be taken. Up until these current charges, NFFE has responded, and we have been able to work together.

Our whole purpose in instituting the most recent changes discussed with the Committee is to recast the Bureau as a service organization available to assist Indian people, as contrasted to an organization that manages their affairs. An integral part of this approach is the continuing option to tribes to assume the operations of their affairs. In those instances where tribes do assume the operations of their affairs, the jobs of our employees will be affected. This is not a new concept in Indian affairs. For years the Bureau has been in the business of turning over the operations of programs for Indians. A notable example in the past has been the operation of schools to local school districts, and operations to Indian enterprises such as the Cherokee Boys Club. More recently, tribes have displayed increasing interest. Our position has been to encourage these efforts, for they are, after all, the very heart of the policy of this Administration.

When these actions have taken place, we have moved to protect our employees by offering reassignment and opportunities or assistance in finding other jobs. This has been a longstanding policy of this Bureau, and our track record is good. We are continuing our efforts to improve our programs to provide these protections.

Our mission is vital to the lives and destinies of Indian people. Vital to meeting these heavy responsibilities is a workforce wholeheartedly supporting programs and providing maximum effort. In turn, employees must have a work environment which provides maximum opportunity in all respects and fosters high

morale. It is in this spirit that we solicit the help and support of all groups interested in the welfare of our employees.

We will be pleased to provide the Committee with any additional information it may desire.

Sincerely yours,

ERNEST L. STEVENS,
Acting Commissioner.

MAY 22, 1970.

Mr. NATHAN T. WOLKOMIR,
President, National Federation of Federal Employees,
Washington, D.C.

DEAR MR. WOLKOMIR: This is in response to your letter of May 4, 1970, reference J-520, concerning "Indian Tribal Supervision of Bureau of Indian Affairs Employees".

Commissioner Bruce's memorandum of April 3, 1970 on this subject was issued following consultation with and advice from the Director of Personnel and the Solicitor's Office of the Department of the Interior and the General Counsel of the Civil Service Commission.

Enclosed is a copy of the Interior Department Solicitor's Opinion M-36803 of April 3, 1970 which contains a discussion of the legal authorities involved and also establishes some guidelines for implementing this authority. Also discussed therein are some of the authorities which by legal necessity are exercisable only by an official of the Federal Government. We think review of this Opinion will provide the information you requested as to matters considered proper for Indian Tribal supervision and matters which involve authorities that must be exercised by a Federal employee.

If you have any further questions, we shall be glad to answer them.

Sincerely yours,

(Signed) R. W. GUNTER,
Chief Personnel Officer.

AUTHORITY OF THE BUREAU OF INDIAN AFFAIRS TO TRANSFER TO AN INDIAN TRIBE
THE DIRECTION OF FEDERAL EMPLOYEES PURSUANT TO THE PROVISIONS OF R. S.
SEC. 2072, 25 U.S.S. § 48

Federal Employees and Officers: Generally—Indian tribes: Generally—Statutes: Revised Statutes Section 2072, 25 U.S.C. § 48 (1964).

The authority to direct the employment of Federal employees which the Secretary of the Interior may delegate to an Indian Tribe pursuant to the provisions of R. S. § 2072, 25 U.S.C. § 48 (1964), is that authority related to the direction of employees and within the general range of the duties of their employment.

Federal Employees and Officers: Appointment: Disciplinary Action: Promotion: Qualifications: Separation: Tenure—Indian tribes: Generally—Statutes: Revised Statutes Section 2072, 25 U.S.C. § 48 (1964).

The authority to direct the employment of Federal employees which the Secretary of the Interior may delegate to an Indian tribe pursuant to the provisions of R. S. § 2072, 25 U.S.C. § 48 (1964), may not include authority to employ, promote, or evaluate the performance of employees, nor authority to approve the alienation of rights in trust property, nor authority over Individual Indian Money accounts, nor authority to expend or encumber appropriated Federal funds; nor authority to review or approve tribal actions, nor authority which would abrogate employee rights granted by Executive order or regulation, nor authority to issue, amend, or waive Federal regulations.

ADMINISTRATIVE PROCEDURE ACT: PUBLIC INFORMATION

Where a substantial change is made in the procedure which the public must follow in dealing with an agency as a result of delegation of direction of Federal employees pursuant to the provision of R. S. § 2072, 25 U.S.C. § 48 (1964), the provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-559 (Supp. IV, 1965-1968), requiring public notice of description of agency organization and channels through which public may deal with the agency must be complied with. Opinion of the Solicitor, October 25, 1934, 55 I.D. 14, overruled so far as inconsistent.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., Apr. 3, 1970.

To: Commissioner of Indian Affairs.

From: Solicitor.

Subject: Authority of the Bureau of Indian Affairs to transfer to an Indian tribe the direction of Federal employees pursuant to the provisions of R. S. Sec. 2072, 25 U.S.C. § 48

You request an opinion as to whether the Bureau of Indian Affairs has legal authority under the provisions of R. S. § 2072 to "turn over" to the Mescalero Apache Tribe "supervising responsibility" over Federal employees on duty at the Mescalero Agency of the Bureau of Indian Affairs in New Mexico.

As codified in 25 U.S.C. § 48 (1964), R. S. § 2072 reads as follows:

Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe.

Despite the fact that the statute from which this provision derives—the Act of June 30, 1834, Section 9, 4 Stat. 737—was enacted well over a century ago, the authority conferred evidently has been exercised very rarely, if indeed at all.¹ If this provision were employed during the era of its enactment, we have found no indication of it; nor did the contemporary regulations providing specifically for the implementation of the provisions of the 1834 Act reflect such a practice.² Those regulations provided, in part, for the employment by the War Department of persons for which "provision is made by treaty." Reference is made in other provisions of the 1834 Act of persons employed as "required by treaty stipulations." The subject provision does not, however, expressly limit its operation to persons employed pursuant to treaty and we do not so construe it. To do so would, of course, render the provision inoperative as we are aware of no instance where employment is now made specifically pursuant to a treaty or where such employment is recognized as currently obligatory on the Federal Government.

The earliest published comment on the scope of the provision, so far as we have been able to ascertain, appears almost exactly a hundred years after enactment in an October 25, 1934, opinion of the Solicitor of this Department. See 55 I.D. 14, 64-65. A paraphrased version of that opinion appears in *Handbook of Federal Indian Law*, United States Department of the Interior, 1941, pp. 149-150. The revised version of that work, *Federal Indian Law*, United States Department of the Interior, 1958, includes comments on the provision at pages 452-453 and calls it "[p]otentially the most important of these statutory tribal powers." The 1934 Solicitor's opinion, in commenting generally on powers of Indian tribes, notes specifically regarding this section:

Under the terms of this statute it is clearly within the discretionary authority of the Secretary of the Interior to grant to the proper authorities of an Indian tribe all powers of supervision and control over local employees which may now be exercised by the Secretary, e.g., the power to specify the duties, within a general range set by the nature of the employment, which the employee is to perform, the power to prescribe standards for appointment, promotion, and continuance in office, the power to compel reports, from time to time, of work accomplished or begun.

The opinion concluded by summarizing the powers of an Indian tribe as including the power:

¹ It is related in both *Handbook of Federal Indian Law*, United States Department of the Interior, 1941, p. 150, and *Federal Indian Law*, United States Department of the Interior, 1958, p. 453 that because this provision apparently was not "extensively used" a recommendation was made for its repeal but the recommendation was later withdrawn. The references given for this statement, i.e., "annotations to 25 U.S.C. 48" and "25 U.S.C. 48," provide no information supporting this statement, nor has any been found in notes or annotations in earlier editions of U.S.C. and U.S.C.A.

² See *Laws, Regulations, Etc., of the Indian Bureau*, 1850, p. 21 et seq., "Revised Regulations No. III, for the carrying into effect the Act of June 30, 1834, organizing the Department of Indian Affairs. (Adopted June 1, 1837)."

9. To prescribe the duties and to regulate the conduct of Federal employees, but only insofar as such powers of supervision may be expressly delegated by the Interior Department.³

In our view, the opinion overstates to some degree the permissible scope of the statute as it may be applied today, in that it does not recognize or accommodate the rights of Federal employees as employees. Civil Service laws were unheard of in 1834, and even when the Solicitor issued the 1934 opinion they had not developed to the degree of refinement and protection of employees' rights which now exists. Because the exercise of tribal power under the 1834 Act might impinge on the rights of employees assured by other laws, we will later in this memorandum suggest some limitations which must be imposed on the grant of supervisory authority to Indian tribes.

Your memorandum suggests that more than a delegation of direction over a group of Federal employees is contemplated: a transferred superintendent would not be replaced and "the Bureau would contract with the tribe to supervise the Agency." The authorities and responsibilities of the agency as carried out by the Federal agent—i.e., the superintendent—are, of course, a great deal more extensive than the supervision of an employee or employees. Such authorities and responsibilities are imposed or granted, in accordance with statute, by delegation from the Secretary of the Interior and, in some cases, by provisions of a tribal constitution. The problem, thus, is more complex than one which would be involved in the assignment, for example, of a mechanic to the direction of a tribe. Even, however, were the assignment of only a single employee contemplated, questions would be encountered. For example, might the delegation of authority to direct a social worker include authority to issue a United States Treasury check for disbursement of funds from an Individual Indian Money Account, or authority to issue a Federal purchase order, or authority to consider an appeal from that worker's denial of welfare assistance?

I shall undertake to provide some initial guidelines for your assistance in implementing this provision. It should be noted, however, that in absence of precedent, inevitably there will be circumstances and questions which are not herein contemplated. It would be advisable, therefore, should you definitely decide to make a delegation of direction to consider in more detail the circumstances involved at Mescalero Agency. Further, it would be desirable that this office review the documents stating specifically the action being taken.

The authority contained in 25 U.S.C. § 48 is presently in the Secretary of the Interior. Whether the authority shall be delegated to the Commissioner of Indian Affairs or exercised directly by the Secretary is, of course, an administrative decision. In this regard we note that by memorandum dated January 30, 1970, you wrote the Assistant Secretary, Public Land Management, requesting approval to "proceed within our delegated authority" in the exercise of the provisions of this Section 48. Notation at the bottom of your memorandum indicates that approval was given. We are unable to find among the amendments to Secretarial Order 2508, Section 30 a delegation of the authority of 25 U.S.C. § 48 to the Commissioner.

The intent of the provision is evident; viz., to permit the exercise of local autonomy in directing the performance of work for the tribe. It is also evident, from an analysis of the wording of the provision, that: (1) the employees involved are persons "engaged" by the Federal Government, i.e., the employment, promotion, etc. of such persons is made by the Federal Government, not by the tribe; and (2) the authority conferred on a tribe by the Secretary under authority of the provision must be related to the "direction" of an employee or employees.

In further delineating the extent of authority of a superintendent which may be delegated, it appears, as a practical matter, necessary to determine those authorities which by legal necessity are exercisable only by an official of the Federal Government. Further, the rights of employees and the rights of those dealing with the agency as well as such nontransferable authorities and obligations of the Federal Government must be correlated with the subject provision and would, in effect, circumscribe it. In striving to carry out the intent of the

³ *Federal Indian Law*, supra, at page 452, adds to comments on § 48 this statement: Various powers have been conferred on Indian tribes by Federal statute which are subject to constitutional doctrines applicable to the exercise or delegation of Federal governmental powers. The reference here is, no doubt, to the general prohibition against delegation by Congress of legislative powers. See 16 Am. Jur. 2d *Constitutional Law* § 240 (1964). However, where an administrative power has been validly delegated, Congress may authorize the delegate to redelegate such powers. *O'Neal v. United States*, 140 F. 2d 908 (6th Cir. 1944).

provision, therefore, some necessary considerations to be taken into account in stating guidelines are these:

Employee rights.—The Civil Service Commission has developed procedures for the protection of employee rights. It is important in assuring employees of due process in the assertion and protection of rights that those procedures be available to them.

Trust obligations.—The fiduciary obligations of the Federal Government cannot be delegated on the basis that authority to make such a delegation is impliedly included in the subject provision. The effect of such a delegation would, as it would relate to tribal lands, be an abdication of such trust obligation and would frustrate the purpose of the trust. The same reasons are applicable to trust obligations relating to individual Indian trust property.

Federal funds.—The bond covering persons responsible for disbursement of Federal funds is provided pursuant to 5 U.S.C. § 14. It covers employees and officers of the Federal Government. Authority to disburse Federal funds is not necessary to the operation of the subject provision and therefore not included by implication as authority which might be delegated concomitantly with authority to direct an employee. Considering the nature of authority to disburse Federal funds, particularly the usual requirement that the exercise is conditioned upon coverage by bond, we would sanction such direct access to the Federal treasury funds only upon express statutory authority.

Obligations of review and approval of tribal actions.—By approval of tribal constitutions the Federal Government has undertaken the obligation of reviewing such actions of tribes as those regarding the expenditure of tribal funds, the enactment of ordinances, the adoption of tribal members, etc. The object of such review would be defeated were the obligation delegated to the tribe. Further, it would appear necessary that the tribal constitution be amended in order to eliminate the review or approval requirement.

Public notice of change in authority.—The contemplated action would represent a change in administrative procedure of which the general public (including, of course, the Indians of Mescalero Reservation) must be put on notice in order that they might deal with the agency accordingly.

General guidelines based on these considerations are:

1. Authority delegated must be necessarily related to the direction of an employee or employees; a tribe may not be regarded as standing in the place of a superintendent with all the prerogatives, obligations and authorities of that office. See in this regard attached letter of the General Council of the Civil Service Commission dated March 18, 1970, to Newell B. Terry, Department Director of Personnel.

2. A delegation of direction of employees cannot include authority of the superintendent to approve the alienation of any rights in trust property; nor may authority over funds in Individual Indian Money Accounts be delegated to the tribe.

3. A delegation of direction of employees cannot include authority which would abrogate any rights granted to such employees by law, Executive order, or regulation, including rights relating to union representation and rights of petition and appeal to the Department and the Civil Service Commission for redress of grievances.

4. Provision must be made for the rating of the performance of Federal employees by Federal employees (including acceptable level of competence and promotion potential); such procedures should conform as nearly as possible to those for other Bureau of Indian Affairs employees generally.

5. The direction delegated may not include authority to prescribe standards for appointment, promotion and continuance in office, although we see no objection to tribal recommendations in those respects.

6. An employee may be directed to perform only functions within the general range of duties prescribed for his employment. Appropriate revisions of position descriptions would be necessary to include tribal direction to which the employee would be subject.

7. A delegation of direction of employees cannot include authority to expend or encumber appropriated Federal funds.

8. Where there is a substantial change in procedure which the public must follow in dealing with an agency (e.g., the elimination of the office of superintendent), the provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-559, must be complied with. This requires: (a) publication of the description of agency organization; (b) publication of a statement showing channels through which the public may obtain information, make submittals or requests, or obtain decisions.

9. Any provision for delegation should specifically state the extent of direction delegated and then only after careful study of the authorities and responsibilities of the superintendent generally, and specifically regarding that agency in order to provide a contingent means for the exercise of supervisory authority not transferred should the need arise.

10. Authority contained in Federal statutes, regulations or tribal constitutions to review or approve tribal action may not be delegated to the tribe.

11. No authority may be conferred on a tribe pursuant to this provision to issue, amend or waive Federal regulations.

12. Prerequisite to delegation of direction under this provision is a finding by the Secretary that the particular tribe to which a delegation is proposed is competent to exercise the direction delegated. Such a finding would include an identification and evaluation of the competence of "the proper authority of the tribe."

The foregoing are some general conclusions as to the scope of 25 U.S.C. § 48 for your assistance in further considering a delegation of direction. Expressions in the earlier Solicitor's opinion so far as inconsistent herewith are overruled.

RAYMOND C. COULTER,
Deputy Solicitor.

U.S. CIVIL SERVICE COMMISSION,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., March 18, 1970.

Mr. NEWELL B. TERRY,
Director of Personnel,
Department of Interior, Washington, D.C.

DEAR MR. TERRY: In accordance with your suggestion after our meeting on February 17, we are submitting to you in writing our views with respect to the draft memorandum regarding the authority of the Bureau of Indian Affairs to transfer to the Mescalero Apache Tribe the direction of Federal employees on duty at the Mescalero Agency of the Bureau of Indian Affairs in New Mexico, pursuant to the provisions of section 48 of title 25, United States Code.

As we expressed to you at that meeting, our concern is that the Federal employees on duty at the Mescalero Agency will continue to be Federal employees under the criteria set out in section 2105 of title 5, United States Code. If, by transferring the direction of the present Federal employees at the Mescalero Agency to the Mescalero Apache Tribe they could no longer meet all three criteria, they would cease to be Federal employees and thus would lose the benefits of Federal employment such as job-protection rights, retirement, and health and life insurance coverage.

We, of course, do not wish to see Federal employees deprived of these benefits. As your draft does not contemplate turning over the appointment of employees to the tribe, and as the employees would still be engaged in the performance of a Federal function, the problem is whether they would continue to meet the third criterion—whether they would continue to be subject to the supervision of a Federal employee.

We are of the opinion that the employees at the Mescalero Agency would meet this criterion even if the tribe is given authority to direct the day-to-day activities of the employees, so long as the residual supervision of the employees remains in the Secretary of the Interior or an appropriate official of the Bureau of Indian Affairs. The Federal supervisors would thus retain such powers as the rights to reassign, discipline, promote, and evaluate the performance of these employees. At the job site, the tribe could (under the unique authority in 25 U.S.C. 48) direct the employee's daily on-the-job performance of the duties his Federal supervisors sent him there to accomplish. Thus, in the final analysis, the matter boils down to one involving the classic master-servant test of the right to, and degree of, control over these employees retained by the Government. In accommodation with 5 U.S.C. 2105, we view 25 U.S.C. 48 as statutory authority for a delegation of a part of the Government's supervisory authority; a delegation that when properly effected will neither disturb the basic supervisory right of control nor destroy the employer-employee relationship.

In line with the above discussion, we have marked the draft (copy attached) in such a way as to insure the preservation of the employer-employee relationship which we believe a most important consideration.

Sincerely yours,

ANTHONY L. MONDELLO,
General Counsel.

JANUARY 30, 1970.

To: Assistant Secretary, Public Land Management.

From: Commissioner of Indian Affairs.

Subject: Indian Tribal Supervision of Bureau of Indian Affairs Employees.

We have received numerous inquiries from field offices and Indian tribal groups proposing tribal supervision of Bureau employees providing services to them. The purpose of this memorandum is to request your approval to proceed to arrange such supervision in certain circumstances.

Our proposal is to provide for tribal supervision only for work that may be vested properly in the tribe and that does not include authorities that must be exercised by a Federal employee. An example is a proposed Education Coordinator at an Indian agency where the Bureau does not operate a school. The Education Coordinator would provide liaison with the public schools, school boards and parent teacher associations; assist in preparing applications for boarding school admission and scholarships; counsel students; assist the Bureau and the tribe in preparing education budgets; and any other duties relating to the education program. Another example is the law and order program on a reservation, involving responsibilities for apprehending and detaining law violators, administering Indian courts and conducting activities to prevent and control juvenile delinquency. A further example is a road maintenance program, involving the repair and maintenance of road surfaces and rights of way, snow removal, and related responsibilities. In most instances the employees involved are members of the tribes which would assume such direction.

The purpose of tribal supervision would be to further the policy of increasing tribal involvement in matters affecting them and to give them management experience. This proposal has the advantage of providing the tribe with the services of trained Bureau employees who are not willing to relinquish the tenure and fringe benefits of government employment to accept tribal employment.

Section 9 of the Act of June 30, 1834 (25 USC 48) provides:

"Right of tribes to direct employment of persons employed for them.

When any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe."

The Solicitor (Federal Indian Law, page 452) states that "under the terms of this statute it is clearly within the discretionary authority of the Secretary of the Interior to grant to the proper authorities of an Indian tribe powers of supervision and control over local employees which may now be exercised by the Secretary —"

Subsequent laws have been enacted pertaining to the status and rights of Federal employees. It is proposed to continue to comply with these laws and pursuant regulations with respect to employees placed under tribal supervision. The tribe would exercise day to day supervision, but the Bureau would continue to exercise the controls and obligations of the appointing authority in matters such as pay, adverse actions, promotions, reassignments, leave and fringe benefits. Tribal recommendations would be entertained when appropriate.

If you approve this proposal as a general policy, we plan to proceed within our delegated authority in carefully selected instances under the circumstances outlined above.

LOUIS R. BRUCE, *Commissioner.*

NATIONAL FEDERATION OF FEDERAL EMPLOYEES,

Washington, D.C., May 4, 1970.

Mr. R. W. GUNTER,

Chief Personnel Officer, Bureau of Indian Affairs, U.S. Department of Interior,
Washington, D.C.

DEAR MR. GUNTER: Attached are copies of Phoenix Area Personnel Management Memorandum No. 70-22 dated April 22, 1970 and of Commissioner of Indian Affairs Memorandum of April 3, 1970 on the subject, "Indian Tribal Supervision of Bureau of Indian Affairs Employees". This new policy is concerning some of our members.

In order that we may properly instruct our members, we would appreciate clarifying information as to matters considered proper for Indian Tribal Supervision and matters which involve authorities that must be exercised by a Federal employee.

Sincerely,

N. T. WOLKOMIR, *President.*

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C. July 30, 1970

My Fellow Employees: I am deeply concerned about the reports I have received of poor morale in the Bureau. I understand this is in a large part caused by the impression that the Bureau no longer offers career opportunities for its employees. Indian employees feel that their opportunities are thwarted. Equally strong views are held by non-Indian employees who feel that opportunities for them have been eliminated or sharply curtailed. Unfortunately, statements and actions have contributed to these views.

I recognize the difficulty in convincing you that we do want, and intend to have, a personnel management program which provides opportunity for all employees, while giving special attention to responsibilities to Indians. With this objective in mind, I have issued instructions for a review of personnel policies and procedures to (1) place maximum attention on Indian preference in initial employment; (2) provide maximum training and development opportunities for all employees, while augmenting regular training resources to give special attention to needs of Indian employees; and (3) assure advancement opportunities on merit promotion principles, with safeguards to assure that this is achieved.

The success of our programs is directly dependent upon the efforts of each of you. I congratulate you on the remarkable job you have done, often under trying circumstances. I am proud of you. Please help us renew the confidence of all employees that the Bureau offers opportunities both for service and a career experience.

LOUIS R. BRUCE, *Commissioner.*

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C. July 30, 1970.

To: Central Office Jurisdiction Staff, Area Directors, Superintendents.

From: Commissioner of Indian Affairs.

Subject: Placement and Promotion Policy.

During the conferences for Area Directors and Superintendents, I spoke about the placement and promotion policy in this Bureau, and a policy statement was provided. This statement is included in a memorandum to all employees, which I want distributed.

I am deeply concerned that many employees have interpreted our efforts to provide increased opportunities for Indians as an effort to extend preference to advancement opportunities. I am aware that statements, both written and oral, have contributed to this impression.

Expanded opportunities for Indian people, and for other groups, is the very essence of an equal opportunity program, and there need not be—I say, will not be—an inconsistency with the policy which provides opportunity for all.

The success of our programs of assistance to Indian people are directly dependent upon the abilities of our employees. This responsibility requires that we have the best possible staff. In turn, we must have a personnel management program that enhances the opportunities for all groups while giving special attention to our responsibility to Indian people. This presents a challenge to each of us.

I am asking the Chief Personnel Officer to carefully review our personnel programs and policies, in consultation with many of you, to assure maximum opportunity for all of our employees. In conducting this review, the following guidelines will be observed:

1. An all-out effort will be made to observe Indian preference in initial hiring, with particular reference to those grade levels and occupations where Indian employees in much greater numbers can, with experience and training, compete with other employees on merit.

2. A vastly expanded training and development program will be undertaken, which:

(a) is sufficiently flexible to meet individual and group needs of all employees;

(b) identifies priorities for development as well as job training needs, and makes maximum use of training funds;

(c) augments regular training funds with program funds, to meet special needs of Indian employees;

(d) makes maximum use of work assignments in addition to training programs.

3. Participation of tribal governing bodies in the selection of employees for initial employment and advancement will be encouraged, with the understanding that selection consideration must take into account the needs of the Bureau and the tribes and the circumstances which must be met in managing a large work force. Final selection must reside with a Bureau official.

4. Opportunities for advancement will be on ability and in accordance with merit promotion principles. Safeguards will be provided in procedures, to assure that merit principles are observed, and provision will be made for corrective action and an accounting when violations are discovered.

LOUIS R. BRUCE, *Commissioner.*

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C. September 21, 1970.

Mr. NATHAN T. WOLKOMIR,
*President, National Federal of Federal Employees,
Washington, D.C.*

DEAR MR. WOLKOMIR: In the meeting with you on September 3, we promised to furnish you a copy of the Zuni agreement. Enclosed is that document. We also agreed to inform our employees more fully concerning the implementation of this policy and what it portends for the future. Enclosed is a copy of a letter we have sent to our Area Directors directing that it be distributed to all employees.

The press release of August 9, about which you are concerned, does not state the situation accurately. The agreement does. As you will see as you read it, emphasis is placed therein on protecting the rights of Federal employees and carrying out all personnel management actions in accordance with civil service laws, rules and regulations. The recommendations and advice of the Tribal Governor will be solicited and considered but decisions and personnel actions affecting Federal employees will be made by a Bureau official.

Nothing is contained in the agreement specifying that Federal employees shall be training Zuni replacements. On the other hand, there is no requirement that Federal positions be continued. It is contemplated that as such positions become vacant, they will be abolished and established as non-Federal positions if the Tribe so desires and is able to recruit a qualified individual to do the work. If the position is refilled as a Federal position, it will be done in full compliance with civil services procedures.

The Zuni agreement is a first effort to give Indians more control over their programs and destiny in keeping with the President's directive. We cannot foretell at this time how soon or how many additional tribes will be ready, willing and able to assume this kind of responsibility. We are committed to this course of action if they so desire. Probably it will develop slowly.

Also enclosed are copies of five bills which have been introduced in Congress recently pertaining to Indian Affairs. These will serve to keep you informed of some of the proposals which are being put forward to accomplish the President's objective of giving Indians a greater voice in the management of their affairs.

We appreciated the opportunity to meet with you and Mr. Geller.

Sincerely yours,

CALVIN N. BRICE,
Deputy Associate Commissioner.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., September 25, 1970.

To: All Area Directors, Executive Officer, Indian Affairs Data Center.
From: Commissioner of Indian Affairs.
Subject: Indian Tribal Supervision of Bureau of Indian Affairs Employees.

Our memorandum of April 3, 1970, above subject, announced a plan for Indian tribal groups in carefully selected instances to provide day-to-day supervision to Bureau employees providing services to them. This plan is authorized under the provisions of Section 9 of the Act of June 30, 1834 (25 USC 48) and must comply with the guidelines set forth in Solicitor's Opinion M-36803 of April 3, 1970.

To date, one agreement has been entered into for a tribe to assume responsibility for the daily operation of all BIA programs and to exercise day-to-day supervision of BIA employees at that particular agency. A press release was issued on August 9 announcing that the Zuni Tribe had taken over supervision of the Zuni Agency. Apparently, many employees are not fully informed of this plan and have therefore become unduly concerned about their future in the Bureau because of the wording in the press release. This memorandum is an attempt to clarify the actual situation and should be distributed to all employees.

25 USC 48 reads:

"Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such person may be given to the proper authority of the tribe."

The Solicitor for the Department of the Interior, in his opinion M-36803 stated:

The authority to direct the employment of Federal employees which the Secretary of the Interior may delegate to an Indian tribe pursuant to the provisions of R.S. 2072, 25 U.S.C. 48 (1964), is that authority related to the direction of employees and within the general range of the duties of their employment.

The authority to direct the employment of Federal employees which the Secretary of the Interior may delegate to an Indian tribe pursuant to the provisions of R.S. 2072, 25 U.S.C. 48 (1964), may not include authority to employ, promote, or evaluate the performance of employees, nor authority to approve the alienation of rights in trust property, nor authority over Individual Indian Money accounts, nor authority to expend or encumber appropriated Federal funds; nor authority to review or approve tribal actions, nor authority which abrogate employee rights granted by Executive Order, or regulation, nor authority to issue, amend, or waive Federal regulations.

Authority given to the tribe to direct Federal employees extends only to supervising their daily performance of the work which they are assigned to do. Personnel actions such as hiring, firing, reassigning, promoting, disciplining, evaluating performance, classifying positions, etc., cannot be delegated to the tribe and these actions will continue to be effected by Bureau officials under civil service laws, rules, and regulations. All rights, benefits and privileges of Federal employees will be preserved and protected. Recommendations and advice of the Tribal Governor will be solicited and considered in connection with such actions, but in all cases decisions must be and will be made by a Bureau official.

The Zuni agreement is the first in implementing the President's directive for giving Indians more control over programs established for their benefit. If successful, more will undoubtedly follow. Under such agreements, Bureau employment would eventually diminish. It is anticipated that as Federal positions become vacant where such agreements exist, the Federal position would be abolished, and the tribe would hire a replacement, if needed, as a tribal employee. Of course, this would depend largely upon the availability of qualified individuals to fill the tribal position. It is anticipated that this trend will develop slowly and career opportunities for Bureau employees will not diminish to any extent in the foreseeable future. Opportunities for advancement will be on ability and in accordance with merit promotion principles. Safeguards are provided in procedures, to assure that merit principles are observed, and provision made corrective action and an accounting when violations are discovered.

We hope all employees will support the objectives of the President that Indians be given more responsibility in controlling and making decisions affecting them, at the same time recognizing the eventual changes this would have upon Bureau employment.

LOUIS R. BRUCE, *Commissioner.*

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., October 19, 1970.

To: Bureau Managers and Supervisory Personnel.

From: Commissioner of Indian Affairs.

Subject: Inaccurate and Inappropriate Supervisory Counseling.

It has come to my attention that some Bureau managers and supervisors are advising non-Indian employees not to apply for vacancies advertised by Promotion Opportunity Bulletins. They insist, most inaccurately, that this is wasted effort, since, henceforth, all vacancies will be filled only by Indians.

Inaccurate and inappropriate counsel such as this does a decided disservice to both Indian and non-Indian employees and to the Indian people served by the Bureau. Reluctance on the part of non-Indian employees to compete for promotion deprives the Bureau of badly needed talents, which in turn deprives the Indian people of badly needed services. At the same time, Indian employees, who accept such inaccurate counseling at face value, are subjected to needless disappointment.

The Bureau's Equal Employment Opportunity Program is now in the process of revision, and the revised program will be issued shortly. The revised program, as did the previous program, will emphasize the fact that Indian preference will be given only in instances of initial employment and reemployment. *Promotions shall be made strictly on the basis of merit.*

Bureau employees are Federal employees, and as such, the nature of their employment is controlled by Civil Service Commission regulations. Present Bureau management, I assure you, will not violate these regulations.

Bureau managers and supervisors are a part of management. As such, they are expected to understand existing policy and describe it accurately to employees who work under their direction. This memorandum states a policy clearly. It leaves no room for inadvertent misunderstanding. You are expected, therefore, in the interest of the Indian people and all Bureau employees, to communicate this policy accurately to employees who look to you for responsible leadership.

HAROLD D. COX,
Acting Commissioner.

To: Area Directors, Superintendents: Choctaw, Seminole, Cherokee, and Miccosukee Agencies, Executive Officer, Indian Affairs Data Center.
From: Commissioner of Indian Affairs.
Subject: Outplacement Program.

It is the policy of the Bureau of Indian Affairs to transfer to those Indian tribes or organizations desiring such, the responsibility for the administration of programs and services currently provided by the Bureau. This has usually been accomplished with little or no effect on employees engaged in the service being provided. In those instances where employees have been affected, the Bureau has successfully placed those employees in other jobs.

As the take-over of services by Indian tribes or organizations is accelerated, it is expected that the need to find jobs for affected employees will also increase. In such instances the Bureau is prepared to make every reasonable effort to place affected employees, with their cooperation, in other Federal jobs. In making such effort and as a first step, affected employees will be consulted and a determination made as to their job and location preferences. When these determinations have been made, the affected employees will be given priority consideration for placement in a like position within servicing jurisdiction of the appointing office. Should such placement efforts prove unsuccessful the Central Office Division of Personnel Management will be so notified. That office will coordinate placement efforts between Areas, and when necessary, recommend the placement of a freeze on filling appropriate vacancies on a Bureau-wide basis.

If the above positive placement efforts have been unsuccessful, the reduction in force process will be undertaken. Each employee will be accorded his rights as provided by the Civil Service Commission regulations.

Concurrently, with positive placement efforts, contacts will be made with other federal agencies and offices in the locale of the employees duty station in the event the employee is not interested in making a geographical change.

This document will be cited as an interim procedure pending development and issuance of formalized release which will include Departmental cooperation in placement efforts.

Employees may be assured that, with their cooperation, their interests will be protected.

LOUIS R. BRUCE, *Commissioner.*

ALBUQUERQUE, N. MEX.,
December 7, 1970.

TO ALL BIA AND IHS EMPLOYEES: In a telephone conversation today with NFFE Washington Headquarters, they stated that although it was not a popular stand—NFFE is issuing an immediate press release—nationwide—speaking against the manner employed in implementing the Indian takeover policy. NFFE

intends to represent all its employees, Indian and non-Indian—fairly, impartially, and according to existing regulations.

The non-Indian petition to President Nixon was edited and approved by NFFE's Chief Counsel, Irving Geller. It is hoped that we can send all the petitions at one time to President Nixon on Wednesday, December 9. Coordinators to receive and are expediting petitions are: Mrs. Irene Worten, BIA Financial Management Branch, Room 11226. Mrs. Mariana Tarter, Personnel Management Branch, Room 4403 (IHS?).

It is hoped that a barrage of letters, telegrams, and petitions will be sent to President Nixon this week. If you prefer send your petition individually, but this seems to be the proper time to speak out against the deterioration of your Federal career.

MARIANA TARTER,
President, NFFE, Local, 40.

PETITION TO PRESIDENT RICHARD M. NIXON

We, the undersigned non-Indian employees of the BIA and IHS, are taking a strong stand against the Federal Government for not relocating us in other Federal agencies before implementing the Indian takeover policy in both agencies. Our objection is not to the theory of the Indian takeover policy. Relocation of all non-Indian employees would create vacancy opportunities for only Indians. This would expedite BIA's over-all goal of the Indian working his way out and BIA's ultimate goal of Bureau termination. Our objection is to the improper and illegal disposition of our Federal career positions. Indian Commissioner Bruce advocates an all-Indian employee agency. Present effects of the takeover policy implementation are that non-Indians do not, can not, and will not receive promotions. Neither will they ever receive training. Reorganization ultimatums declare rotation policies that will allow Indian assumption of specific positions with no provision for the incumbent's relocation. Other non-Indian employees are to be absorbed by assignment to work directly for the tribes with the positive result of termination of Federal career status.

We hereby demand a relocation priority to assist transfer to other Federal agencies. The Federal labor market is saturated with pressure groups that demand and receive specific consideration. Any applicant without a priority is not even considered for a vacancy, regardless of qualifications. We are not free to transfer without a priority directed from the President. This adverse action taken against our career status is at variance with Federal codes and if necessary, we will take this matter to the U.S. Supreme Court. A transfer priority would allow all society to absorb the impact of your program for Indians. It is illegal to force the non-Indian employee to forfeit his career to remedy the situation created by the entire society.

Our petition then is for enforcement of existing laws to retain our Federal career status and for a relocation priority for all non-Indian BIA and IHS employees which when qualified will grant them top consideration in vacancy opportunities in all other Federal agencies.

Name -----
Position -----
Agency -----

BIOGRAPHICAL SKETCHES OF THE BIA STAFF

Clarence Acoya, Assistant to the Commissioner, 4/4 Laguna Pueblo Indian.
Birth date: October 20, 1930.
Place of birth: Albuquerque, N. Mex.
Marital status: Married.
Address: 513 N. Armistead St., apartment T-3, Alexandria, Va. 23312.
Military: U.S. Marine Corps (March 31, 1951, through March 18, 1954). Service: Korea, 1st Marine Division and Kodiak Island, Alaska Guard Company.
Education: Bacone College, Muskogee, Okla.; University of New Mexico, Albuquerque, N. Mex.; Yale University, New Haven, Conn.

EMPLOYMENT

From April 1970 to present.—Assistant to the Commissioner. Advises the Commissioner on the effectiveness, efficiency, and economy of diversified Bureau programs and provides a perspective of the Indian view-point regarding key issues. (GS-15)

From February 1970 to April 1970.—Consultant, Commissioner's Office, Bureau of Indian Affairs.

From November 1969 to February 1970.—Consultant, Office of the Secretary, Department of the Interior.

From July 1969 to November 1969.—Administrative Assistant to the Mayor of Tucson, Ariz.

From October 1968 to July 1969.—Executive program officer, National Congress of American Indians, for Ford Foundation programs in Community and Economic Development.

From January 1966 to October 1968.—Executive director, New Mexico Commission on Indian Affairs.

From January 1964 to January 1966.—Treasurer and council member of Laguna Pueblo, Laguna, N. Mex.

From April 1961 to January 1964.—Margin specialist in the brokerage firm of E. F. Hutton & Co., Inc., Albuquerque, N. Mex.

From January 1957 to September 1959.—Oil field scout, Cities Service Oil Co., Albuquerque, N. Mex.

Harold S. Bassett, Deputy Director of Management Services.

Date of birth : December 28, 1934.

Place of birth : Kilgore, Tex.

Marital status : Married ; three children.

Address : 16416 Deer Lake Road, Rockville, Md. 20885.

Military : 1958-1962, active duty, U.S. Air Force, electronic, target, and communications intelligence.

Education : B.A. economics, Texas A & M University ; M.S. economics, Texas A & M University.

EMPLOYMENT

From April 1970 to present.—Deputy Director of Management Services, Office of Associate Commissioner, Support Services. Responsible for Bureauwide activities in program planning, budgeting, management research, statistical analyses, financial management and accounting services. (GS-15)

Also currently engaged in implementation of comprehensive development plans to assist Indian leaders and/or tribes in reservation development, long-range planning of their own programs, and the administration of BIA activities where feasible. The scope of these programs involves all Federal, State, local and private sources of funding responding to the stated objectives of the Indian programs in education, housing, commercial and industrial development, transportation, agriculture, forestry, employment assistance, and public works.

From December 1968 to April 1970.—Chief, Division of Program Analysis and Development. (GS-15) Directed and promulgated programs and work of this Division, which included all PPB work for the Bureau.

From August 1967—December 1968.—Program Analyst in Office of Program Coordination of the Bureau. (GS-14)

PREVIOUS EXPERIENCE

1965 to 1967, as economist for Computer Sciences Corp., performed analyses for government and private clients. Primary emphasis was on using the tools of economics in developing effectiveness criteria, cost estimating models, and procedures of space, communications, and weapons systems.

1965 to 1965, was assistant to the director of nuclear burst physics and mathematical research, contractor to the Atomic Energy Commission. Analyzed requirements ; developed, submitted, and monitored the directoriate budget for all research projects ; maintained liaison between technical and administrative staffs ; reported accomplishments to AEC.

1962 to 1964, assistant professor, department of economics, Texas A. & M. University. Conducted lectures in principles and in money, banking, and public economics.

1958 to 1962, active duty U.S. Air Force, electronic, target, and communications intelligence. Primary duty stations : U.S. Air Force Europe Headquarters and SAC Headquarters assigned to Joint Strategic Target Planning Staff.

RECENT PUBLICATIONS AND STUDIES

With other part-time faculty members at the Northern Virginia Community College, wrote and published a textbook in economics for junior and community college students. *The American Economy*, A. M. Hughes, ed. (Springfield, Va. : Norvec Press, 1969, 2d edition). The textbook has subsequently been adopted by several other colleges.

Developed an analytical model for identifying road construction priorities in Indian communities. Model is being used to assist in the development of community transportation systems. "Study of Road Improvement Expenditures, an Analytical Model," October 1968.

Assisted Zuni tribal leaders in the publication of the "Zuni Comprehensive Development Plan," July 1969.

OTHER PROFESSIONAL ACTIVITIES

1968-1969, consultant to the National Committee on Household Employment. Advised Director and Assistant Director in establishing management techniques to evaluate demonstration projects. Designed information reporting procedures to determine project viability estimates subsequent to the withdrawal of Federal funding.

1967-present. Part-time faculty member: George Washington University, Montgomery College.

In respective order: Annual cost-effectiveness seminars, and principles of economics.

Member: American Economic Association.

Calvin N. Brice, Deputy Associate Commissioner for Support Services.

Birth date: July 22, 1928.

Place of birth: Phoenix, Ariz.

Marital status: Married; two children.

Address: 8303 Newby Court, Springfield, Va. 22152.

Military: Served in Marine Corps Reserve from 1948-1960. Active duty with the 1st Marine Division in Korea. Rank: Captain.

Education: B.A., M.A., Arizona State University; J.D., University of Arizona.

EMPLOYMENT

May 1970 to present.—Deputy Associate Commissioner, Bureau of Indian Affairs.

April 1966 to May 1970.—Area Tribal Operations Officer, Bureau of Indian Affairs, Phoenix, Arizona.

September 1964 to April 1966.—Attorney-Advisor, Office of the Solicitor, Department of the Interior, Phoenix, Arizona.

September 1961 to September 1964.—Associate and later a partner in law firm of Tognoni, Parsons, Birchett and Gooding, Phoenix, Arizona.

January 1961 to September 1961.—Law Clerk with the law firm of May and Dees, Tucson, Arizona.

September 1958 to January 1961.—Law School.

September 1953 to June 1958.—Teacher in Chandler High School, Chandler, Arizona.

September 1952 to August 1953.—Graduate School.

February 1951 to September 1952.—Active duty with Marine Corps.

September 1946 to January 1951.—College student.

Leon F. Cook, Deputy Director of Economic Development.

Cook, 31, a member of the Red Lake Chippewa Tribe, is well-known as an expert on Indian economic problems. He came to the Bureau of Indian Affairs after leaving his post as an Economic Development Specialist and earlier a Manpower Specialist for the Economic Development Administration. A noted lecturer and speaker, Cook has chaired numerous meetings, conferences and seminars on Indian problems. He has worked extensively with Indian youth and has been Consultant, Administrative Assistant and Director of VISTA and HYC training

projects in Minneapolis and Duluth Community Action Programs of the Office of Economic Opportunity.

Cook holds a B.A. from St. John's University and an M.S.W. in Social Work from the University of Michigan.

Harold D. Cox, Associate Commissioner for Support Services.

Birth date: March 20, 1919.

Place of birth: Tulsa, Okla.

Marital status: Married; four children.

Address: 4631 41st Street, North Arlington, Va. 22207.

Military: Enlisted Air Cadet, September 18, 1942. Commissioned January 7, 1944. Retired as Lt. Colonel USAF, August 31, 1967. Command pilot, 7,000 hours; 25 years service.

Education: University of Maryland; University of Hawaii; Advanced Finance and Fiscal School, Ft. Harrison; Air University, Maxwell AFB; George Washington University; Department of Agriculture Graduate School. (Majored in financial administration, budget, accounting, banking, international banking, and so forth.)

Personal Data: Member Federal Government Accounting Association, Member Society of Military Comptrollers, Member Air Force Association, Member of Accounting Association. Has commercial pilot license with instrument rating.

EMPLOYMENT

From May 1970 to present.—Associate Commissioner for Support Services. Shares with the Commissioner and the Associate Commissioner for Education and Programs the final responsibility for the discharge of the Federal Government's responsibilities to the American Indian and the Alaskan Native people for the protection and sound management of their extensive resources and funds still held in trust by the United States for Indian tribes and individual Indians. Serves as principal personal confidant and advisor to Commissioner, assisting him in assuring that major policies of the Bureau adhere to the Administration's program goals, policies and direction. Must be expert administrator and manager and have thorough knowledge of and broad experience in use of modern management concepts, principles and techniques in highly diversified management fields of finance, budget, ADP, etc. In absence of Commissioner, serves as Acting Commissioner. (GS-16)

From July 1, 1968 to April 1970.—Chief of Fiscal Services, Office of Education, DHEW (GS-14). As Supervisory Accountant (510) responsible for diverse and complex Educational Programs, involving an Annual Budget 3.5 Billion Dollars and 30 appropriations.

From May 1968 to June 30.—Deputy Chief of Fiscal Services, Office of Education, DHEW (GS-14). As Deputy Chief, responsible for planning, developing the financial policy at Division level pertaining to documentation, disbursement and collections.

From October 1967 to April 1968.—Special Assistant to Budget Director. As Budget Analyst (GS-13), researched and wrote the Manual on Letter of Credit Financing. Developed the system for Package Financing with State officials.

From September 1963 to September 1967.—Chief, Management Analysis and Statistics, National Guard Bureau. Responsible for all operational analysis of Air National Guard program.

From May 1960 to August 1963.—Chief, International Funds Division . . . Europe, NATO. Responsible for all activities involved with International funding; i.e., NATO Infra-Structure Program, Missile Program. Cost sharing arrangements in United Kingdom. Devaluation of currency in France.

From January 1957 to April 1960.—Budget Analyst in Systems and Procedures. Budget Directorate, Hq., USAF. Air Force member of Industrial Task Force Group involved with the development of PRIME and Program Planning, Budget System. Developed Host/Tenant Funding Policy.

From February 1956 to January 1957.—Deputy Comptroller and Budget Officer, Icelandic Air Defense Force, NATO. Responsible to Commander for all financial advice. Developed Budget Program for NATO Force. Includes development of instructions and formats for preparation of Financial Plans.

From May 1953 to February 1956.—Comptroller, Special Mission Group. Re-

sponsible for the full range of Comptroller activities involved with the President and Cabinet members, Senators, Congressmen, etc. Acted as 1st/Pilot for Secretary of State John Foster Dulles.

From November 1949 to May 1953.—Career Budget and Fiscal Officer, Pacific Area. Responsible for all Budget and Fiscal activities in Pacific Area including Philippines, Japan, Okinawa and the Hawaiian Island chain.

From November 1947 to November 1949.—Division Budget and Accounting Chief for the Adriatic Area. This included Bermuda, England, Greece and Tripoli.

From February 1945 to November 1947.—Division Budget and Accounting Chief for Continental United States. Responsible for Operational Program and Plans as well as Budget Formulation throughout the Military Air Transport Command of the United States.

Arthur J. Gajarsa, Assistant to the Commissioner.

Birth date: March 1, 1941.

Place of birth: Rome, Italy.

Marital status: Married, no children.

Address: 12012 Gregercroft Road, Potomac, Md. 20854.

Military: 1-A.

Education: B.S. in Electronics, Rensselaer Polytechnic Institute, Troy, N.Y. M.A. in Economics, Catholic University, Washington, D.C. (Presently Ph.D. candidate in economics.) J.D., Georgetown University Law Center, Washington, D.C.

EMPLOYMENT

From September 1969 to present.—Assistant to the Commissioner, Office of the Commissioner. Serves as confidential assistant and personal advisor to the Commissioner of Indian Affairs. Furnishes advice and counsel on a wide range of major policy issues concerned with the legal aspects of Bureau programs; the effectiveness and practicality of economic management decisions; the adequacy and economy of management organization, operation and planning; and the feasibility and planning for the effective utilization of automatic data processing systems.

From November 1968 to September 1969.—Attorney in the Office of the General Counsel, Aetna Life & Casualty Company, Hartford, Connecticut. Primary function in the acquisition and merger area—included the formation of subsidiaries and primary responsibility with the creation of a 200 million dollar partnership for the development of property and complete community planning. Also included complete legal responsibility for the electronic computer operations for the company. Included in this period of employment was the private practice of law.

From August 1967 to November 1968.—Law Clerk, The Honorable Joseph C. McGarraghy, U. S. District Court for the District of Columbia. Position primarily included assisting the Judge in his daily court activities, and the drafting of memoranda and court decisions. Author of two publications during this period: "Developments in Condemnation," Department of Highway Manual, 1968; and "Unauthorized Insurers," Journal of Insurance, December 1968.

From September 1964 to July 1967.—Patent Advisor, Cushman, Darby, and Cushman, Washington, D.C. Position included preparing patent licensing agreements, assignments and applications for large computer manufacturers, assisting the firm's senior partners in preparation for trial, and providing general assistance to corporate clients with their patent and antitrust problems. Primary involvement was with computer technology. Author of publication "International Antitrust," published by Catholic University, 1967.

From October 1963 to September 1964.—Patent Advisor, Department of Defense, U.S.A.F. (JALE). Position included the writing and the negotiating of licensing agreements pertaining to government patent rights; assisting the Department of Justice in the defense of patent suits against the government, and drafting legislative proposals for government procurement.

Author of "Developments in Antitrust," Antitrust Law Journal Volume 35. Two books are presently in preparation. One dealing with American economic development and the second book dealing with the involvement of the computer in management decisionmaking.

Robert P. Gajdys, Deputy Director of Operating Services.
 Birth date: June 18, 1938.
 Place of birth: Hague, N.Y.
 Marital status: Married; four children.
 Address: 204 E. Gordon Street, Sterling, Va. 22170.
 Military: U.S. Army August 29, 1955 to August 19, 1958.
 Education: BA Degree 1970, George Washington University, Washington, D.C.
 Major: Business administration.

EMPLOYMENT

From April 12, 1970 to present.—Deputy Director of Operating Services, Office of Operating Services. Shares the responsibility with the Director for organizing, planning, directing, and coordinating the operating services program within the Bureau on a nationwide basis.

From June 1968 to April 1970.—Manpower and Position Management Officer. Responsible for the development and administration of effective, efficient and economical position management and manpower planning programs for the Bureau of Indian Affairs. BIA mission encompasses highly diversified, complex, and critical programs directed toward the cultural, social, economical and educational betterment of the approximate 600,000 American Indian and Alaskan Native people throughout the United States. BIA installations are located in 26 states with a Bureau staff in excess of 16,000. Primary responsibility was the development and implementation of Bureau nationwide programs in the management fields of position management and manpower planning, with key emphasis on developing these programs to closely integrate with the Bureau's other management programs, i.e., budget, program coordination, financial management and management research.

From June 1966 to June 1968.—Personnel Management Specialist, U.S. Civil Service Commission. Served on a small Task Force established by Chairman Macy to achieve President Johnson's directive to establish a coordinated Federal Wage System for blue collar Federal employees throughout the world. This system was implemented through 61 Federal agencies for over 800,000 blue collar employees. Responsible for independently formulating many of the basic system principles and concepts; developing system methodology, techniques and procedures; and formulating instructions for Federal agencies to use in converting to the new system. Negotiated with international union representative and top executives of major Federal agencies.

From December 1963 to June 1966.—Position Classification Specialist, Tobyhanna Army Depot, Pennsylvania. Responsible for position classification, manpower management and position and pay management in a large Army Supply and Maintenance Depot. Mission workload was accomplished by approximately 4,000 employees involved in electronic equipment; professional engineering; regional procurement; storage, preservation and transportation research and development; Army Command Level accounting, budgeting, financial management and manpower control; and nationwide automatic data processing. Approximately a year of that period was expended in Chairing a top level management Task Force that developed and reorganized the total Depot Operations. Of key emphasis to the Task Force was the streamlining and development of more effective and economical management and administrative programs in the Depot. These programs included finance and accounting, budget, management engineering, personnel management, manpower management and administrative services. A considerable portion of remaining time was spent on broad management studies of line and staff organizations considering aspects such as manpower staffing, position management, organization effectiveness, function alignment, etc.

From February 1961 to December 1963.—Position Classification Specialist, Schenectady Army Depot, New York. Responsible for conducting management studies of varied line and staff organizations from the viewpoint of position classification, pay and management. At the end of the period, was placed on official detail to the Commanding General of the Army Supply and Maintenance Command to establish the organization and management of the Army's Storage and Transportation Center.

From September 1958 to September 1962.—Management Advisor, Schenectady, New York. Served as a part-time management advisor to the owner of a wholesale and retail costuming firm that made to order and rented a diversified line

of theatrical goods. Advised as to proper store layout, selling methods and techniques, and administrative practices, etc. Performed all accounting, tax and legal services and directed all management functions of the firm.

Hanay Geiogamah, Information Specialist.

Birth date: June 22, 1945.

Place of birth: Lawton, Okla.

Marital status: Single.

Address: 1464 Rhode Island Ave., N.W., Washington, D.C.

Education: University of Oklahoma, B.A. journalism, January, 1971.

EMPLOYMENT

1970-present.—Information Specialist.

1969-70.—National Indian Youth Council staff, Editor of Americans Before Columbus.

Other.—Mr. Geiogamah spent 4 years studying journalism and public information processes at the University of Oklahoma; during this time he served on the staff of the Oklahoma Daily, student newspaper at OU and filled every major editorial staff position, including managing editor and editor-in-chief. He has been employed as a staff writer on The Anadarko Daily News, The Daily Oklahoman, and The Oklahoma Journal. He is presently a member of the editorial board of National Indian Youth Council. Other journalistic activities include authoring many free-lance articles on American Indians. He is also presently organizing an Indian theatre troupe in New York City.

OTHER INFORMATION

As a BIA information specialist, Mr. Geiogamah handles relations with the various media and acts as press assistant to Commissioner Bruce. During his college career at OU, he received numerous awards and was active in organizing Indian students at the university. He has many associations in the Indian and non-Indian press and has traveled all over the country in pursuit of his journalistic efforts.

James S. Hena, Assistant to the Commissioner.

Hena, 40, a full blood Indian of Tesuque Pueblo-Zuni descent, is well-versed in Indian community, education, employment and government programs and while at the Bureau of Indian Affairs, will pay special attention to the Equal Employment Opportunity Program.

His previous experience qualifies him well and includes his most recent post of Director of Development for the Navajo Community College and prior to that, Executive Director for Indian Community Action Programs and Program Specialist with the EDA, Department of Commerce. Having served as Lt. Governor for three years and Governor for two years of Tesuque Pueblo, Hena is active in the National Congress of American Indians (NCAI), has participated in several Community Action Programs and belongs to numerous other Indian organizations and committees.

In 1963, he was awarded the New Mexico JC's Outstanding Young Man of New Mexico Award and the U.S. Chamber of Commerce Distinguished Service Award. Hena has attended the New Mexico School of Commerce, Haskell Institute and the College of Santa Fe.

Kirke K. Kickingbird.

Date of birth: August 29, 1944.

Tribal affiliation: Kiowa.

Education: B.A. history, 1966, University of Oklahoma; J.D. 1969, College of Law, University of Oklahoma.

Present position: Legislative liaison specialist.

Prior positions: 1968 to 1969.—Field worker, American Indian Institute, Norman, Okla.

May 1969 to June 1969.—Actor and announcer, TV and radio commercials for Gandara Buick, Oklahoma City, Okla.

Notes.—Mr. Kickingbird is a member of the Oklahoma Bar association. He was a member of the Kiowa, Comanche, and Apache Land Use Committee; Student

Board of Governors, University of Oklahoma, College of Law; Graduate Advisory Council; and Vice-President of the Student Senate. He also participated in the 1962 President's Leadership Class, University of Oklahoma.

In August 1970, he assisted in preparing tribal ordinances and related matters for the Colorado River Agency.

Flore Lekanof, Deputy Director of Community Services.

Birth date: August 19, 1926.

Place of birth: St. George Island, Alaska.

Marital status: Married, six children.

Address: 3118 Savoy Drive, Fairfax, Va. 22030.

Education: B. A. Whitworth College, Spokane, Wash.; M. Ed, University of Washington, Seattle, Wash.

EMPLOYMENT

From April 1970 to present.—Deputy Director of Community Services, Office of Associate Commissioner for Education and Programs. Responsible along with the Director for Bureauwide activities on the administration of tribal operations, Division of Judicial, Prevention and Enforcement Services, Social Services, Housing Assistance, Adult Education, and Community Development.

From September 1967 to April 1970.—Consultant in the areas of Education and Economic Development. Much of this work was with the Alaska Federation of Natives. Some of this period was spent in research and proposal writing.

From February 1967 to September 1967.—Executive Director of the Alaska State Community Action Programs, Inc. This position involved the administration of all OEO programs including the Head Start programs on the statewide basis.

From February 1966 to February 1967.—Regional Coordinator of all OEO programs under the Alaska State Community Action Programs, Inc. My responsibilities were to administer the OEO programs on the regional basis which included all of the Interior area of Alaska, an area as big as the State of Texas.

From September 1958 to February 1966.—Elementary principal and classroom teacher in rural and city schools in Alaska. During this period I taught in several one-teacher schools teaching all eight grades. I taught for the territorial schools, Bureau of Commercial Fisheries Schools, BIA Schools and City of Anchorage Schools.

Anthony P. Lincoln, Deputy Associate Commissioner for Education and Programs.

Lincoln, 30, a native of Arizona and member of the Navajo Tribe, comes to the Bureau of Indian Affairs from his post as Director of Industrial and Economic Development for the Navajo Tribe. His entire career has been devoted to working for Indian people. He has had the responsibility for planning, attracting, promoting, and negotiating with off-reservation firms and their representatives to provide capital and facilities which will bring employment, training, increased educational advantages and income to the Navajo people.

Lincoln has served as Deputy Director to the Executive Director of the Office of Navajo Economic Opportunity. He was personally involved in all phases of programs for the community improvement and economic development of the Navajo tribal members. Prior to this assignment, Lincoln served one year as a Training and Technical Assistance Specialist with Arizona State University. He assisted in the development and implementation of the training programs for the Indian Community Action Program workers.

As a member of the National Congress of American Indians (NCAI) and other Indian organizations, Lincoln is a respected and popular figure with Indians.

Alexander S. MacNabb, Director, Office of Operating Services Bureau of Indian Affairs.

Birth date: August 24, 1929.

Place of birth: Bay Shore, Long Island, N.Y.

Residence: Virginia and Florida.

Marital status: Married; four children.

Address: 129 North Oakland Street, Arlington, Va. 22203.

Military: U.S. Navy, May 5, 1952 to May 7, 1954.

Education: AB degree, 1956, Colgate University, Hamilton, N.Y.; major—politi-

cal science, English, JD degree, 1959, Washington and Lee University, Lexington, Va., Major—law.

Tribe: Micmac.

EMPLOYMENT

From April 12, 1970 to Present.—Director, Office of Operating Services, Bureau of Indian Affairs. Responsible for organizing, planning, directing, and coordinating highly diverse and complex nationwide administrative programs including, personnel management, contract administration, automatic data processing, property and supply management, inspection and safety; engineering program activities including plant management, plant design and construction, and transportation.

From January 1968 to April 1970.—Special Assistant to Director, Community Action Program, Office of Economic Opportunity. Served as Special Assistant to the Director, a Presidential Appointee, with responsibility of a one billion dollar Federal grant-in-aid program. Served a variety of roles including Deputy Executive Administrator and Special Projects Officer.

Frequently represented the Director in Washington and in the field. Was personally responsible for Public Affairs liaison, CAP Congressional liaison, Correspondence Control, Special Projects, Travel Control, Printing Control, and a variety of other housekeeping duties.

From March 1967 to January 1968.—Program Analyst (Budget), Community Action Program, Office of Economic Opportunity, Washington, D.C. Participated in preparation of Community Action Program budget and operating plans in accordance with the OEO PPB cycle; assisted in development of national fiscal year allocation plan; performed special analyses and studies; performed detailed analysis and revisions of budget and operating plans; prepared comprehensive backup materials for congressional witnesses; prepared and compiled materials in response to specific congressional inquiries.

From May 1966 to March 1967.—Program Analyst (Manpower), Community Action Program, Office of Economic Opportunity, Washington, D.C. Responsible for providing analytical assistance in the review and evaluations of manpower projects; assisted in the establishment of basic policy with special emphasis on social rehabilitation and economic development of "so-called" unemployables; served on the President's Committee on Manpower (Interagency Coordination Team); developed manpower demonstration projects and reviewed projects submitted by local communities; acted as a mediator in resolving jurisdictional and other conflicts between and among Federal, State, local, and private organizations.

From October 1965 to May 1966.—Correctional Treatment Specialist, D.C. Department of Corrections, Government of the District of Columbia. Served as a member and attorney advisor to the Program Planning Committee; developed a misdemeanor release program, an employee training and extension program, a correctional intern feasibility study, and an annual report. At D.C. Youth Center prepared social histories; analyzed diagnostic findings and psychological data; developed rehabilitation programs; taught English to Spanish speaking inmates; taught a survey course on law; assisted Superintendent with public relations.

From July 1963 to May 1965.—Probation Officer, Suffolk County Probation Department, Hauppauge, New York. Supervised 70 to 100 probationers, conducted presentence investigations, case reports, made recommendations to court for probation discharge.

From March 1960 to July 1965.—Founded and operated Alexander MacNabb Associates, Bay Shore, New York. Employed and directed 11 writers, artists, and research clerks in the compilation of social and economic data and in the preparation of books, brochures, maps, charts, news releases, and annual progress reports; edited and published almanacs for several townships; special new assignments for NBC T.V. News and CBS T.V. News.

William M. Mills, Assistant to the Commissioner.

"Billy" Mills, 31, is probably known best as 1964 winner of an Olympic Gold Medal for the 10,000-meter run. With this honor, he became not only the first American Indian, but the first American to win a Gold Medal for this event. An accomplished public speaker, he has addressed business, government, academic, tribal, religious, and other groups. Billy is a native of South Dakota and one half Sioux Indian.

He has been speaker, consultant and liaison to the Olympic Committee for minority group athletes. A board member of Big Brothers, Inc. of San Diego, Calif., Mills was an insurance salesman for four years. He holds a B.S. from the University of Kansas. Billy Mills Hall at Pine Ridge, South Dakota, is named for him.

Thomas Oxendine, Public Information Officer.

Born : December 23, 1922. Married, three sons.

American Indians: Lumbee Tribe.

Member: National Congress of American Indians, National Aviation Club, National Press Club.

EDUCATION

Cherokee Indian Normal High School, Pembroke, North Carolina, 1938.

Pembroke State College for Indians (now Pembroke State University), Pembroke, North Carolina, 1938-1942.

Pembroke State College, Pembroke, North Carolina, 1948; B.A. in Social Science; minor in physical education.

University of Southern California, Los Angeles, California; 1949-1950; completed additional undergraduate physical education courses.

Pembroke State College, Pembroke, North Carolina: 1950: completed courses required for teaching certification.

EXPERIENCE

United States Navy: 1942-1947, Naval Aviator—World War II.

Faculty, Pembroke High School, Pembroke, North Carolina: September 1950-April 1951 High School Coach.

Navy Jet Fighter pilot in various squadrons. April 1951-January 1960.

Commanding Officer, Training Squadron Two, Naval Air Basic Training Command, Pensacola, Florida. January 1960-November 1962.

Deputy Fleet Information Officer, Staff of the Commander-in-Chief, U.S. Pacific Fleet November 1962-July 1965.

Public Affairs Officer, Commander Task Force 77, Gulf of Tonkin. July 1965-November 1965.

Aviation Plans Officer/Director Plans Division, Office of Information, Department of the Navy, The Pentagon, Washington, D.C. November 1965-October 1968.

Public Affairs Officer, Naval Air Systems Command, Department of the Navy, Washington, D.C. October 1968-June 1970.

Public Information Officer, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. November 1970 to present.

AWARDS

In 1967 was awarded the First annual Distinguished Alumnus Award by Pembroke State College, N.C.

Designated Navy Public Information Specialist (Code 1650).

Received extensive press coverage as "First American Indian to complete Naval Aviation Cadet Flight Program."

Distinguished Flying Cross; The Naval Reserve Medal; American Campaign Medal; Pacific Campaign Medal; Victory Medal WWII; Navy Occupation Service Medal; China Service Medal; National Defense Service Medal; Vietnam Service Medal; Philippine Defense Ribbon; Philippine Liberation Ribbon; Philippine Independence Ribbon; Navy Unit Commendation.

MILITARY GRADES

Awarded Wings and commissioned an ensign in the United States Navy November 1, 1942.

Promoted to Lieutenant (JG) January 1, 1944.

Promoted to Lieutenant May 1945.

Promoted to Lieutenant Commander January 1952 and to Commander July 1956. Held that rank on retirement June 30, 1970.

Held Top Secret Clearance for last 15 years.

1950-1951.—Athletic director and head coach Pembroke High School, N.C.

1947-1950.—College student.

1942-1946.—Active duty with U.S. Navy, Naval Aviator, *USS Mobile*, *USS St. Paul*—Fasron 29.

1938-1941.—College student, sports editor of college newspaper.

Helen White Peterson, Assistant to the Commissioner.

On Oglala Sioux, Mrs. Peterson, 56, left her post as Executive Director of American Indian Development, Inc., Denver, Colorado, to come to the Bureau of Indian Affairs. She is known for her ability to develop programs for inter-group relations and work with and for Indian and Alaska Native leaders and civic groups in planning and administering education, information, and action programs to improve interrelationships between Indian and non-Indian communities and people.

She previously served as Assistant Director and Director to the Committee on Community Relations, Denver, Colorado, and as Executive Director of the National Congress of American Indians (NCAI) in Washington, D.C. Her duties have included arranging meetings for tribal groups and delegates with the Bureau, Department, Congress, other Federal agencies, the Indian Claims Commission, lawyers, educators and others. Her knowledge and expertise in the realm of Indian life, their governments, their needs and aspirations, is without parallel.

Mrs. Peterson has attended the University of Colorado, University of Denver School of Law, Colorado State College and Chadron State Teachers College, Nebraska.

Allen C. Quetone, Intergovernmental Relations Officer.

Birth date: December 31, 1926.

Place of birth: Lawton, Okla.

Marital status: Married, four children.

Address: 405 Berry Street, Vienna, Va. 22180.

Military: Enlisted Army Air Force, November 17, 1943; discharged May 22, 1946, corporal.

Education: Oklahoma City, University, BBS, Oklahoma City, Okla. University of Oklahoma (2 years), School of Law, Norman, Okla. Cameron College, AS, Lawton, Okla.

EMPLOYMENT

1970—present.—Intergovernmental Relations Officer.

1968 to 1970.—Superintendent, Horton Indian Agency, Bureau of Indian Affairs, Horton, Kans.

1962—1968.—Tribal enrollment officer, BIA, Muskogee, Albuquerque and Aberdeen Areas.

1961.—Insurance salesman.

1960.—Traffic specialist, Oklahoma State Highway Department.

1958—1960.—Student.

1952—1958.—Junior management trainee and accounts clerk, American Airlines, Tulsa, Okla.

CONCURRENT TRIBAL ACTIVITIES

American Indian Veterans Association, Western Oklahoma.

Black Leggings Society, charter member; vice commander; public relations; currently advisory committee member.

M. C. for "Indians for Indians Hours" sponsored by University of Oklahoma for 2 years.

Edited and published "Drum Beats".

Participant in "Operation Bootstrap" 1958.

NCAI member and regional vice president; originated and instrumental in getting organizational structure of NCAI changed to regional vice presidents.

Kiowa-Commanche-Apache Tribal Chairman.

Intertribal Council of Oklahoma (1960—62).

Organized Intertribal Council of Western Oklahoma and served as chairman.

Harry A. Rainbolt, Executive Assistant to the Commissioner.

Rainbolt, 43, is a member of the Pima Tribe from Arizona. He previously served as the Bureau's Deputy Assistant Commissioner for Program Coordination and was responsible for developing long range program objectives, development of policies, evaluation and recommendation of priorities among widely diverse programs. A part of his task was to provide for systematic program planning and to guide implementation of planning-programming-budgeting within the Bureau plus develop policies on the planned use of tribal money. An im-

portant part of Rainbolt's job was also to advise and inform Commissioner Bruce as to the state of Bureau programs.

Prior to serving as Deputy Assistant Commissioner, Rainbolt administered the Bureau's Job Corps program. He joined the Bureau in 1943 and served tours of duty at the Phoenix Indian School, the Papago Agency, and the Nevada Agency before his assignment to Washington to head the Job Corps program.

In 1957 his potential as an administrator led to his selection for a year's on-the-job training as administrative officer under the Bureau's Junior Internship Program. This led to his assignment as Administrative Officer of the Papago Agency.

Rainbolt, a graduate of the Phoenix Union High School, served in the U.S. Army from 1945 to 1948.

Herschel Sahmaunt, Tribal Relations Officer.

Birth date: May 18, 1933.

Place of birth: Lawton, Okla.

Marital Status: Married; 4 children.

Address: 6424 Julian Street, Springfield, Va. 22150.

Military: U.S. Army, July 16, 1954—June 21, 1956. Honorable discharge. Served in Korea and Japan. Service awards, National Defense Service Medal; Good Conduct Medal.

Education: Lakeview Grade School, Dist. No. 123, 1946; Elgin High School, Elgin, Okla., 1950; East Central State Col., Ada, Okla. (B.A. Educ.), 1954; Oklahoma University, Norman, Okla., 1963. (M.A. Educ.); College majors, undergraduate—social studies, graduate—guidance and counseling.

EMPLOYMENT

From August 1969 to present.—Human Relations Coordinator, Oklahoma State Department of Public Welfare. Serve as Consultant to the Executive Director of the Agency in matters pertaining to rights and services to people of the minority races.

From January 1969 to July 1969.—Professional Staff, Senate Subcommittee on Indian Education, Committee on Labor and Public Welfare, U.S. Senate Washington, D.C. Served as Minority Counsel and was responsible for the development of the Minority Proposal of a National Indian Board of Education which was submitted at the National Congress of American Indians at Albuquerque, New Mexico in October, 1969.

From October 1966 to January 1969.—Vocational Counselor, Rehabilitation Services Division, Department of Institutions, Social and Rehabilitative Services. To provide Vocational Rehabilitation Counseling and Guidance and Services for vocationally handicapped individuals of employment age.

From March 1968 to September 1968.—Executive Director, Comanche County Community Action Agency, Office of Economic Opportunity. Direct the agency's efforts to develop the community resources toward the elimination of poverty conditions within Comanche County.

From January 1966 to March 1968.—Vocational Counselor, Oklahoma State Vocational Rehabilitation Agency. Direct the agency's efforts to develop the community resources toward the elimination of poverty conditions within Comanche County.

From August 1964 to January 1966.—Teacher Coach, Elgin Public Schools, Elgin, Oklahoma. Taught Junior High Social Studies and Junior High Physical Education. Coached Junior High and High school basketball and baseball. Performed other duties such as sponsor classes, direct plays and counseled with the Indian students attending the school.

From August 1961 to May 1964.—Teacher Coach, Maysville Public Schools, Maysville, Oklahoma. Same as Elgin Teaching position, except for the additional duty of coaching Junior High football and being Assistant High School football coach.

From September 1960 to May 1961.—Teacher Coach, Ignacio Public Schools, Ignacio, Colorado. Taught health and physical education classes; coached seventh and eighth grade football and basketball; performed prior listed duties as sponsor classes, direct plays, etc.

From August 1959 to May 1960.—Teacher Advisor, Ignacio, Colorado, Bureau of Indian Affairs. Supervised and coordinated the activities of a staff of nine adults in the care of approximately one hundred Indian students residing in a dormitory and attending the local public school. (GS-7)

From August 1956 to May 1958.—Teacher Coach, Elgin Public Schools, Elgin, Oklahoma. Taught Junior High Social Studies and Physical Education classes, coached all athletics participated in by the Junior High and the High School.

George D. Scott, Deputy Director of Education.

Birth date: December 4, 1938.

Place of birth: Holdenville, Okla.

Marital status: Married; three children.

Address: 2117 "E" Street, N.W., Washington, D.C. 20037.

Military: Enlisted—U.S. Marine Corps, January 31, 1958. Honorably discharged October 14, 1960.

Education: A.B., Northeastern State College, Tahlequah, Okla., M.A., University of Chicago, Chicago, Ill.

EMPLOYMENT

From May 1970 to present.—Deputy Director of Education, Office of Associate Commissioner, Education and Programs. Responsible for administering and coordinating the Education Programs and for providing specialized staff assistance in relation to these programs to the Commissioner and the Associate Commissioner for Education and Programs.

From August 1969 to May 1970.—Director of Education, Chicago Indian Center. Responsible for developing plans, policies, and coordinating the education programs on a city-wide basis.

From July 1968 to August 1969.—Research Assistance, University of Chicago. National Study of American Indian Education. Responsible for basic and applied research and studies, compiling, analyzing technical statistical data. Participates in the development of research design and implementation.

From June 1967 to July 1968.—Research Assistance, University of Chicago. Community Family Study Center. Responsible for the development of research designs and procedures for implementation.

Ernest L. Stevens, Director of Community Services.

Stevens, 38, a full blood Oneida Indian born in Green Bay, Wisconsin, previously resided in Sacramento, California, where he was Executive Director of Inter-Tribal Council of California and responsible for administering the Indian Community Action Program for the State of California, under the Office of Economic Opportunity. He has devoted his career and leisure time to improving the Indian standard of living and educational opportunities and thoroughly understands the problems of urban and reservation Indians.

Stevens worked closely with Federal and State agencies and private industry in developing programs for cultural and economic improvement for the Indians of California. He has assisted in developing an Indian-owned Fiber-Glass Company, an all Indian consultant firm, and a member-owned Indian franchise campground system.

Fluent in Federal and State Indian programs, Stevens has held executive positions with Indian Community Action Programs and been director of the Los Angeles Indian Center. He is a member of the National Congress of American Indians (NCAI), the National Council on Indian Opportunity and other Indian organizations.

John P. Sykes, Director of Management Services.

Birth date: January 24, 1917.

Place of birth: Norfolk, Va.

Marital status: Married; three children.

Address: 6311 Eppard Street, Falls Church, Va. 22044.

Military: Enlisted regular Army July 31, 1941 as private. Commissioned 2d Lieutenant April 1943, finance corps. Relieved from active duty as captain, January 1946. U.S.A.R. service from January 1946 to November 1966. Retired from U.S.A.R. with rank of Lieutenant Colonel.

Education: MCS, Benjamin Franklin University, Washington, D.C.

EMPLOYMENT

From June 1970 to present.—Director of Management Services, Office of Associated Commissioner, Support Services. Responsible for Bureauwide activities in program planning, budgeting, management research, statistical analyses, financial management and accounting services. (GS-16)

From February 1970 to June 1970.—Special Assistant to Director of Office of Volunteer Placement, Peace Corps. Responsible for preparation of OVP budget, allocation of funds to OVP activities worldwide, and analysis of program execution against plan. (FSR-2)

From October 1967 to February 1970.—Chief of Program Planning and Analysis, Office of Education, Bureau of Indian Affairs, Interior. Responsible for developing plans and policies for the Office of Education for the implementation and operation of the PPB System. (GS-15) Awarded Certificate of Superior Performance and Quality Increase August 6, 1969.

From February 1960 to October 1967.—Deputy Budget Officer, Department of General Administration, District of Columbia Government. Responsible for the development of policies and procedures for the preparation, analysis, justification, presentation and execution of the budget activities of the D.C. Government. (GS-15) Awarded Certificate of Superior Performance and Quality Increase July 31, 1966.

From July 1957 to February 1960.—Supervisory Budget Analyst, Budget Office, Department of General Administration, District of Columbia Government. Directed the review and evaluation of all capital outlay (construction) requirements of the District of Columbia. (GS-14/15) Awarded \$300 cash award for establishment of 6-year Public Works Plan for the District of Columbia, 1959.

From December 1956 to July 1957.—Accountant, Division of Finance, U.S. Information Agency. Assisted in the development and installation of accounting procedures and systems. (GS-12)

From June 1948 to December 1956.—Budget and Finance Officer, D.C. Public School System. (GS-10/12)

trator." She added that she believes the new man "should be allowed to stay as long as the Indian people want him to remain on the job."

Mr. Willie Hail, Chairman of the Cheyenne and Arapahoe business committee of Oklahoma, said, "I think it is something that needed to be done. In my opinion it is a very good plan."

"I think the new policy is good and will allow Indian people to make decisions for themselves," said Mr. John Williams, Chairman of the Ponca Tribe's business committee of Ponca City, Okla.

Reginald Elgin, Executive Director of the Inter-Tribal Council of California, said, "I think the changes have been a long time coming. Perhaps they should have come about a long time ago. I like the idea of abolishing the term 'superintendent' since it made the Indian people appear to need more supervision than I believe they do."

Mr. Gerald One Feather, president of the Oglala Sioux Tribe at Pine Ridge, S.D., commented: "I think the position from the tribe here is favorable. I think the new Bureau policy is a change that can help the Indians. If the Bureau keeps its promise, we will cooperate with them completely. I am hopeful for this whole thing."

Mr. Simon Howard, Vice President of the Leech Lake Chippewa Tribe in Leech Lake, Minnesota, said: "I think the new policy is darn good. I'm positive my tribe will give its full support."

In Washington, the Washington Post said in a news story detailing the changes that appeared on Thanksgiving Day: "When (Commissioner) Bruce was appointed after a long search by the Nixon Administration for a Republican Indian, he said his changes in the agency would be extensive. BIA personnel contacted yesterday to a man conceded that Bruce had kept his word."

Members of the Commissioner's staff have planned meetings with Indian leaders in the field to further explain the new BIA structure. Bruce instructed his staff last week to begin a maximum effort of communicating details of the new program to Indian people.

"We are after a complete overhaul," Bruce said, adding, "I believe this program is the best possible plan we could devise to re-direct the Bureau's efforts from a management function to one of service for Indians."

STATEMENT ON THE DEVELOPMENT AND INDIAN INVOLVEMENT IN NEW BIA POLICIES

Upon the appointment of Commissioner Bruce, President Nixon stated, "Progress (for Indian people) through participation means that the choice of the Indian will be heard on all questions affecting the life of the Indian. It is not this Administration's policy to tell the Indian what to do, but rather to help the Indian to do what needs to be done."

The Administration's choice to carry out this task was Louis R. Bruce, an Indian of Sioux-Mohawk descent, who stated that the major task that he saw before him was to restructure the Bureau of Indian Affairs to make the organization and the personnel more responsive to Indian needs.

He immediately began to implement his policy goals and appointed a number of working task forces to work with him and with Indian people to reshape the BIA into an organization to meet the need of the Indian people and then to assist in the implementation of these plans.

Four of the main objectives were:

1. To be more responsive to the needs of Indian people. A restructuring of the Bureau at all levels through redefinition of functions and staffing to meet Indians needs was undertaken. To do this, a thorough study of the Federal Trust relationship was begun to insure that the best services were made available to Indian people while maintaining a viable trust. The vast array of programs available to Indian citizens from other departments had to be fully utilized through a closer working relationship between tribal, state, and local governments.

As all of these programs were reviewed, ways to develop the Indian communities were uppermost in our plans. This meant that where possible program funding should focus on tribal needs and use tribal groups and organizations as the grantee agencies.

In October 1969, Commissioner Bruce went before the convention of the National Congress of American Indians to state, "As Commissioner, I want to get Indians fully involved in the decisions affecting their lives; then to get the

Bureau of Indian Affairs to be totally responsive to Indian needs; and to develop a climate of understanding throughout the United States which will permit the full development of Indian people and their communities without the threat of termination." He pledged to the group that "we will do everything in our power to make the Bureau a more flexible organization which will be responsive to Indian needs.

In May 1970, the National Congress of American Indians voiced their support of Commissioner Bruce in an Executive Committee resolution which stated the Committee's recognition of Bruce's efforts and offered its assistance in obtaining and maintaining maximum Indian expertise in those positions which direct Indian programs. Some of the results of the Bureau's response to Indian needs have been the following instances of Indian control of programs which effect them directly: on Nunivak Island in Alaska, an Eskimo village corporation has taken over the management of the Government reindeer herd including a processing plan; in New Mexico, the Zuni Tribe took over the management of the BIA's agency on the reservation, and at Ramah, the Navajo people built and took over the administration of their own school using Federal funds which would have been spent in sending their children away to boarding schools; in Missouri, the four tribes of northeastern Kansas formed Indian Enterprise, Inc., and contracted with the BIA to operate an employment assistance center in Kansas City serving Indians from all over the Nation.

Other projects ranging from job training centers to high school counseling programs have been contracted out to Indian groups on an individual basis in many areas of the country. To further increase individual Indian ownership, the BIA has initiated the Indian Business Development Fund which provides equity capital to Indians who go into business in reservation areas.

2. To more effectively carry out the policies and programs of the Bureau. One of the major steps to effectively carry out the policies and programs of the Bureau was to realign the top management position of the Bureau of Indian Affairs. In his letter to tribal leaders across the country announcing his executive realignment, Commissioner Bruce stated:

"The executive realignment provides me with two Associate Commissioners who shall, between them, have line authority over all Bureau programs. I shall be working hand in hand with the individuals who I am recommending for these positions to assure that Bureau programs are dynamic to meet your needs. With the creation of these two positions, I am eliminating the bureaucratic layers which presently exist—one Deputy and six Assistant Commissioners, all having line authority.

The realignment created five new staff Director positions. It included an expanded Office of Congressional Relations to include Tribal Relations and an Office of Legislative and Tribal Relations and a totally new office dealing with Inter-governmental relations.

On August 11, 1969, before the Committee on Interior and Insular Affairs of the Senate, Commissioner Bruce stated:

"We must introduce sound public administration concepts and modern management practices to the Bureau . . . we must review and redefine personnel functions and tailor them to meet this goal. At a meeting of Indian affairs leaders in Norman, Oklahoma, on May 15, 1970, Bruce stated, "a third policy point calls for making BIA area offices fully responsive to Indian needs and expressed desires. Emphasis will be upon providing technical services of the kinds Indians ask for and to the degree they are asked for."

On October 18, 1970, Secretary Hickel announced the appointment of 15 American Indians to these key executive posts. The move was made to make the BIA more responsive to changing conditions and needs among the Nation's more than 450,000 reservation Indians.

Many of the new team members include established Indian leaders who were recommended by the various tribes and Native Alaskan groups.

3. To maximize opportunities for employee development.

One of the major complaints of Indian people about the Bureau of Indian Affairs has been the lack of Indians in the policy and decision-making positions and that Indian employees have principally held only lower echelon staff positions.

When he appeared before the Senate Committee on Insular Affairs on August 11, 1968, Commissioner Bruce stated "one of my main goals will be to actively encourage, allow, and train Indian people to manage their own affairs."

Although a number of employee development programs were in existence previous to Bruce's appointment, it was his responsibility and that of the new executive staff to add emphasis to these programs and to broaden their scope and thrust.

In his speech to the nine-state conference of Indian leaders in Bismarck, North Dakota, on December 5, 1969, Bruce stated, "I am seeking ways to install and utilize legitimate, formal, *Indian* thinking in the management of the Bureau of Indian Affairs, at all levels and on a continuing basis. . . . Indian participation in decision-making is the major safeguard to Indian survival. If Indians demonstrate that they are effectively controlling their own affairs, their national stature will be enhanced."

Beginning with the development of a new executive team including top Indian leaders, many of whom were recommended by the various tribes and Alaskan Native groups, such programs were used as the Indian Intern Development Program, Field Management Training Program, and the following specific developments, all designed to enhance opportunities for the advancement of people whose skills are under-utilized or under developed:

A management training center was established which will provide managerial training for Indian leaders and Bureau managers.

An Upward Mobility Program was implemented which will aid employees in lower graded positions to move upward.

A field operated Indian administrator development program was implemented which will qualify Indians to move into higher graded administrative positions.

Participation in Departmental Management Program training to assure the availability of well trained Bureau managers was expanded.

An Indian Federal Employment Program was implemented which will provide training for Indians to equip them to move into career positions with other Government agencies.

4. To transform the BIA from a management agency to a service organization.

The major thrust of Commissioner Bruce's work to restructure the Bureau of Indian Affairs was the plan to change it from a management to a service organization. This concept was developed as the very heart and foundation of the new Indian-Federal relationship. It represented a fundamental change in BIA philosophy.

In October 1969, he told the National Congress of American Indians Convention, "I want to get Indians fully involved in the decisions affecting their lives; then to get the Bureau of Indian Affairs to be totally responsive to Indian needs."

One of the most important steps that Commissioner Bruce took was to immediately involve tribal councils in participating in Bureau budget planning so that they could assist fully in developing goals to meet the needs of their people.

In remarks before a conference of National Tribal Chairmen and Tribal Leaders in Denver, Colorado in May 1970, Bruce stated, "for the first time in its 130-year history, the BIA acknowledges the right and ability of Indian communities and tribes to take part in the planning and operation of activities that touch their everyday lives."

With the "takeover" of their agency, the Zuni Pueblo people were the first major group to take full advantage of the Bureau's offer to control their own program and in which the BIA will function as a service organization. Management at Zuni is entirely Indian.

The BIA's activities extend into 25 states, chiefly in the West. The majority of its employees are in positions in the Federal Indian school system. Other BIA jobs relate to management and development of Indian lands and resources, social services, technical aid for commercial and industrial development, and facilities construction and operation. It is expected that a number of these responsibilities will be assumed by tribal governments that are seeking more autonomy, and the latest BIA moves are intended to provide full support for these moves.

In his effort to reach every segment of the Indian population Commissioner Bruce and his staff have traveled widely throughout Indian country from Alaska to Florida. He has spoken to such groups as the Alaskan Federation of Natives, the Northwest Affiliated Tribes, Governor's Interstate Indian councils, National education conferences, employment assistance conferences, and has

visited many reservation areas to find out what Indians are thinking about his many program proposals.

On November 20, before a group of Federal Indian Leaders in Washington, D.C. Commissioner Bruce reviewed the many commitments which had been made to Indian people and the many decisions which had resulted in meetings with Indian Tribal Leaders and individual Indian people throughout the Nation. Four task forces were organized by Commissioner Bruce and directed to prepare policy and procedural statements relating to: (1) reassignment of personnel and rotation policies; (2) redelegation of the BIA Area Directors authority; (3) preparation of contracting procedures dealing with the "Buy Indian Act;" and (4) an effective evaluation and inspection program.

The Commissioner's top executive staff were utilized on these task forces and technical staff support was provided by other key BIA Central Office officials. Much of the preliminary staff work already had been done in several of the task force areas of consideration. There had been a great deal of research in the preparation of draft policies on Buy Indian contract procedures during the past 6 months. The question of redelegation of Area Director authority had been extensively considered since the realignment and especially since the preparation of the proposed BIA engineering reorganization. The evaluation and inspection program incorporates much of the earlier work that had been done by BIA in pilot projects under other agency funding. The policy of reassignment under a rotational plan is not unique to the Bureau of Indian Affairs and is followed by most well operated Federal agencies.

Throughout the weekend draft papers were prepared by the various task forces and reviewed at joint staff meetings. Common positions were developed and voted on at meetings held on Sunday, November 22nd and again on Monday, November 23rd, 1970.

Following these meetings a summary was prepared of the final staff position papers. The new job description of the Agency Field Administrator was prepared, notification was prepared for the BIA's personnel who were eligible for rotation, letters and reports were prepared for tribal councils, and public statements prepared concerning the redelegation of authority, the rotational plan, etc.

Commissioner Bruce instructed key members of his staff to contact Indian leaders throughout the Nation and discuss the proposed changes. Following that the official notifications were prepared for the BIA staff.

Thus the new policies and procedures implemented by the Commissioner and his new executive team may appear to be a drastic departure in traditional Indian affairs administration, however, they are a natural culmination of consultation with Indian people by Commissioner Bruce and of promises made to Indian people. This is, in fact, the sincere result of honest commitment.

Subject: Changes in the procedures for selecting field administrators.

Since July a new procedure has been used to select superintendents now titled field administrators. The time has now come to make changes in this procedure.

My memorandum of July 29, 1970, indicates that we did not contemplate wholesale changes in field administrators. I am concerned that we freshen our perspective of the mission of this Bureau and the policies of this Administration to accomplish this mission, as well as our efforts to be fully responsive to tribal needs. Therefore I have initiated steps to make extensive reassignments of field administrators. This is intended as the initial step in implementing our policy of rotating employees. This is in no way intended to diminish the importance of these positions. Through the efforts now underway, my intent is to enhance these positions as principle assistants and advisors to tribes in their endeavors.

Following the initial reassignment of those field administrators who have been located at agencies for at least two years, the procedures outlined below will be followed:

1. At least once every six months a committee made up of executive and key staff officials in the Central Office will review the assignments of field administrators to determine those who have been in their positions or at their present

locations for more than two years. The circumstances in each case will be evaluated and discussions will be held with tribes to determine what reassignments will be made.

2. When vacancies occur in field administrator positions, the Committee mentioned above will determine how the vacancies will be filled. In consultation with the tribes concerned, determinations will be made to fill positions by reassignment, by selection under the provisions of the Merit Promotion Program, or by outside recruitment.

3. When a vacancy occurs, a member of the Commissioner's staff will meet with the tribal governing body to obtain information to assist in selecting a new field administrator. This will include a profile of tribal needs and the Agency operations and special qualifications required.

4. A list of candidates to fill the vacancy will be compiled from the Field Administrator Roster, nominations by the tribal governing body (either current federal employees or outside candidates) and field administrators scheduled for reassignment.

5. Selection to fill the position by permanent promotion or reassignment will be made within ten work days of the vacancy if possible after consultation with the tribe. The selection will take into consideration the needs of the tribe, the requirements of the position, and the developmental needs of the candidates from whom a selection is made.

6. When a decision is made to reassign a field administrator to the vacancy, negotiations with the tribe will include an understanding that the selection is for a trial period of 90 days.

Within the next two weeks an announcement will be issued requesting applications and nominations to be added to the candidates on the Field Administrator Roster. Included in the announcement will be a profile of characteristics considered vital for success as a field administrator. Tribal governing bodies will have an important role in identifying candidates. In order to assist in making a thorough search for candidates, a computer listing will be prepared of employees whose grades and current occupations indicate that they are potential candidates.

Within the next year we plan to develop an automated skills file for all manager positions, including field administrators. This file will be coupled with a comprehensive career development plan for managers and administrators.

POSITION DESCRIPTION—FIELD ADMINISTRATOR

INTRODUCTION

The Bureau's most critical position is that of Field Administrator. He is the only Bureau line official who comes into sustained daily contact with Indian people. He, more than any other single person, determines the success or failure of the Bureau mission which is to assist Indian people to take control of their destinies as well as the success or failure of programs and other activities which affect their daily lives. His job and that of his staff is not static, it is subject to constant change which is negotiated by tribal leadership desiring to assume control of programs he is charged with supervising. Thus, success of the Field Administrator primarily is measured by the extent to which his tribes assume control of functions he directs.

In his dealings with tribal leadership and in his day to day contacts with Indian people the Field Administrator must avoid becoming an authority symbol. He must never compete with tribal leadership for the attention and loyalty of the reservation constituency. He must function as a low key associate who assists his Indian colleagues to sort out a range of alternative solutions to meeting local needs. He must understand that always it is the prerogative of local leadership to select the solution which best suits them. He acts as an aggressive advocate for the residents of the reservation he serves and must be devoted to the Bureau's principal and on going responsibility which is to protect Indian land and resources and assure that maximum economic benefits are derived from them.

Incumbent functions under general direction within the framework of Federal and State laws, regulations, policies and procedures and the interests of the Tribe served. Technical guidance and assistance is received from the Bureau's staff offices responsible for specialized programs. Effectiveness and adequacy of the overall program is evaluated based on results achieved.

DUTIES AND RESPONSIBILITIES

The Field Administrator is responsible for performing the following essential tasks:

1. Assist in developing and gaining Tribal Council agreement on the goals, objectives and priorities for the Tribe. He assists the Council in developing the major thrust and direction—the long-term goals—of the Tribe in developing the economic and social conditions in the tribal community. Within these long-term goals, he assists in clearly defining what the Tribe wishes accomplished over shorter, quarterly and yearly, time periods. In formulating these goals and objectives, he should ensure that they reflect the priority needs of the Tribe and that they will be fully supported by the Tribal Council and DIA staff members. To accomplish this, he will:

Obtain information on the social and economic status of the people in the Reservation area to be served;

Analyze the information to determine the priority needs of Reservation residents and assist in determining what approaches should be taken to meet these needs;

Survey the available community resources, including business organizations, public and private agencies and organizations for resources and support in carrying out these approaches;

Help the Council to determine the essential activities that the Tribe must perform to close the gaps between the needs of the Tribe, the available community resources and the opportunities to achieve self-sufficiency for the Reservation residents.

2. Direct and review the development of program plans and budgets. Stress the development of innovative approaches to economic and social development and assist the Council to determine the emphasis and budgetary allocations for the Tribes programs. He assigns competent BIA staff to develop programs and reviews program plans to ensure that they are sound and practical and that they will meet the needs of the Tribe. In doing this, he will:

Assist in scheduling the major activities of the program over the year and judge what should be accomplished both weekly and by the end of the fiscal year;

Based on the above analysis, assist in establishing specific program and budgetary benchmarks by which to measure the results and expenditures of each program;

Assist in presenting program plans and budgets to the Tribal Council for approval and to the Bureau of Indian Affairs (and other Federal, State and local-both public and private agencies) for funding.

3. Organize the Agency BIA staff and resources in carrying out these program plans. He allocates staffing and support to meet the requirements of each program. He reviews the capabilities of his top level staff and molds the organization and staff assignments to best use the available talents and resources. Furthermore, he will:

Help the Council to determine, based on available resources, which activities could best be accomplished by the Tribe and which should be accomplished by the BIA staff;

Supervise the negotiation of contracts with the Tribe and the Bureau of Indian Affairs; present these contracts to the Chairman and the Tribal Council for approval; and, when within his delegated authority, execute the contracts on behalf of the Bureau of Indian Affairs;

Decide on the employment, promotion, transfer and discharge of Agency staff; provide opportunities for training and development to enable the staff to meet high standards of performance;

Specify the responsibilities, authority and working relationships among the BIA and the Tribe and ensure that each subsequent management level performs this function for its subordinate staff.

4. Lead the staff members in the performance of their assignments. He enhances the commitment of the staff to the overall mission of the Tribe and motivates the staff to work together to achieve this mission. Moreover, he takes into account the motivational needs, background, skills and interests of his subordinates and their need for guidance and direction as they carry out their assignments. To achieve this, he will:

Help to translate the goals, strategy, and programs of the Tribe into specific and meaningful work assignments for the staff;

Help the staff understand the importance of these assignments in achieving

the goals and objectives of the Tribes, especially how the activities of individual staff members contribute to the total Tribal-Reservation effort;

Direct through Agency program directors, the activities of the staff in performing their assignments;

Establish an effective upward flow of information to ensure that problems can be responsibly solved and support is provided to the staff as needed;

Elicit the voluntary cooperation of the Agency staff by establishing clearly defined performance goals, reviewing staff performance on a periodic basis and motivating effective performance.

5. Administer the day-to-day activities of the Agency. He oversees the Agency fiscal administration and the information flow to ensure that these systems provide responsive and reliable information about current program operations; determines whether the personnel policies and procedures are guiding staff activities toward accomplishing their job objectives; and, ensures that specific work assignments are scheduled, work completion dates are met, and quality standards are imposed for assigned tasks. Moreover, he must be able to function within the special, and often highly demanding, administrative requirements and constraints that exist between governmental agencies.

6. Reviews and evaluates the results of program operations. He periodically reviews the expenditures and results of Agency programs and ensures that the contractual obligations are being fulfilled. Moreover, he leads a comprehensive evaluation of internal program performance on a yearly basis. From these reviews and the evaluation, he will:

Modify, where necessary, the intermediate program objectives and resource allocations to gain greater program effectiveness;

Identify the major deficiencies in the operation and performance of the various programs and ensure that corrective actions are implemented; secure technical assistance, where needed, to improve the performance of BIA-Tribal programs.

Develop revised goals and objectives for the following year's program operations.

7. Assist in establishing community support for the objectives of the Tribe. He should represent the BIA in its dealings and relationships with the tribal residents and the Tribal Council, the local, state, and Federal governments, and other private and public agencies. In this role, he stimulates focus on specific issues rather than traditional hostilities, and attempts to mobilize resources of the community in support of the Tribes activities. More specifically, he will:

Work with private and public agencies as the advocate of the Tribe and attempt to coordinate all programs with the objectives of the Tribe.

Assist in negotiating with local agencies and business organizations to support the objectives and needs of the Tribe;

Ensure community awareness, especially by the reservation residents, of the Tribes goals, missions, objectives and operations by initiating and supervising an active public information program;

Supports the Chairman and the Tribal Council and Committees in carrying out their responsibilities by providing thorough staff work and studies on the key issues facing the Tribe.

8. Stimulate and work toward permanent and constructive changes in community institutions and the voice of the Tribal residents. He focuses the resources of the agency on projects and activities which will bring meaningful changes to the lives of the Tribal residents and will foster self-sufficiency in the Tribal community. Thus, he will:

Assist in identifying the specific and essential changes that should take place in community institutions in the interest of the Tribe;

Focus attention on these specific issues and changes and, with negotiating skill, achieve specific gains for the Tribe;

Develop the capability and opportunity for the tribal residents to participate effectively in the decisions of their community;

Foster the self-determination of the tribe by stressing the gains resulting from organization and responsible action.

9. Maintains an awareness of the need for special legislation required to carry out new programs resulting from special studies and plans. With the assistance of the tribe served, translates Congressional and Bureau policy into action plans and accomplishments.

10. Is responsible for protection of all Indian resources and assists the tribe in the comprehensive management of those resources. He functions as an advo-

cate in regard to Indian resources and the trust responsibility of the government for Indian properties.

EXCERPTS FROM REMARKS BY COMMISSIONER OF INDIAN AFFAIRS LOUIS R. BRUCE
AT A MEETING OF INTERTRIBAL INDIAN LEADERS—DENVER, COLO., MAY 21, 1970

The BIA is being transformed from a management agency to a service organization.

This means that henceforth the BIA will function where it can function best—as a source of technical and financial aid—not as the last word in Indian affairs.

BIA Area Offices will be made fully responsive to Indian needs and expressed desires.

Flexibility will be the new order at the area level. Development of Indian communities and tribal estate will be the objective—and the objective will be carried out along lines that the Indian tribes themselves feel to be appropriate and necessary.

The trust status of Indian lands is reaffirmed.

The trust responsibility for Indian lands is the link that holds Indians and the Federal Government in a special and unique relationship. To destroy this link would be to negate all the promises and all the intentions that any other policies might provide for. Therefore, the new BIA holds firmly to the trust land concept. But it will *not* hold firmly to old and rigid ideas of how the trustee laws should be administered.

Tribes will have the option of taking over any or all BIA program functions, with the understanding that BIA will provide assistance or re-assume control if any Tribe so wishes.

This gives meat to the idea of BIA as a *service* agency rather than a management agency. The extent of local tribal takeover of BIA Programs will be entirely a matter of decision by each Tribe. It is a way to tribal autonomy for those groups that wish more autonomy. BIA's role as a *service* to Tribes will apply to those seeking more autonomy as well as to those wishing to continue under close BIA supervision.

Thus far we have been talking about the relationship between the Government and tribal groups. But BIA will also take a role in problems of urban Indians.

The new BIA reaffirms its priority responsibility for meeting the economic and social needs of Indians living on trust lands; and at the same time recognizes its obligation to be a strong advocate of urban Indian interests.

To this latter end it will actively help coordinate Federal, state and local government and private resources for the benefit of urban Indians.

These new policy directions of BIA represent more than a change in organization. They represent a fundamental change in philosophy. They acknowledge the right and *ability* of Indian communities and tribes to take part in the planning and the operation of activities that touch their everyday lives. The *attitude* of the BIA bureaucracy—the tendency to do things for Indians because “father knows best”—has been wiped off the slate.

POLICY STATEMENT ON REDELEGATION OF AUTHORITY

It is the policy of the Bureau of Indian Affairs to reduce and eventually eliminate all line authorities of the Area Offices and to redelegate such authorities to the operating level closest to the Indian tribes served. Within this policy, a planned reorganization will be implemented within the next 90 days to convert Area Offices principally into technical assistance units.

REDELEGATION DEVELOPMENT PLAN

POLICY OBJECTIVES

The Bureau of Indian Affairs in order to improve delivery of services, financial aid, technical assistance and other benefits to American Indians and Alaskan Natives and to effectuate a meaningful program of Indian and Alaskan Native involvement in the decision making process, effective this date, is implementing Bureau-wide an organizational and functional realignment which will provide for effective delivery of services with involvement of Bureau of Indian Affairs beneficiaries.

In order to accomplish this, the Commissioner of Indian Affairs directs that:

1. Effective within 90 days, all authorities heretofore delegated to Area Directors will be withdrawn.

2. Within this period, the authorities necessary for implementing Bureau programs will be delegated to the operating level closest to the Indian tribes to be served.

3. Within this period, the existing Area Offices will be restructured to provide program assistance and technical services to operating offices and tribes.

4. To achieve these steps, the following schedule will be followed:

(a) On or before November 27, a new organizational document (5 BIAM and DM 130) will be submitted for Secretarial approval.

(b) On or before December 12, a new delegation document (10 BIAM) will be published to become effective upon notice that the new organization has been established.

DELLWO, RUDOLF & GRANT,
LAW OFFICES,
Spokane, Wash., December 9, 1970.

Re Bureau of Indian Affairs, Commissioner's Realignment Program

Senator HENRY M. JACKSON,
Senate Office Building, Washington, D.C.

DEAR SCOOP: I understand that the Senate Interior Committee is holding a session to discuss the Commissioner's Realignment Program and his "Buy Indian" or "Contracting" proposals.

In a capsule, my understanding of the realignment program as announced is that he will realigne authority, taking "line" authority away from the area offices and giving that authority either to the superintendents or to the Commissioner's office in Washington, D.C. The Area Offices would become "resources" to assist tribes but without real authority to supervise. At the same time, the Superintendents' positions would be upgraded and retitled "Field Administrators."

According to the Commissioner's news release, he would "shift" or transfer almost all of the Superintendents and area directors. To implement that all the superintendents and directors who have held their positions more than two years have received a form letter telling them that they are subject to transfer or reassignment.

The tribes I represent are most anxious that you and Senator Church be aware of their reaction to these proposals. I am enclosing copies of the telegrams they sent and of the lengthy resolution by the Coeur d'Alene Tribe. You will note that each of the tribes is particularly anxious about the short range effect of the realignment, namely the threatened transfer and reassignment of their superintendent and area director. They feel they have been making real progress with their present superintendent, Thomas St. Clair, and area director, Dale Baldwin, and just don't want them moved.

The tribes I represent, as well as most others in the Northwest, have evolved into a "practice" of a surprising degree of autonomy and self-determination. This has changed extensively from the situation of up to ten years ago when the Bureau was most negative, unresponsive and dictatorial. That is not true now and hasn't been for about six years. Our local superintendent does not rubber stamp tribal action but he and the area director participate in the planning, concept phases, up to completion in a team approach that the tribes like and with which real accomplishment occurs.

With regard to the Commissioner's "contracting" project. We have always been able to do that and have done it in individual matters. The tribes, however, are most reluctant to consider contracting basic Bureau functions and responsibilities. In many instances they want the standby, supervisory review and approving power of the Bureau. In other instances they just don't want things that are primarily Bureau responsibilities shifted to the tribes. Finally, they are most fearful that this is a one way street to the shrinking of budgets and services. Each tribe has had innumerable experiences with "line item" deletions, changing and shifting of personnel positions. They apprehend that today they will contract for a specific Bureau function such as Bureau police and tomorrow they will have that item deleted from the budget or reallocated within the Bureau. Left alone, these more sophisticated tribes will evolve in the direction of autonomy and assumption of responsibility. Pressed as they are now, they will vigorously resist change.

Finally, as a tribal lawyer, I feel that the statutory authority for extensive contracting to the tribe of Bureau functions is extremely slender and could result in later claims for the shirking of trust responsibilities.

Let me state a conclusion: The tribes I represent most of all do not want to see a forced change in their superintendent or area director. Secondly they want these changes the Commissioner is now seeking to immediately implement done under a process of gradualism and evolution, if at all.

With kindest regards,

Sincerely yours,

ROBERT D. DELLWO,

Attorney for Spokane, Kalispel and Coeur d'Alene Tribes.

SPOKANE, WASH., November 24, 1970.

Mr. LOUIS BRUCE,
*Commissioner of Indian Affairs, U.S. Department of the Interior,
Washington, D.C.*

We are most worried over the report of your news release in which you speak of dramatic changes in the Indian Bureau. We get along fine with our present superintendent and don't want to lose him. We have always had wonderful cooperation and assistance from the Portland area office. We don't see how any shifts in positions, realignment, etc. are going to help us. Your release speaks of consultation with and support of Indian leaders and tribes. We don't recall any such consultation. We don't think the Indian people themselves have had enough to say about your new plans. There has not been enough Indian input. It looks to us that the changes are just for changes sake and won't result in any benefit to the Indian people themselves. Why shift our area director and superintendent when we want them to stay where they are? We are adopting a resolution setting out the foregoing in more detail.

KALISPEL BUSINESS COMMITTEE,
LOUIS ANDREWS, *Chairman.*

SPOKANE, WASH., November 24, 1970.

Mr. LOUIS BRUCE,
*Commissioner of Indian Affairs, U.S. Department of the Interior,
Washington, D.C.*

We are confused and alarmed over your news release in which you announce dramatic changes in BIA structure and policies. You speak of having consulted with Indian leaders and secured their support. We have not been aware of any such consultation and any real consultation with our elected national officers and their support of the proposed changes. We urge that the changes be postponed until you do hold sufficient meetings with various Indian groups and especially tribal leaders so that you will know their views. We get along very well with the Portland area office and do not see that changes there will be of any benefit to us and may cause further confusion and uncertainty. With our new Spokane Agency we are fearful that changes at this time will make our position more difficult.

SPOKANE BUSINESS COUNCIL,
ALEX SHERWOOD, *Chairman.*

SPOKANE, WASH., November 24, 1970.

Mr. LOUIS BRUCE,
*Commissioner of Indian Affairs, U.S. Department of the Interior,
Washington, D.C.:*

Our tribe very concerned over your news release in which you speak of shifting many area directors and superintendents. We want to go on record as emphatically urging that there be no change in the superintendent at Northern Idaho Agency. Superintendent St. Clair's knowledge of our programs and his cooperative spirit is needed more now by us than ever before. We are adopting and will forward a resolution to this effect. Please send us clarification and details on realignment announced in your release. Our tribe and neighboring tribes have not been consulted. We are in the dark as to your plans. We oppose any dramatic changes in line authority and reorganization of area offices at this time. We have

excellent relations with both the Northern Idaho Agency and the Portland Area Office. We enjoy maximum autonomy and opportunity for self-determination. We fail to see how any shifts as contemplated by your release could do anything but harm our present favorable situation.

COEUR D'ALENE TRIBAL COUNCIL,
BERNARD LA SARTE,

Chairman.

McKAY, PANNER, JOHNSON, MARCEAU & KARNOPP,
Bend, Oreg., December 3, 1970.

The Honorable HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: The Confederated Tribes of the Warm Reservation of Oregon is extremely concerned about the newly announced policy for rotation of employees in the Bureau of Indian Affairs as contained in the letter of November 24, 1970, received by Grant Waheneka, Chairman of the Tribal Council of the Tribes from Louis R. Bruce, Commissioner of Indian Affairs.

The experience of the Confederated Tribes of the Warm Springs Reservation of Oregon with Bureau of Indian Affairs personnel at the local level has been excellent. Our Tribes have always had a workable partnership with our Reservation Superintendents. This relationship has been effective in allowing the Tribes to carry out a policy of self-determination in solving the problems faced by Tribal members.

We are greatly disturbed by the manner in which this policy was presented to the Tribes. The Commissioner's announcement, received by the Tribes on November 27, 1970, states that the plan has been "finalized" and that it is "being made operational". *There was no advance notice to the Tribes of this policy and no opportunity for Tribal participation in formulating this important Bureau policy.* That such a drastic change in Bureau policy be implemented without full consultation with Tribal officials is certainly inconsistent with the principle of Indian self-determination as expressed by President Nixon in his message to Congress of July 8, 1970.

The Commissioner's outline presents no reasons for the implementation of the policy of rotation of employees. If there are reasons for such policy, the Tribes would like to be informed of them. They are not apparent to our Tribe at the local level.

Under the current BIA policy, the Federal trust responsibility to the Indian Tribes is being administered effectively at the reservation level and through the Area Offices. Our Tribes fear that the reorganization will limit the ability of the Tribes to effectively carry out their programs and pursue of a course of self-determination. Elimination of Area Offices will result in a reversion of all authority to Washington and make it more difficult for Tribes to secure approval of programs.

Finally, we are very concerned about the expense involved in moving all area directors except one and sixty-nine agency superintendents and field employment assistant directors within ninety days. This would divert much needed Bureau funds from programs for the benefit of the Indian Tribes.

We agree with the Commissioner's statement that the Bureau's most critical position always has been that of Agency Superintendent. That being the case, it does not seem consistent to use that position as a training ground to develop managers to assume higher level executive positions. We urge that any policy so drastically affecting this critical position not be implemented until there has been an opportunity for the Indian Tribes to fully present their views on the matter.

The Commissioner states that these policies are being made operational. There are indications that the wishes of the Indian Tribes will not be considered and that the policy will not be altered. We believe this is wholly inconsistent with the announced program of Indian participation in the direction of Indian programs.

We would appreciate any assistance that you can give us in delaying the implementation of this drastic proposal until such time as there can be a full airing of the views of the Indian Tribes regarding reassignment of Bureau employees.

Thank you very much.

Sincerely,

DENNIS C. KARNOPP,
Tribal Attorney.

SMALL TRIBES ORGANIZATION of WESTERN WASHINGTON, INC.,
Puyallup, Wash., December 2, 1970.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: We request your support of retaining George M. Felshaw as the Field Administrator, Western Washington Agency, Everett, Washington.

The present administration has strongly advocated self-determination by Indians. Mr. Felshaw has been encouraging this move for quite some time, through grant/contract programs. We cannot overly emphasize the need for retention of Mr. Felshaw in his present position.

We also oppose the mass move of Superintendents and Area Directors on the grounds that the costs will far exceed the benefit to the general Indian population.

Sincerely,

ROY S. GEORGE, Sr., *President.*

SMALL TRIBES ORGANIZATION of WESTERN WASHINGTON, INC.,
December 16, 1970.

DEAR COMMISSIONER BRUCE: We generally agree that your policy changes—in general—is a necessary step toward better, more comprehensive Indian involvement and allows Indians to demonstrate capabilities toward administering Indian programs. We have approximately 7,000 people in our organization and are not part of Northwest Affiliated Tribes.

We are leaving sometime tomorrow, we feel it is important that we meet with you some time today, preferably right after this hearing. We feel we can be of assistance.

Please acknowledge.

ROY S. GEORGE, Sr., *President.*

NOOKSACK, TRIBE, INC.,
Everson, Wash., December 5, 1970.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: The Nooksack tribe requests your support of retaining George M. Felshaw as the Field Administrator, Western Washington Agency, Everett, Washington.

The present administration has strongly advocated self-determination by Indians. Mr. Felshaw has been encouraging this move for quite some time, through grant/contract programs. We cannot overly emphasize the need for retention of Mr. Felshaw in his present position.

We also oppose the mass move of Superintendents and Area Directors on the grounds that the costs will far exceed the benefit to the general Indian population.

Sincerely,

ROY S. GEORGE, Sr., *Chairman.*

STATEMENT OF MRS. JANET McCLOUD OF SEATTLE, WASH.

Mr. Chairman: We would like to take this opportunity to endorse the recent reorganization of the Bureau of Indian Affairs. We congratulate Commissioner Bruce for this progressive step towards allowing Native Americans to take control of their own destiny.

We support Commissioner Bruce's objectives which affirm that

Bureau services must conform to tribal objectives and programs.

Bureau authorities must be executed close to the Indian people they affect.

Bureau staff changes are needed to assure implementation of new and revitalized policies.

Bureau regulations and procedures must be revised to facilitate greater Indian participation.

Rotation of administrative personnel will provide fresh ideas and approaches to problem solving. Consultation with tribal leadership before assignments

of new Field Administrators and a 90-day trial period will give tribes the opportunity to secure BIA representatives that can work closely with the tribe. Changes in job descriptions do much to finally rid the Bureau of incipient institutional racism and places the administrators in the role of change agent and advocate. Authority to make decisions will shift from the ponderous Area Offices to the local level where the problems and needs of local people can be best determined.

The Bureau's reorganization offers an innovative opportunity for Indian leadership and tribes to contract for assuming BIA service programs and vacant positions at all levels of the BIA. Tribes will be able to deal directly with Washington.

We would particularly like to point out that we do not believe that this aspect of the Bureau's reorganization means termination of BIA services. Commissioner Bruce has clearly spelled this point out when he stated that any tribe unwilling to assume program responsibility will not be forced or pressured to do so and that the BIA will reassume control of services at any time a contracting tribe says it is unwilling or unable to continue providing those services.

The high level evaluation and inspection teams will provide Commissioner Bruce with needed review and feedback on Bureau programs.

We believe that the reorganization of the Bureau of Indian Affairs will provide a significant new direction in the government's attitude and policies concerning the needs and aspirations of Native Americans.

STATEMENT BY MR. HINER DOUBLEHEAD, CHAIRMAN OF THE ELECTED COMMUNITY REPRESENTATIVES OF THE CHEROKEE NATION AND MEMBER OF THE TRIBAL EXECUTIVE COMMITTEE

Mr. Chairman: We would like to take this opportunity to endorse the recent reorganization of the Bureau of Indian Affairs. We congratulate Commissioner Bruce for this progressive step towards allowing Native Americans to take control of their own destiny.

We support Commissioner Bruce's objectives which affirm that:

Bureau services must conform to tribal objectives and programs.

Bureau authorities must be executed close to the Indian people they affect.

Bureau staff changes are needed to assure implementation of new and revitalized policies.

Bureau regulations and procedures must be revised to facilitate greater Indian participation.

Rotation of administrative personnel will provide fresh ideas and approaches to problem solving. Consultation with tribal leadership before assignments of new Field Administrators and a 90-day trial period will give tribes the opportunity to secure BIA representatives that can work closely with the tribe. Changes in job descriptions do much to finally rid the Bureau of incipient institutional racism and places the administrators in the role of change agent and advocate. Authority to make decisions will shift from the ponderous Area Offices to the local level where the problems and needs of local people can be best determined.

The Bureau's reorganization offers an innovative opportunity for Indian leadership and tribes to contract for assuming BIA service programs and vacant positions at all levels of the BIA. Tribes will be able to deal directly with Washington.

We would particularly like to point out that we do not believe that this aspect of the Bureau's reorganization means termination of BIA services. Commissioner Bruce has clearly spelled this point out when he stated that any tribe unwilling to assume program responsibility will not be forced or pressured to do so and that the BIA will reassume control of services at any time a contracting tribe says it is unwilling or unable to continue providing those services.

The high level evaluation and inspection teams will provide Commissioner Bruce with needed review and feedback on Bureau programs.

We believe that the reorganization of the Bureau of Indian Affairs will provide a significant new direction in the government's attitude and policies concerning the needs and aspirations of Native Americans.

SUQUAMISH TRIBAL COUNCIL,
December 5, 1970.

Mr. LOUIS R. BRUCE,
*Commissioner of Indian Affairs,
Department of Interior,
Washington, D.C.*

DEAR MR. BRUCE: The mass move of Superintendents and Area Directors is strongly opposed by the Suquamish Tribe. We feel that Mr. George M. Felshaw has worked toward self determination by Indians for quite some time and we wish to retain him in this area. We also oppose the move on the grounds that the costs will far exceed the benefit to the General Indian Population.

Sincerely yours,

GRACE BUGGEN, *Chairman.*

SAUK-SUIATTLE TRIBE,
Marysville, Wash., December 5, 1970.

HON. HENRY M. JACKSON: Request their support of retaining Mr. George M. Felshaw as the Field Administrator, Western Washington Agency, Everett, Washington.

The present administration has strongly advocated self-determination by Indians. Mr. Felshaw has been encouraging this move for quite some time. Through grant/contract programs. We cannot overly emphasize the need for retention of Mr. Felshaw in his present position.

We also oppose the mass move of Superintendents and Area Directors on the grounds that the costs will far exceed the benefit to the general Indian population.

PAUL HARVEY, Sr., *Chairman.*

UTE MOUNTAIN TRIBE,
Towaoc, Colo., December 8, 1970.

HON. HENRY M. JACKSON,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: The Bureau of Indian Affairs has announced a "re-affirmation of a policy" which could, unless we act quickly, result in our losing our Superintendent, Espeedie G. Ruiz, and our Area Director, Walter O. Olson. This "policy" states that personnel in the BIA will be moved from "key" positions which they have held for two years or longer.

We at Ute Mountain, as you know, have had strained relations with many BIA people and have usually kept our mouths closed when people at our agency were moved. We had no reason to speak up. In this case, we must speak out and resist. Our Superintendent, Espeedie G. Ruiz, knows our problems and our goals and works very hard to help us. He has an ideal understanding with his boss, Mr. Olson, who also tries and does help us. If these two men are moved, we of the Ute Mountain Tribe will lose. You see, for the first time in many years, the BIA is really our friend in solving our problems, and it is because Ruiz and Olson have learned what we need and are finding ways to help us.

Do what you can to see that we don't lose these men—and maybe acquire men in their places who won't help us. We've had too much misunderstanding in the past and cannot afford to have more during our future days.

We appreciate any help you can give us in this important matter.

Sincerely yours,

ALBERT WING, *Chairman.*

AMERICAN INDIAN MOVEMENT,
December 8, 1970.

DEAR SENATOR JACKSON: As you may already know, Commissioner Louis R. Bruce of the Bureau of Indian Affairs has recently taken steps to implement President Nixon's message on American Indians stressing "self-determination."

For many years the American Indian has been subjected to paternalism. As far back as 1928 when the Meriam Report was made public—urging Indian control over Indian programs—studies, recommendations, and policies have delivered nothing but rhetoric. Because of this, the Indian has seriously questioned the real motives of the Bureau of Indian Affairs. Commissioner Bruce's recent actions indicate that the Bureau has begun to turn rhetoric action. Action such as this can only be construed as a positive realignment.

The American Indian Movement wishes to express its complete endorsement of the new program which Commissioner Bruce advocates based upon these three points.

1. To transform the Bureau of Indian Affairs from a management agency to a service organization.

2. To more effectively carry out the policies and programs of the Bureau (through elimination of bureaucratic layers which presently exist.)

3. That this program will be more responsive to the needs of Indian people.

It is our hope that this expression is conveyed to the Committee on Interior and Insular Affairs.

Sincerely yours

D. J. BANKS, *Chairman.*

TACOMA, WASH.

HON. HENRY M. JACKSON,
U.S. Senate, Washington, D.C.:

The small tribes organization of Western Washington urge you to support our request that Superintendent George M. Felshaw be retained as field administrator of Western Washington Indian Agency, Everett, Wash.

SMALL TRIBES ORGANIZATION OF WESTERN WASHINGTON INC.

SENATOR GORDON ALLOTT,
*Chairman, Interior and Insular,
Bureau of Indian Affairs,
Washington, D.C.:*

We agree with the policy and structure changes as announced November 24, 1970, by Commissioner Louis Bruce. We urge your support of this change.

CALL OF THE COUNCIL DRUMS.

DENVER, COLO.

HON. GORDON ALLOTT,
*U.S. Senate,
Washington, D.C.:*

The Southern Ute Tribe in theory *agrees with the idea* behind Commissioner Louis R. Bruce's new policy if it is accomplished in an orderly and timely manner. However we strongly oppose *his intent to reassign area directors and superintendents within a 90-day period.* We are particularly opposed to our area Director Walter Olson and our Superintendent Raymond J. Dekay, being transferred. A letter will follow stating our strong opposition to this move and our reasons pertaining thereto.

SOUTHERN UTE TRIBAL COUNCIL,
LEONARD C. BURCH, *Chairman.*

SOUTHERN UTE TRIBE,
Ignacio, Colo., December 23, 1970.

LOUIS R. BRUCE,
*Commissioner, U.S. Department of the Interior, Bureau of Indian Affairs,
Washington, D.C.*

DEAR COMMISSIONER BRUCE: On December 15th, telegrams were sent to Washington, D.C. to persons we felt should be informed of our concern regarding your unilateral decision to reassign all Area Directors and Agency Superintendents within a ninety day period. In said telegrams, we stated we would send a follow-up letter giving our reasons for our strong opposition to this particular part of your new policy.

One of our objections to your intent to do away with Area Directors and have the Agency Superintendent—or Field Administrator, as you now propose to call them—is that he be required to deal directly with the Washington office of the Bureau of Indian Affairs. We honestly feel this would cause a serious slowdown of the processing of even the minor requests from our, or any, Tribe as it obviously would create a back-log if attempts were made to process all the requests of all the Tribes in one office. We have definitely been very satisfied with the good working relationship and cooperation between our present Superintendent and Area Director. With very few exceptions, all our business matters have been as rapidly expedited as is possible.

We were understandably perturbed that we were not consulted in any way prior to this unilateral decision. Much ado has been made concerning the fact that Indians are to be consulted, etc. yet, here again, a decision was made which affects us strongly and without any forewarning whatsoever. We are aware you have stated that your decision was based on results of various meetings with Indian groups and on the advice of your Indian advisors. We have never attended a meeting where this particular action was proposed, and do feel your advisors should have made you aware of the vast difference between Tribes and their own particular set of circumstances.

As we stated in our telegram, the Southern Ute Tribe does, in theory, agree with what you are attempting to do. Indians do want to run their own affairs and make their own decisions but this must, of necessity, be done in a gradual, orderly manner. We must be trained, train our young people, and gain experience before we can do this successfully. Though we agree that periodic change of line officials, such as Superintendents and Area Directors, is beneficial to both the Tribes they serve and, in many instances, to their own career development, it should be done on a timely and appropriate schedule. If your policy of change is for the sake of change only, it would prove to be very costly and would not meet the individual needs of many Tribes throughout the nation. It takes a year or more for Tribes and Superintendents to become acclimated to one another and to establish an effective working relationship.

If a rigid time schedule for the transfer of Superintendents and Area Directors is to be adopted, let it begin now so that both the Tribe and the line officials involved will have three to five years to plan for an orderly, constructive move. If, at present, there are tribal groups not in harmony with their Superintendent or Area Director, specific plans could and should be made to resolve these situations as soon as possible.

We have adopted the enclosed resolution strongly opposing the transfer of our Agency Superintendent, Mr. Raymond J. deKay. We have been very satisfied with the close working relationship we have with Superintendent deKay. We sincerely believe it would have an adverse effect on the Southern Ute Tribe's on-going projects if he were to be abruptly transferred at this time.

Very truly yours,

LEONARD C. BURCH,
Chairman, Southern Ute Tribal Council.

DENVER, COLO.

HON. HENRY JACKSON,
*Chairman, Interior and Insular Affairs Committee, U.S. Senate,
Washington, D.C.:*

We strongly support the new policy and structure of the Bureau of Indian Affairs as recently proposed by Commissioner Louis Bruce. BIA must turn the decisionmaking role over to Indian people. The changes proposed by BIA are important and we urge your full support.

Indians for National Liberation, Sandra Staples, Chippewa; Glenda Tom, Paiute; Patricia Baker, Blackfeet; Mrs. Nellie Baker, Blackfeet; Mr. and Mrs. David Ferris, Shoshone; Mr. and Mrs. Albert Culbertson, Assiniboine; Glenda Benson, Sacfox; David Jumper, Seminole; Enola Freeman, Hidatsa; Glenda Bernal, Taos-Pueblo; Tillie Walker, Mandan.

DENVER, COLO.

HON. GORDON ALLOTT,
Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.

We strongly support the new policy and structure of the Bureau of Indian Affairs as recently proposed by Commissioner Louis Bruce. BIA must turn the decisionmaking role over to Indian people. The changes proposed by BIA are important and we urge your full support.

Indians for National Liberation, Sandra Staples, Chippewa; Glenda Tom, Paiute; Patricia Baker, Blackfeet; Mrs. Nellie Baker, Blackfeet; Mr. and Mrs. David Ferris, Shoshone; Mr. and Mrs. Albert Culbertson, Assiniboine; Glenda Benson, Sacfox; David Jumper, Seminole; Enola Freeman, Hidatsa; Glenda Bernal, Taos-Pueblo; Tillie Walker, Mandan.

LOS ANGELES, CALIF.

Senator HENRY M. JACKSON,
Chairman, Interior Affairs Committee, 400 Pennsylvania Ave., Washington, D.C.:

New rotation policy in Bureau of Indian Affairs is a blitz tactic. Will it lock the hands of future new Commissioner? Will it help the urban Indian? Will it produce chaos or progress? Please investigate fully to determine all facts.

KATHRYN BROWN,
 8319 Fountain Ave.,
 Los Angeles, Calif. 90069.

TOPPENISH, WASH.

Senator HENRY M. JACKSON,
*Senate Office Building,
 Washington, D.C.:*

Request you oppose Bruce policy for rotation of BIA employees, particularly in the office of personnel of Indian Irrigation, who, to be efficient, need experience in particular project problems which cannot be gained in limited period of service.

BOARD OF DIRECTORS, YAKIMA RESERVATION, IRRIGATION DISTRICT,
 GERRIT J. SCHILPEROORT, *Chairman.*

FT. LAUDERDALE, FLA.

Senator HENRY M. JACKSON,
*Chairman, Senate Insular Committee,
 Senate Office Building, Washington, D.C.:*

Re wire sent Louis R. Bruce, Commissioner BIA. Seminole Tribe of Florida fully support his new policy and feel this policy is needed for change and progress at Seminole BIA agency.

BETTY MAE JUMPER, *Chairman.*

HARDIN, MONT.

HON. LEE METCALF,
U.S. Senate, Washington, D.C.:

On behalf of the Indian and non-Indian Government workers of NFFE Local No. 224, at the Crow Indian Agency, Crow Agency, Montana, we urge you to stop, impede or curtail the realignment and movement of directors and superintendents as outlined in several policy letters of Commissioner Louis Bruce on the basis that it would create an economic and social instability of transferees; it would demoralize the true efforts of Government and tribal administrators; it would cause emotional insecurity of all concerned; it would cause the present and further budget projection increment monetary value to be absorbed by agencies; it would cause a nonchalant attitude among Government workers and Indian tribal officials, and it would stymie creativity, initiative, and motivation.

LUCILLE E. COOKE,
President, NFFE.

HAVRE, MONT.

SENATOR LEE METCALF,
New Senate Office Building, Washington, D.C.:

We are not in agreement with Commissioner Bruce's rotation plan. Resolution follows.

JOHN WINDY BOY, *Chairman,
 Chippew-Cree Tribe.*

OPPLAR, MONT.

LEE METCALF,
U.S. Senate, Washington, D.C.:

Resolution 693-70-12. Whereas, the Fort Peck Tribal Executive Board does object to and oppose the new BIA policy structure whereby a mass transfer of superintendents and area directors and the certain delegation of authority therein is proposed, and whereas, the Fort Peck Tribal Executive Board looks upon this action as arbitrary abrogation of President Nixon's Indian message to Congress and the Federal responsibilities to the Assiniboine-Sioux Tribes of the Fort Peck Reservation. Areas of concern are:

1. Redelagation of authority that is being withdrawn from the area directors.
2. Redelagation of authority to the field administrators.

3. Allocation of funds on BIA takeover; what assurances do the tribes have [that] refunding will continue?

4. Re-regionalizing of certain programs, education, and engineering.

It appears certain programs will be directed from the regional level as opposed to certain ones directed out of the national office. This will lead to conflicts at the field level for total continuity of overall programing. Now, therefore, be it

Resolved, That no changes be made regarding the BIA services as provided by James Canon, area director, and Anson A. Baker, superintendent. To transfer these to BIA officials from their present positions would adversely affect the Fort Peck Reservation. Be it further

Resolved, That the Indian leadership be respected and the pledged Indian involvement begin with the initial preparation of such proposals as the new BIA policy structure and not arbitrarily abrogating commitments, pledges, and responsibilities. Passed on December 14, majority vote.

WILLIAM YOUPEE, *Chairman*.

NFFE LOCAL 520,

Sells, Ariz.

We wish to express our growing concern and anxiety as regards the new Bureau of Indian Affairs policy on personnel management. The new policy announced by Commissioner Louis R. Bruce positively gives preference to people of Indian ancestry in job placement and advancement.

In all fairness to all Indian and non-Indian people alike the new policy is not only discriminatory to whites but to Indians who are already in the Civil Service System within the Bureau of Indian Affairs.

We do not understand how an agency within the Federal system can so discriminate when the Law of the Land, under the Civil Rights Act of 1964, clearly states that there shall be no discrimination based on race, color, religion, or sex.

Mr. Bruce clearly states that Indians only, shall have first choice in job placement, and job promotion in the Bureau of Indian Affairs. (Reference: Binghamton Press, N.Y. Oct. 27, 1970 by Steve Morello and new Bureau of Indian Affairs written policy.)

Mr. Bruce has gone on public record to state that only Indians can understand Indians and that he does not care what the Civil Service Commission or systems think as regards his policy (again reference to article in Binghamton N.Y. Press, Oct. 27).

Clearly then, Mr. Bruce, intends to carry out his policy of Indian preference without regard for the entire Civil Service System as regards merit, competence, or tenure. More specifically the concepts and doctrine of Civil Service per se are being completely disregarded and the principals of the 1964 Civil Rights Act are clearly being violated.

It is becoming increasingly evident that the announced Bureau of Indian Affairs policy has been heard of by other Federal employees outside Bureau of Indian Affairs, such as the Indian Division of U.S. Public Health Service, that they, too, are alarmed inasmuch as such a policy could ultimately become effective in their respective agencies.

Unless this trend is reversed and unless the full effectiveness of the Civil Service Merit System is allowed to remain intact there will be a continued erosion of morale and job productivity among U.S. Federal employees throughout the United States.

Americans of whatever ancestry are Americans, and if this present policy is allowed to continue the entire governmental employment system will soon be in grave jeopardy.

All employees of the Federal Government entered into the system on the premise that the system offered freedom from prejudice and that the employee could advance on merit and dedication to duty.

Today, many honest, dedicated career employees in the twilight of their lives are facing the inevitable choice of forced retirement or continuance in a system that offers no hope for promotion or other advancement.

The concept also advanced by Mr. Bruce in Bureau of Indian Affairs that personnel must be rotated every 2 to 5 years is unreasonable and unwieldy when one considers the impact on human contact, acceptance by Indians, familiarity with the unique features of people on each reservation and of the land itself, and of basic human economics.

It has come to our attention repeatedly through press releases, interagency

memorandums, et cetera that the competency of the so-called red militants in Mr. Bruce's staff (reference again to article in Binghamton, N.Y. by Steve Morello) is highly questionable and that the approximate 65 percent Indian employees in the Bureau of Indian Affairs are greatly disturbed to learn that a mere handful of self admitted militants are dictating policy that is and will have tremendous impact on their lives and the lives of reservation Indians for years to come.

In effect, it is time that the Congress of the United States reevaluate the new announced policy of the Bureau of Indian Affairs and in turn determine whether or not the Civil Service System of the U.S. Government is to continue or not!

PAT WISLER, *President.*

NFFE, LOCAL 520,
Sells, Ariz., December 28, 1970.

Senator HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: The National Federation of Federal Employees Local 520 wishes to draw your attention to policies recently formulated by the Commissioner of the Bureau of Indian Affairs.

It is our position (1) that the Commissioner's promotion policies are in violation of the 1964 Civil Rights Act and (2) that the Commissioner's contracting and reassignment policies threaten Indian tribes and Indian BIA employees. We submit two enclosures for you to consider which substantiate our position.

(1) *The Commissioner's promotion policies violate the 1964 Civil Rights Act.*

(a) Commissioner Bruce's policy for the promotion of Indians to managerial positions is in direct violation of the 1964 Civil Rights Act and the Federal Merit Promotion Program. This policy, set out in a memorandum dated 11-17-70 and in 44 BIA Manual 412 Supp. 3, provides for promotion of BIA employees not on the basis of merit but on the basis of whether or not an employee is an Indian.

(b) Commissioner Bruce stated to the New York State Grange that the BIA would "eventually be staffed entirely with Indians," and he didn't care if some of his employees didn't like. (Binghamton, N.Y. Press, 10-27-70)

(c) The BIA Phoenix Area Office issued a memorandum dated 12-7-70 stating in effect that *only* Indians may be recommended for promotions to GS-12 or higher, the level for Agency supervisory positions.

(d) Enclosed is a letter by Linda L. Smith, dated 12-11-70, in which she sets forth statements made by self-proclaimed members of the Commissioner's staff. Here is further evidence of an operating policy to fill all BIA supervisory positions on the basis of a discriminatory policy which disregards merit as the standard for promotion.

(e) In complete contrast to the above, Commissioner Bruce stated to the Senate Interior Subcommittee that "... the Civil Service Merit System is closely followed in BIA and there's no apparent discrimination or attempt to drive non-Indians out of the Bureau." We believe this statement must be weighed against other statements made and actions taken by the Commissioner. It is our position that there is indeed discrimination in the BIA in violation of the 1964 Civil Rights Act.

(2) *The Commissioner's contracting and re-assignment policies threaten Indian tribes and Indian BIA employees.*

(a) Enclosed is an analysis of the new BIA policies of contracting and re-assignment. The affiliated Tribes of Northwest Indians fear that the policy of contracting traditional BIA functions out to the tribes may be a new kind of "termination in disguise."

(b) The Commissioner violated his own proclaimed principle of "partnership in decision-making which must initiate at the local level" when he announced the policies of contracting and re-assignment of all area directors and supervisors. Many tribal chairmen were *not consulted* about these policies which vitally affect them.

(c) The policy of contracting is being carried out without any provision to assist those *Indian* federal employees who will lose their employment protection under the BIA if they become tribal employees. Thus when a program is contracted out, *Indian* employees will no longer be promoted or even retained according to Civil Service regulations but will be subject to the caprices of a political patronage system.

In addition to these substantiated concerns of our regarding the Commissioner's policies, we are also worried about rumors which have reached us regarding the Commissioner's staff. According to these rumors, the Commissioner has on his staff a number of persons who cannot qualify for federal employment but who have been hired as "consultants." These consultants are purported to be *initiating* national policy within the Bureau of Indian Affairs. We are not in a position here to investigate these rumors and evaluate their validity. We feel, however, that such an investigation is mandatory if there is to be any confidence in the leadership of the Bureau of Indian Affairs.

We urgently request a *full review* of all the Commissioner's statements and policies. We earnestly hope that you will seek to protect the Civil Rights of all federal employees within the Bureau of Indian Affairs. We sincerely desire your assistance to safeguard the rights of all Indian tribes and Indian BIA employees.

NATALIE ANN SMITH,
Attorney.

PAT WISLER,
President, NFFE, Local 520.

Enclosure.

LOS ANGELES, CALIF., *December 11, 1970.*

Mr. PHIL ACKER,
*Chief, Division of Employment Assistance,
Bureau of Indian Affairs,
Washington, D.C.*

DEAR MR. ACKER: I am the wife of DuWayne Smith, a counselor in the Los Angeles Field Office. Mr. Mahoney requested that I outline the following information for you. I am a student at Los Angeles City College and on Thursday, December 10, 1970, Mr. Anthony Purley, Director of the UCLA American Indian Culture Center and Mr. Harvey Wells, a field representative from the Center, addressed a group of students at my school in a question-answer period for about two hours and spoke of racism and Indian problems.

There were many negative remarks made against the BIA in general, but I will not concern myself with them in this letter. In this letter, I wish to advise you of the specific charges and attacks which both Mr. Purley and Mr. Wells made before this group. I wish to make clear, however, that Mr. Purley at all times took a very moderate position as compared to Mr. Wells' very militant and dramatic position. I also want to make clear that from the beginning of this question-answer interchange, I identified myself as a wife of a BIA employee. Thus, both men knew that someone connected with the Bureau was in the audience. I had originally intended to ask no questions and only listen, but this was impossible from the beginning. For example, Mr. Wells' opening remarks were that he was a product of BIA schools and that BIA high schools were NOT accredited. I asked him to repeat that to make sure that I had heard him correctly. After he repeated his charge, I mentioned that I had lived at Stewart Indian School while my husband was employed there, and that I found his statement to be untrue. Mr. Wells immediately retracted what he had said.

The following outlines specific statements the speakers made about the Commissioner's new policy on staff changes and rotation of administrative personnel:

Mr. Wells stated in a very flamboyant manner that a group of young Indian men, known as the "Fearless Fourteen", are actually determining Bureau of Indian Affairs' policy because the present BIA Commissioner, Mr. Bruce, is "weak" (his word).

Mr. Wells indicated that he was part of this group. I am afraid that I did not get any other names. The names of Dumon and Frank were mentioned, but no specific, complete names were given. Mr. Wells laughed about how these fourteen young men were running the Bureau as consultants, but were not official Bureau employees.

Mr. Wells stated that he had been offered the Superintendent's position at this Omaha Agency in Nebraska, but said that he turned it down because he is waiting to get the Area Directorship in Aberdeen, S.D.

Mr. Wells said that the "Fearless Fourteen" were responsible for "booting out" six or eight white agency superintendents recently and that this will continue until all key BIA positions are held by Indian men. In addition, he stated that Mr. Mahoney of this Los Angeles office is going to be shipped down

to "Popscomville-Pensacola, Florida", so that an Indian can take over the Los Angeles office.

I tried to point up the fact that many dedicated white men have spent their adult years serving Indian people in a selfless manner, but both men just laughed. It appeared that their attitudes were based more on racism than anything else. I also mentioned that the present BIA Commissioner is himself an Indian, a fact both men had not mentioned. Mr. Purley made a point of stating that the "weak" Commissioner was an "Apple". When asked what that meant, Mr. Purley said it meant that he was only red on the outside, and he was white on the inside.

In closing, I want to say that I am not forwarding the above information to simply protect my husband's job because he has already decided to leave the BIA in the future. But, I am concerned about those individuals who have dedicated a number of years to the service of Indian people.

Cordially yours,

LINDA L. SMITH,

DECEMBER 8, 1970.

Mr. CHARLIE VIGIL,
President, The Jicarilla Apache Tribe,
Dulce, N. Mex.

DEAR MR. VIGIL: I have your letter of December 4. Claude Wood had told me about the call from you and Mr. Abeyta.

I have had a number of calls about the proposal of the Indian Commissioner to rotate personnel and the House Interior Committee is having the Commissioner brief the committee on this today. The Senate Interior Committee has set hearings on the subject December 16 and you may be sure we will go into this matter very carefully.

Your letter will be very helpful to me.

Sincerely yours,

CLINTON P. ANDERSON.

THE JICARILLA APACHE TRIBE,
Dulce, N. Mex., December 4, 1970.

HON. CLINTON P. ANDERSON,
U.S. Senator,
Washington, D.C.

DEAR SENATOR ANDERSON: Yesterday, Thursday, December 3, 1970 I asked Mr. Abeyta to call your office to inform you of our deep concern regarding the November 24, 1970 memo we received from Bureau of Indian Affairs Commissioner Bruce.

From the memo you can see what we have been hearing about for some time now * * *. Indian involvement, tribal objectives, Indian participation, Indian input, et cetera are words that are beginning to sound hollow to us.

The memo states that our area director, Mr. Walter Olson and our Agency Superintendent Lawrence J. Kozlowski will be reassigned in 90 days. This is the first we heard about it. In fact not too many months ago I recall reading a newsletter from Washington stating there was not a plan to reassign BIA Agency Superintendents. Now this! The credibility gap has widened.

It is our feeling that some type of rotation plan might have merit, certainly though, not this one. To be reassigned after 2 years to another location without tribal consultation, as is being done now can destroy much that has been accomplished. No evaluation of our needs relative to the local BIA leadership has been made to support their plan to move our superintendent, the same is true with our area director. All of this has been done without any participation from us who will be affected. Besides many programs that we ask for are not funded because of lack of money, yet we are possibly looking at an expenditure of one-quarter million dollars in moves or transfers we consider unnecessary. It is very hard to believe that the words of the BIA Washington office match their deeds.

We will be most pleased if you would look into this matter for us and give us the assistance you can like you always have in the past.

Most sincerely yours,

CHARLIE VIGIL, *President.*

THE JICARILLA APACHE TRIBE,
Dulce, N. Mex., December 4, 1970.

HON. JOSEPH MONTOYA,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MONTOYA: This has reference to a telephone conversation I requested Mr. Abeyta make to your office on Wednesday, December 2, 1970.

We are very much concerned about a memo dated November 24, 1970 from Commissioner Bruce regarding changes in the Bureau of Indian Affairs. It appears that he plans to move our area director, Mr. Walter Olson, and our superintendent, Lawrence J. Kozlowski, from their present assignments within 90 days.

Up to now, we have heard so much about Indian participation, Indian involvement, Indian input and words and phrases of this sort, yet without consultation, without our foreknowledge of any impending change, a basic policy statement is issued without our participation and in a very arbitrary manner. This is not responsive to Indian needs.

We think the policy of rotation itself might have merit, but to move people every 2 years seems ridiculous. The average superintendent might take up to 2 years to establish his identity with us. What kind of indepth evaluation of our needs has been made to determine if we should keep our present superintendent or get a new one by the central office? This all seems a total contradiction between their stated policy and their pending actions.

It is our wish that you take whatever action you deem proper to halt any pending moves of our superintendent and area director. We will notify the Bureau whenever we feel that the effectiveness of our area director and/or superintendent has diminished to the point that we need a change. We thank you for your efforts in our behalf.

Most sincerely yours,

CHARLIE VIGIL, *President.*

THE JICARILLA APACHE TRIBE,
Dulce, N. Mex., December 4, 1970.

HON. MANUEL LUJAN,
U.S. Representative,
Washington, D.C.

DEAR MR. LUJAN: On Wednesday, December 2, 1970, I requested that Mr. Abeyta call your office regarding a serious matter affecting the operations of the Jicarilla Apache Tribe.

We received a memo dated November 24, 1970, from the Commissioner of Indian Affairs regarding the impending move of our superintendent, Lawrence J. Kozlowski and Area Director Walter Olson, to be accomplished within 90 days.

So much, up to this time, has come out of the Central Office of the Bureau of Indian Affairs regarding Indian self-determination. Works such as Indian input, Indian involvement, Indian participation, et cetera have led us to believe we might have some say in our future. Now, the above mentioned memo states categorically that a basic change is going to be made, but we have had no say whatsoever in this change. This is not responsive to Indian needs.

From a purely practical standpoint this mass reassignment will very seriously affect ongoing programs, planning actions, tribal and agency operations in 69 superintendencies. This could be chaotic. We are beginning to seriously doubt the sincerity of the Bureau of Indian Affairs policies and practices.

It is our feeling that the area director and agency superintendent are key people in our day to day relationship with the Federal Government. Therefore any action concerning their tenure with us is basic and crucial, and to move them, arbitrarily, within 90 days, without any foreknowledge on our part almost seems criminal. We have always had confidence in your efforts to assist us in difficult matters and sincerely wish you can be of assistance to us at this time.

Very sincerely yours,

CHARLIE VIGIL, *President.*

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., November 24, 1970.

Mr. CHARLIE VIGIL,
Chairman, Jicarilla Apache Tribal Council,
Dulce, N. Mex.

DEAR MR. VIGIL: During the past several months, members of my staff and I have thought long and hard about changes to the Bureau which would improve its ability to provide the services you need. We have discussed with Indian leaders many of the problems involved. The objectives have become clear:

Bureau services must conform to tribal objectives and programs.

Bureau authorities must be executed close to the Indian people they affect.

Bureau staff changes will be needed to assure implementation of new and revitalized policies.

Bureau regulations and procedures must be revised to facilitate greater Indian participation.

The time has now come for action. Last weekend, my executive staff met and finalized a comprehensive plan under review for several months to meet the objectives. A summary of the plans is enclosed. Most of the work required to implement it will be completed within the next 90 days. I feel certain that the result of the plan will be a restructured Bureau that is both modern and responsive to Indian need.

A major element of the new plan is the reassignment of a substantial number of Bureau managers and supervisors who have been in a management position at the same location for more than 2 years. The superintendent of your agency has been notified that he is eligible for reassignment under this policy. A decision on reassignment will be made within 90 days. When such a decision is made, you will be advised and a Central Office employee will be assigned to work directly with you in the selection of a replacement.

Sincerely yours,

LOUIS R. BRUCE,
Commissioner.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., November 24, 1970.

Mr. GRANT WAHENEKA,
Chairman, Warm Springs Tribal Council,
Warm Springs, Oreg.

DEAR MR. WAHENEKA: During the past several months, members of my staff and I have thought long and hard about changes to the Bureau which would improve its ability to provide the services you need. We have discussed with Indian leaders many of the problems involved. The objectives have become clear:

Bureau services must conform to tribal objectives and programs.

Bureau authorities must be executed close to the Indian people they affect.

Bureau staff changes will be needed to assure implementation of new and revitalized policies.

Bureau regulations and procedures must be revised to facilitate greater Indian participation.

The time has now come for action. Last weekend, my executive staff met and finalized a comprehensive plan under review for several months to meet the objectives. A summary of the plans is enclosed. Most of the work required to implement it will be completed within the next 90 days. I feel certain that the result of the plan will be a restructured Bureau that is both modern and responsive to Indian need.

A major element of the new plan is the reassignment of a substantial number of Bureau managers and supervisors who have been in a management position at the same location for more than 2 years. The Superintendent of your agency has been notified that he is eligible for reassignment under this policy. A decision on reassignment will be made within 90 days. When such a decision is made, you will be advised and a Central Office employee will be assigned to work directly with you in the selection of a replacement.

Sincerely yours,

LOUIS R. BRUCE,
Commissioner.

AMERICAN INDIAN MOVEMENT,
December 8, 1970.

DEAR SENATOR BURDICK: As you may already know, Commissioner Louis R. Bruce of the Bureau of Indian Affairs has recently taken steps to implement President Nixon's message on American Indians stressing "self-determination."

For many years the American Indian has been subjected to paternalism. As far back as 1928 when the Meriam report was made public—urging Indian control over Indian programs—studies, recommendations, and policies have delivered nothing but rhetoric. Because of this, the Indian has seriously questioned the real motives of the Bureau of Indian Affairs. Commissioner Bruce's recent actions indicate that the Bureau has begun to turn rhetoric into action. Action such as this can only be construed as positive realignment.

The American Indian movement wishes to express its complete endorsement of the new program which Commissioner Bruce advocates based upon these three points:

1. To transform the Bureau of Indian Affairs from a management agency to a service organization.
 2. To more effectively carry out the policies and programs of the Bureau (through elimination of bureaucratic layers which presently exist).
 3. That this program will be more responsive to the needs of Indian people.
- It is our hope that this expression is conveyed to the Committee on Interior and Insular Affairs.

Sincerely yours,

D. J. BANKS, *Chairman.*

OSAGE TRIBAL COUNCIL,
Pawhuska, Okla., December 4, 1970.

Hon. HENRY BELLMON,
U.S. Senate,
Senate Office Building, Washington, D.C.

DEAR SENATOR BELLMON: There is enclosed copy of a telegram directed to the Honorable Rogers C. B. Morton, Secretary of the Interior-select, concerning plans for restructuring the Bureau of Indian Affairs outlined in a letter dated November 24 from Commissioner of Indian Affairs Louis R. Bruce.

Any assistance you can give us in getting this drastic change of policy suspended until it has been reviewed and the Indians consulted on the plan being implemented by the Commissioner and his staff will be appreciated.

Sincerely yours,

SYLVESTER J. TINKER,
Principal Chief.

DECEMBER 4, 1970.

Hon. ROGERS C. B. MORTON,
House of Representatives,
House Office Building, Washington, D.C.:

Osage Tribal Council requests that comprehensive plan for restructuring Bureau of Indian Affairs outlined in letter dated November 24, 1970, from Mr. Louis R. Bruce, Commissioner of Indian Affairs, be suspended until you have assumed your duties as Secretary of the Interior and have an opportunity to review plan and to consult with the Indian people before it is implemented.

SYLVESTER J. TINKER,
Principal Chief

ANADARKO CHAMBER OF COMMERCE,
ANADARKO, OKLA., December 2, 1970.

SENATOR HENRY BELLMON,
U. S. Senate, Washington, D.C.

DEAR SENATOR BELLMON: It has been called to our attention that Louis Bruce, Commissioner of Indian Affairs, has announced his intention of reorganizing the Indian Bureau Services of the United States.

It seems that no one understands exactly what Mr. Bruce means in this attempt of reorganization but is quoted as saying, "It is to make the Bureau more of a service organization for the Indians rather than management organization". In the news it also states Mr. Bruce intends to eliminate area offices altogether.

We do not presume as a Chamber of Commerce or Community to try to tell

any department of government how they should conduct their responsibilities, but situations similar to this have come to our attention numerous times in the past 23 years.

Naturally our concern is that any move that would disrupt services to the Indians in our area and in other areas similar to ours would not only affect the welfare of the Indians but the Communities and the areas that serve and live with them.

This problem is not new, and there is apparent evidence that a good many people in BIA Offices in Washington are continually offering solutions when they are people who have never lived with the Indians and some very seldom see Indians.

Of course we all want any Government program to be effective and economical as possible. We wish we had more specific information but we feel sure you will get the information needed and will do whatever is necessary to protect our interests.

I have just finished a conversation with Congressman Tom Steed. He suggested we write you this letter of concern.

Yours Sincerely,

ALBERT L. CONNELL,
Chairman, Indian Affairs Committee.

ACADEMY OF TRADES,
Los Angeles, Calif., December 11, 1970.

Re Indian progress

HON. LEE METCALF,
U.S. Senator, Washington, D.C.

DEAR SENATOR: American Indians in Los Angeles and under the Bureau of Indian Affairs have the advantage of services from the Los Angeles BIA Office that are superior to any other that we know of.

Changes in local BIA Administration would possibly create chaos where D. L. Mahoney now has an unusually well administered and efficiently organized operation that serves the Indian all the way.

Your Interior Department Committee action may preserve one of the few truly efficient service offices in the Bureaucracy.

Your consideration is most appreciated.

Very truly yours,

FRANK O. BTEGNARD,
Administrator.

SMALL TRIBES ORGANIZATION OF WESTERN WASHINGTON, INC.,
Puyallup, Wash., December 2, 1970.

GILBERT CHARLES,
Port Angeles, Wash.

DEAR GILBERT: We request your support of retaining George M. Felshaw as the Field Administrator, Western Washington Agency, Everett, Washington.

The present administration has strongly advocated self-determination by Indians. Mr. Felshaw has been encouraging this move for quite some time, through grant/contract programs. We cannot overly emphasize the need for retention of Mr. Felshaw in his present position.

We also oppose the mass move of Superintendents and Area Directors on the grounds that the costs will far exceed the benefit to the general Indian population.

If you are in agreement, please write letters of support directly to people listed or forward to us to send.

Sincerely,

ROY S. GEORGE, Sr., *President.*

We of the Clallam Tribe oppose Mr. Felshaw being transferred to another area we would rather retain Mr. Felshaw as our field administrator of Western Washington area, in the past several years we have worked with him and he is familiar with our needs here.

Sincerely yours,

GILBERT CHARLES, *Chairman.*

UTE MOUNTAIN TRIBE,
Towaoc, Colo., December 10, 1970.

THE VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: I agree with the Chairman of the Ute Mountain Tribe. To lose our key personnel at this time would hinder our Reservation. Our Superintendent, Espeedie G. Ruiz, is working wholeheartedly with all of the people, the Council and all agencies. We have a unique team effort at Ute Mountain.

We would appreciate any assistance you might give in keeping the Ute Mountain Bureau of Indian Affairs Superintendent here.

Sincerely,

IDEEL HARRISON, *Executive Director.*

VOCATIONAL EDUCATION COORDINATING COUNCIL
FOR OCCUPATIONAL EDUCATION,
Olympia, Wash., December 16, 1970.

HON. HENRY M. JACKSON,
U.S. Senator, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: Our office has become aware of some sweeping administrative changes within the Bureau of Indian Affairs which are a portion of issues being considered by your Interior and Insular Affairs Committee.

A position in the matter has been expressed to us by the Affiliated Tribes of the Northwest. We concur in their observations that (a) insufficient time has been provided to input concerns and register reactions from affected Indian tribes, and (b) the incoming Secretary of the Interior should be afforded the opportunity to evaluate such proposals rather than be obliged to accept them as accomplished fact.

Specifically, we believe a reasonable delay in implementing these radical changes ought to be required of the Bureau of Indian Affairs in order to provide this office and similar agencies of vocational education in other states an opportunity to assess the significant effect such changes could bring about in all Indian vocational training programs. You are, no doubt, aware of the development of exemplary programs of occupational training for Indians which have been developed by the Coordinating Council for Occupational Education, such as the Aquaculture Program involving tribes in the area from Everett to Bellingham. The results of these thus far are outstanding and we are hopeful that your efforts can provide a reasonable time to explore how radical relocations of BIA personnel and almost total redistribution of authority might affect our efforts within the State to improve occupational training for Indians.

Respectfully,

ERNEST G. KRAMER,
State Director and Executive Officer.

KENAI PENINSULA NATIVE ASSOCIATION,
Anchorage, Alaska, December 14, 1970.

COMMISSIONER LOUIS R. BRUCE,
Bureau of Indian Affairs,
U.S. Department of Interior,
Washington, D.C.

DEAR COMMISSIONER BRUCE: The leaders and members of the Kenai Peninsula Native Association generally agree that the new policy for rotation of the employees in the BIA will be beneficial. However, we also realize that there will be a few exceptions. Who . . . better than our own Alaska Indian . . . could attain your stated objectives?

1. Would be more responsive to the Indian people?
2. To more effectively carry out the new policies and programs of the Bureau?
3. To maximize opportunities for employee development? (In our area we hope this includes opportunities for initial employment).

We refer to Roy Peratrovich and request his retention in the position of Superintendent or Field Administrator for the Anchorage and surrounding Cook Inlet area.

Prior to Mr. Peratrovich's assignment to the Anchorage Office we were not even made aware of existing BIA programs such as the Indian Land Allotment and the IRA Funding Program. The programs of assistance through the Employment Assistance Branch, Social Services, and Education were greatly expanded. The Federal, State, and private employment and training programs, assisted by the BIA under the guidance of Mr. Peratrovich, are well known and appreciated by our people throughout the State. Had it not been for Roy's lifetime experience in our Alaska Native affairs, these programs would not have been successful. Under his management, the employment of our people, the Alaska Natives, in the Bureau of Indian Affairs has increased from less than 50% to almost 80%.

The Kenai Peninsula Native Association is presently attempting to develop a business corporation which would provide jobs and opportunity to improve our living standards. This effort will be in the field of commercial fishing. Mr. Peratrovich's years of experience in this field will be invaluable to us. He has made himself available and has constantly guided us through this very difficult period.

Your favorable consideration of our request will be greatly appreciated.

Sincerely yours,

LARRY OSKOLKOFF, *President.*



