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HEARING

BEFORE THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

ON

THE NOMINATION OF MORRIS THOMPSON TO BE COMMISSIONER
OF THE BUREAU OF INDIAN AFFAIRS

NOVEMBER 14, 1973



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HEARING

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INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

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NOMINATION OF MORRIS THOMPSON TO BE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

WEDNESDAY, NOVEMBER 14, 1973

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

The committee met, pursuant to notice, at 10 o'clock a.m., in room 3110, Dirksen Office Building, Hon. Paul J. Fannin, presiding.

Present: Senators Fannin [presiding], Jackson, Metcalf, Abourezk, Haskell, Hansen, and Bartlett.

Also present: Jerry T. Verkler, staff director; Forrest Gerard, professional staff member; Harrison Loesch, minority counsel; and Ella Mae Horse, staff assistant.

OPENING STATEMENT OF HON. PAUL J. FANNIN, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator FANNIN. Let's get the hearing underway. Let me state before I read Chairman Jackson's opening statement that I am pleased to begin confirmation hearings on Morris Thompson to be Commissioner of Indian Affairs. We have been too long without a Commissioner and now that Mr. Thompson's name has been submitted let us move expeditiously.

The Chairman, Senator Jackson will be here shortly. And, I would like now to read his statement.

STATEMENT OF HON. HENRY M. JACKSON, A U.S. SENATOR FROM THE STATE OF WASHINGTON

The purpose of the meeting today is to consider the nomination of Mr. Morris Thompson of Tanana, Alaska, to be Commissioner of Indian Affairs.

Although he is a relatively young man, Mr. Thompson brings a rich background in public service experience to this challenging and difficult post.

In addition to his academic and professional qualifications, Mr. Thompson is an Athabaskan Indian and understands the needs, hopes, and aspirations of Indian people across the land.

If his nomination is approved by the committee and confirmed by the Senate, Mr. Thompson will assume leadership of the Bureau of Indian Affairs at a time when it has just undergone one of the most critical periods in its long, sometimes stormy history.

Because the Bureau is statutorily charged with fulfilling the Federal Government's unique trust responsibilities to Indian people, the

agency is required to make numerous decisions affecting the property and lives of Indian people, both now and in the future.

These decisions are often considered unpopular by the Indians and general public and result in sharp, public attacks directed against the Bureau.

Two major disruptions have occurred in the Indian field during the past year which further complicate the role of the Bureau of Indian Affairs.

In early November 1972, the Bureau headquarters building was occupied by the participants of the Trail of Broken Treaties who later inflicted considerable damage to the physical property, records, and equipment.

More recently, the symbolic community at Wounded Knee, S. Dak., was occupied by Indian people and before a peaceful negotiation was arrived at, considerable damage was brought to the community and most unfortunately two Indian people died as a direct result of this confrontation.

These episodes taken together, in my view, represent the culmination of decades of Indian resentment, bitterness, and rage over the general state of Indian affairs.

And, Senator Jackson continues: Former Commissioner Bruce resigned from his post effective January 20, 1973, and although the administration endeavored to provide interim leadership to the Bureau, the record speaks for itself.

Employee morale has fallen to a new low. The organizational structure of the Bureau has come under attack from congressional and tribal leaders.

In short, I question whether the Bureau is meeting its minimum responsibilities to the Indian community. The ultimate losers in this situation are the Indian people themselves who are striving so desperately toward a resolution of the serious social and economic problems affecting their reservations and communities.

But rather than belabor the past and all that is wrong with the Bureau, I would suggest to the nominee, Mr. Thompson, that he has before him an opportunity to make a valuable contribution to his own people, to the Federal Government, and to the general public of this Nation.

But to do so he must devise the means and methods to marshal the Bureau's financial and personnel resources in such a way that it may again become a functioning agency in the Indian field.

I consider this initial step essential if employee morale is to be improved and if the Indian community is to regain any degree of confidence in the ability of this organization to assist them in their efforts to improve living conditions throughout Indian country.

Further, I believe the Bureau's organizational structure must be stabilized in order to utilize new tools which Congress has or will hopefully approve for use by the Bureau in the Indian field.

Let me cite a couple of examples. S. 1016, the judgment authorization bill, has been approved by Congress and is now Public Law 93-134.

This new law authorizes a speedier method for processing judgment awards made to Indian tribes so that the distribution of funds may be made more promptly for the benefit of the recipient of the award.

Under this law the distribution will be made on the basis of an administrative action with Congress maintaining an oversight responsibility on the total process.

The Bureau by necessity must play a key role in implementing the provisions of this new statute. In the area of Indian financing, self-determination and education, key bills are moving forward in both the Senate and the House and I am confident that new laws in these important areas will soon be enacted.

To put it more bluntly, unless the Bureau's house is brought into order, I cannot possibly envision how they will be able to assume additional responsibilities in the future, all of which are designed to assist the Indian people.

In addition to potential new responsibilities brought about by legislation, I believe that the new Commissioner and the Bureau must be prepared to play an ever increasing role as an advocate in representing Indian interests before other Federal departments and agencies whose programs and services hold potential for improving the lifestyle of the Indian people.

I believe the time has arrived when we must face reality and recognize that because of limitations in both authority and finance, the Bureau cannot possibly begin to cope with the wide range of social and economic conditions affecting the Indian community.

There are, however, other programs and resources available throughout government to assist citizens in need and certainly the first citizens of this Nation should share in these benefits.

There are two important areas currently under litigation which the new Commissioner will be required to follow closely. These are in the area of Indian preference for employment and the extent to which the Bureau of Indian Affairs and the Indian Health Service should extend their special services to Indian people residing beyond federally recognized reservations and other Indian communities.

Depending on the final court decisions in these areas, it may be necessary for the new Commissioner to redefine the important roles of the Bureau.

In conclusion, Senator Jackson states, I am hopeful that Mr. Thompson will provide this committee and the Indian community, through this official hearing record, with a clear statement of his basic philosophy on Indian affairs; his stand on the key issues of the day; his vision of the Bureau playing a constructive rather than destructive role in Indian affairs; and finally, his intention to involve the Indian community itself so that the rank and file tribal members, as well as their leaders, become true participants in an effort geared toward real progress.

Senator Abourezk, I am called to the floor and I know that you will take over at this time and we are honored to have several guests with us and I think Senator Hansen has one guest he would like to introduce at this time.

Senator ABOUREZK [presiding]. Senator Fannin, I would like to thank you for reading the chairman's opening statement.

Do you have someone you want to introduce here, Senator Hansen?

STATEMENT OF HON. CLIFFORD P. HANSEN, A U.S. SENATOR FROM
THE STATE OF WYOMING

Senator HANSEN. Thank you very much, Senator Fannin and Senator Abourezk. It is a real pleasure for the Senator from Wyoming to present to you, to the Secretary, whom she has already met, to the distinguished members of the Alaskan delegation, and the Senators and the Representatives, Miss Indian America, Maxine Henrietta Norris.

Would you please stand up? This lovely young lady is from Arizona. Senator FANNIN. Thank you.

Senator HANSEN. I wanted to get that in before Senator Fannin had time to.

A number of years ago the city of Sheridan decided it would be entirely appropriate juxtaposed as Sheridan is to the great State of Montana, as Senator Metcalf prompted me to say to recognize an outstanding young girl who epitomizes those qualities, traditions, and background that means so much to America.

I am very pleased and proud that Sheridan has been able to continue this fine tradition. This present young lady is Miss Indian America No. XX.

She has spent part of the year traveling, part of the year living in Sheridan and all of the year delighting and thrilling Americans wherever she has appeared with her grace, her beauty, her talent, her great background, and the culture that she brings into the forefront as she speaks for the first true American.

Thank you very much, Mr. Chairman.

Senator FANNIN. I would like to add to the remarks of the Senator from Wyoming. When she came into my office and I was honored to have her visit this morning, the first thing she told me was the Senator from Wyoming had already arranged to introduce her so I was beaten by him. She happened to go to the Wyoming Congressman first.

We are honored to have this fine young lady from Arizona, a leader of our young Indian people throughout the United States, and one I am sure will represent them with great honor and distinction.

We are very proud of you.

Senator HANSEN. If I might be permitted another word, if the Senator from Arizona will yield, accompanying Miss Indian America to Washington is Mrs. Shirley Carroll.

Mrs. Carroll comes from Sheridan. I don't know how much more of her year will be spent with this young Miss Indian America Princess but I am sure a number of weeks will be spent, isn't that right?

And also representing the Bureau here today accompanying both Miss Indian America and Mrs. Carroll is Mrs. Russell. So, whoever you are on the aisle there, you couldn't be in finer company. I hope you are impressed.

Senator ABOUREZK. I don't have an opening statement at this time but I would like to ask Secretary Morton to introduce Mr. Thompson, and the other guests at the table. Secretary Morton, do you have a statement?

Secretary MORTON. Mr. Chairman, I would like to make some brief remarks.

Senator ABOUREZK. We would be pleased to hear from you, and then the Senators from Alaska who want to introduce Mr. Thompson. I am sorry to be late.

Secretary MORTON. I think protocol would dictate that the gentlemen from Alaska will take precedence in this case over the Secretary.

Senator ABOUREZK. The Secretary is a diplomatic cabinet officer, Senator Stevens from Alaska.

STATEMENT OF HON. TED STEVENS, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator STEVENS. Thank you very much, Mr. Chairman. I am happy to join with my colleagues and the Secretary of the Interior in support of my good friend Morris Thompson.

Morris comes highly recommended from our native and Indian community in Alaska. I have worked with him for a great many years. I know he has the complete confidence of those who have worked with him.

Having visited in his home and his family's home in Tanana, and having traveled with Morris Thompson throughout our State, I know full well the respect that he has for the achievements in our State and I think he will bring to the national scene the total awareness of our native people to the problems that face the American Indians, in particular in the relationships that must be developed within the Indian community if we are to restore confidence in the Bureau of Indian Affairs.

Since the Secretary is here and my colleagues wish to speak also, I will not speak at length about my good friend. But I do think the record should show he has had for many years complete confidence also of my good friend and former Governor and former Secretary of the Interior Wally Hickel, and it is my opinion that it is a very wise decision to put Morris Thompson in the Office of the Commissioner of the Bureau of Indian Affairs at this time, because he does have the wisdom and maturity to take on the job, although he is a very young man.

Thank you, Mr. Chairman.

Senator ABOUREZK. Thank you, Mr. Stevens.

Senator Gravel.

STATEMENT OF HON. MIKE GRAVEL, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator GRAVEL. I have a statement I would like to submit for the record.

Senator ABOUREZK. It will be admitted.

Senator GRAVEL. I think Mr. Thompson is an excellent choice. Notwithstanding his young age he brings to the Office an unusual experience, that is his participation in the implementation of the very historic Alaska Native Land Claims.

I can only add with the experience that he has had with implementation of the steps of the Indian land claims he will bring to the Office what I think will be a judgment, a perspecuity that would not only reflect credit on himself, on Alaskans because he is an Alaskan,

but foremost the peoples of his country, particularly the Indian people.

I cannot recommend him too strongly. My dealings with him and these dealings are different than my colleagues who join me at the table in recommending him.

He is a part of a different partisan administration and I can say he has handled our relationship with impeccable skill and great judgment.

I must say I think he will make one of the finest persons for that position in our Nation.

[The prepared statement of Senator Gravel follows:]

PREPARED STATEMENT OF HON. MIKE GRAVEL, A U.S. SENATOR FROM THE STATE OF ALASKA

I wish to urge the committee here today to make a speedy confirmation of Morris Thompson as Commissioner of the Bureau of Indian Affairs. There is no other individual that I could name who would be quite as effective as Morris Thompson in this role. I speak in Morris's behalf not just as a fellow Alaskan, but as a good friend and personal admirer. Over the past years, I have had the opportunity to observe Morris administer the Alaska area of the BIA in a fair and effective manner, with vision and with diligence.

Morris assumed the Alaska position as a young man with lots of promise. Now two years later, he has demonstrated that youth combined with talent is a potent combination for a task that is so often excessive in its demands. The submission of Morris Thompson's name for Commissioner is fortunate in that it comes at a time when the Bureau of Indian Affairs so desperately needs capable leadership.

The BIA has been without a Commissioner for nearly a year—since the wildly publicized building takeover by members of the American Indian Movement. Many of the other top positions are also vacant. Numerous programs cannot be fully implemented. As one former bureau official put it, "things are in a helluva shape." Those of us who represent large native American constituencies know the problems this has presented.

This legacy as well as the takeover and the subsequent tragic actions at Wounded Knee have been unnecessary events in this country's history. Unnecessary, I say, because we know better . . . and our intentions are better. The record will show that Congress desires Indian needs and rights to be recognized. The historic Alaska Native Land Claims Settlement Act is a singular example of those intentions. Others are the Indian Self-Determination and Education Reform Act, National Indian Goals and Progress Act, The Economic Development of Indians and Indian Organizations Act. When enacted, these programs and others will witness our sincere concern for a better life for the "first" Americans.

Our duty today then lies in the wise selection of an administrator. Morris Thompson in his innate diplomacy, his calm, collected approach is a wise choice. During his term in Alaska, Morris administered programs affecting more than 70,000 Indians, Eskimos, and Aleuts—almost a fourth of the total federal responsibility. This required management and oversight of some 200 contract operations covering a variety of services from providing community utilities to running child care programs. He managed a sizeable day school system scattered over a half million miles of tundra and forestlands.

Morris' leadership expressed itself in much valuable input to the Alaska Native Land Claims Settlement and its complex implementation. His ideas laid the foundation for extensive efforts aimed at enrolling eligible persons to share in the settlement and to obtain their rightful title to Native lands. Through these efforts, the Alaskan Native can look to a future full of promise of dignity and economic progress.

He is respected equally by employees and co-workers. He has received the almost unanimous support of scores of Indian groups, in Alaska and elsewhere.

Morris Thompson emerges from a brave new generation of Indian leaders who are sensitive to the need for preserving the traditional while being hip to the challenges of today. He offers the potential for restoring order to the BIA, re-shaping its programs into meaningful, directed efforts toward fulfilling the federal government responsibility to American Indians.

I urge your full support of this uniquely qualified individual—Morris Thompson.

Senator ABOUREZK. Thank you very much, Senator Gravel.

Congressman Don Young of Alaska, we are pleased to have you here today. Do you have something to say?

STATEMENT OF HON. DON YOUNG, A U.S. REPRESENTATIVE FROM THE STATE OF ALASKA

Mr. YOUNG. It is an honor and a privilege for me to be here today to speak on the behalf of Morris Thompson, the President's nominee for the position of Commissioner of the Bureau of Indian Affairs.

I have known Mr. Thompson for more than a decade, and in that time he has proven himself to be a man of integrity and courage.

I wholeheartedly endorse his speedy confirmation as Commissioner of the Bureau of Indian Affairs by this committee and by the Senate as well.

An Athabaskan Indian who grew up in fish camps along Alaska's Yukon River, Mr. Thompson understands full well the traditional subsistence lifestyle of Alaska Natives.

As a trained engineer, technician, and administrator, he also understands contemporary America and the processes by which our Government functions.

Some knowledgeable men scoffed when Thompson became the youngest area director in the Bureau's history. Yet his performance in that demanding job—administering 55 schools, 1,200 employees, 5 offices and a 10-ton cargo ship—clearly demonstrated beyond any shadow of doubt that he was capable, fair, and understanding.

Not quite 2 years ago, the Congress approved the Alaska Native Claims Settlement Act. In this landmark legislation, Alaska's Native peoples were awarded 40 million acres of land and \$962.5 million in exchange for their ancestral rights to all of Alaska.

As an Alaska Native, an American Indian himself, Morris Thompson realizes full well what this legislation does for Alaska's people.

But he has actively spent much of his time in the past 2 years since the law went into effect transforming congressional rhetoric into reality for Alaska's Native peoples.

Under his guidance, more than 80,000 Alaska Natives have enrolled for benefits provided by the act—no small task when one realizes the inherent difficulties of such a job in an area more than twice the size of Texas and under physical conditions like no others found anywhere in the United States.

Morris Thompson knows Alaska, there is no question about it. But the question before the committee is this: Can Morris Thompson bring able leadership to the Bureau of Indian Affairs?

Can he bridge the gap—for American Indians everywhere, in Arizona, New Mexico, and the Dakotas, as well as Alaska—between rhetoric and reality. I am certain the answer will be a resounding yes.

His nomination by President Nixon brings before this committee an enviable record of achievement. At 31, he became the youngest area director in the Bureau's history. Now, at 34, he stands to become the youngest Commissioner.

He comes to Washington bringing with him the respect of Alaska's Native peoples, the respect earned from hours at the bargaining table where he proved his ability as an arbiter—an ability that will place him in good standing here in Washington.

The job of Commissioner brings the challenge of the future. Thompson learned what that meant when he served as the executive secretary of Alaska's North Commission, a planning body concerned with the long-range future of Alaska.

When he is confirmed, Thompson will face the problems of America's Indian peoples squarely and honestly.

The time has long past—in reality it never existed—when the first Americans could be herded onto reservations and ministered to condescendingly.

The problems of the American Indian are real. But in many regards they are different from those that confront us as contemporary urban Americans.

Nonetheless, they must be dealt with seriously, courteously, and honestly—honestly most of all.

With his understanding, ability, and experience in mind, I think Morris Thompson is the best man for the job for Commissioner of the Bureau of Indian Affairs.

Thank you, Mr. Chairman.

Senator ABOUREZK. Senator Jackson, do you have questions?

Senator JACKSON. I appreciate my colleagues being here. I want to ask the nominee general questions that I am concerned about. I think it will be helpful to get a clarification on these questions.

If you don't mind, Mr. Secretary, I know you have not spoken yet. I just want to make the record here because I have to go over on the floor and pick up the conference report on the mandatory allocation bill.

I want to ask the nominee whether or not you are a shareholder in one of the regional corporations?

Mr. THOMPSON. Yes, I am, Senator. I will be a shareholder although the stock has not been issued for the Regional Native Corporations. I am scheduled to become a stockholder in the Doyon Limited Regional Corp.

Senator JACKSON. Do you hold a position on a profit or nonprofit corporation board of directors?

Mr. THOMPSON. No, I do not.

Senator JACKSON. You do not?

Mr. THOMPSON. I am not a member, nor is any member of my family active in any way in the Doyon Limited Regional Corp.

Senator JACKSON. What about the Alaska Native Foundation that is listed in your biography?

Mr. THOMPSON. That is a nonprofit educational foundation largely financed by the Ford Foundation to assist the regional corporations in implementing the Native claims act.

I served both as an officer in that foundation and currently I am on its board of directors.

Senator JACKSON. You didn't listen carefully enough. Let me give you the question again.

Do you hold a position on any profit or nonprofit corporation or board of directors? The answer is "Yes," isn't it?

Mr. THOMPSON. I apologize to the Senator. The answer is "Yes"; I am on the board of directors of the Alaskan Native Foundation.

Senator JACKSON. I just wanted to be helpful and it is in your biography. You answered no and I wanted to correct that. That is a non-profit corporation and you are on the board?

Mr. THOMPSON. Yes, sir.

Senator JACKSON. How have you participated in the publication of the Alaskan Native Management Report?

Mr. THOMPSON. The Alaskan Native Management Report is one of the functions of the foundation. The management report is published by the staff of the foundation. It is published as an educational information effort to regional corporations and to natives of Alaska. I have not participated in developing any of the articles.

Senator JACKSON. Let me ask you in your position on this board if you maintain an unbiased position for nonnatives?

Mr. THOMPSON. I believe so, Senator, yes.

Senator JACKSON. You really think so?

Mr. THOMPSON. Yes.

Senator JACKSON. There is a real conflict here and I led the fight to help the nonresident Natives to be included in the Native claims settlement.

You are saying you could be completely unbiased?

Mr. THOMPSON. Yes, the purposes of the foundation, Senator, are to assist Alaskan Natives regional corporation, and that includes assisting residents outside of Alaska in implementing the Native claims act.

I don't believe that the foundation distinguishes between resident or non-resident native Alaskans or between Alaskans—

Senator JACKSON. Why were the nonresidents then enrolled in a manner different from resident natives?

Mr. THOMPSON. I don't think it was a requirement. I don't believe they were enrolled any differently, Senator, they used basically a different enrollment format.

Senator JACKSON. Let me be specific. I refer particularly to the failure to provide enumerators until the last minute, failure to provide information to and communicate with nonresident Native organizations until after my letter to Secretary Morton and the announcement of different enrollment cutoff dates to Alaska regional corporations and to nonresident Native organizations.

Mr. THOMPSON. Senator, if I may respond—

Senator JACKSON. Any way you wish, but just so you respond directly to this question.

Mr. THOMPSON. The enrollment under the Alaska Native claims act was completed by far the shortest time in the history of the Bureau of Indian Affairs considering the numerous number of people to be enrolled.

We, in the Bureau of Indian Affairs and in the Department, are relatively proud of the efforts we have made to contact potential enrollees around the world within the 2-year deadline. We took many new initiatives, including a massive public relations campaign. Information was broadcasted on every major radio and television station and we are proud of a precedent-setting series of meetings we held to explain the act. This is not normally Bureau policy or departmental

policy to have the number of meetings we had in the major cities on the west coast and in some cities on the east coast.

We are proud of the enumerators that were hired, 19 if I am correct, to assist out-of-State Natives in enrolling.

We took some other precedent setting things in that we attempted to hold press conferences and meetings with as much people as possible.

Senator JACKSON. My understanding, and there will be others who will testify to this, was that there really was not the communication with the nonresident native organizations until after I contacted the Secretary.

Why did you not take this initiative earlier? You see the nonresident natives feel because of the organized opposition to their inclusion as you know in the Native Claims Settlement Act, that there is a bias here and this becomes very important in connection with your confirmation as to whether or not you can be impartial.

Why was it there was no real move until I contacted the Secretary? Why did you not initiate this earlier?

Mr. THOMPSON. Senator, I would be pleased to supply for the record exactly the days we did undertake visitations to the lower 48. I personally made many of those visitations.

Senator JACKSON. Will you provide for the record every item, every bit of information that you have available indicating efforts to provide the necessary information and communications with the nonresident native organizations prior to my letter to the Secretary?

Mr. THOMPSON. I would be glad to do that, sir.

[Subsequent to the hearing the following information was received from the Department of the Interior:]

U. S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 23, 1973.

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

DEAR SENATOR JACKSON: During the November 14, 1973, hearings on the nomination of Mr. Morris Thompson as Commissioner of Indian Affairs, Mr. Thompson agreed to furnish for the record a list of the dates of visitations of the Bureau of Indian Affairs and other personnel to the lower 48 states for the purpose of explaining and assisting with the enrollment of non-resident Alaska Natives under the Alaska Native Claims Settlement Act.

A list containing such information is enclosed.

Sincerely yours,

JOHN H. KYL,
Assistant Secretary of the Interior.

Enclosure.

Date	To	Traveler(s)	Purpose
May 5-12, 1972	Seattle, Portland (George/John), Chemawa (George, Fran, Adeline).	George Walters, Frances Degnan, Adeline Katonagan, John Hope, Morris Thompson, Bob Bruce, William Spear, Pat Devereux.	Explain enrollment application forms and Alaska Native Land Claims (with staff from District of Columbia). General meetings held with AFN, Washington Chapter, Seattle, Wash., Alaska Native Association of Oregon, Portland, Oreg., Alaska Natives from Salem, Eugene and surrounding areas Chemawa School.
June 16-18, 1972	San Francisco	George Walters, John Hope, Morris Thompson, Janet Parks, Bob Bruce, Flore Lekanol.	Attend meeting with Confederation of Alaska Natives in San Francisco Oakland Bay area. Explain enrollment procedures for benefits of Alaska Land Claim Settlement Act, Public Law 92-203.
Aug. 18-21, 1972	Chicago	George Walters, John Hope, Janet Parks, Bob Bruce, Flore Lekanol.	Attend meetings with Alaska Natives at Indian Center Chicago, Ill. Explain enrollment procedures for benefits of ANLCSA, Public Law 92-203.
Sept. 11-17, 1972	Seattle, Portland, Spokane, Sacramento.	Fran Degnan.	West coast tour—public relations on ANE out of state campaign to enroll Alaska Natives.
Sept. 14-18, 1972	Los Angeles	George Walters, John Hope, Richard Lopez, Janet Parks, Morris Thompson, Charis Soller.	Train tribal operations and field employment assistance personnel on west coast to assist on ANE ANE out of State publicity campaign, personal appearance on TV, radio and news media San Francisco, San Diego, etc. Attend tribal operations meeting in Albuquerque. Recruit assistance from tribal operations for Alaska enrollment.
Sept. 21-Oct. 6, 1972	Seattle, San Francisco, Los Angeles, San Diego, Albuquerque.		
Oct. 20-23, 1972	Seattle, San Francisco	John Hope	Meeting with Confederation of Alaska Natives re enrollment problems.
Oct. 20-24, 1972	do	George Walters	Attend meeting with AFN, Washington Chapter (Seattle) and Confederation of Alaska Natives (San Francisco) to explain enrollment applications.
Dec. 8-11, 1972	Seattle, San Diego	Morris Thompson, John Hope, George Walters, Bob Bruce.	Attend meetings with Alaska Natives in Seattle and San Diego. Explain and assist Alaska Natives with enrollment application forms. Meet with news media to advertise the ANE program.
Jan. 28-Feb. 2, 1973	Chicago, New York, Washington, D.C., Philadelphia, Baltimore.	George Walters, Frances Degnan	Tour east coast cities, hold news conference with TV, radio, and press to publicize ANLCSA for out of State enrollment campaign.
Feb. 4-10, 1973	Washington, D.C.	Morris Thompson, John Hope, C. Antioquia, J. Kahkhiem.	To meet with central office and department staff concerning the proposed increase in staff plus the hire of out of State enumerators.
Feb. 13-15, 1973	Seattle, San Francisco	Richard Lopez	Assist in the enumeration training of specifically adoption applications.
Do	do	George Walters	Train enumerators for assisting Alaska Natives with their enrollment application form.
Feb. 28-Mar. 2, 1973	Seattle, Everett, Tacoma, Portland.	John Hope, George Walters	Meet and assist out of State enumerators on enrollment problems.
Mar. 24, 1973	Seattle	Bob Bruce	Meet with AFN, Washington Chapter to discuss 13th region matters.
July 21-22, 1973	do	John Hope, Myron Igitanob.	Invited by AFN, Washington Chapter to attend their meeting to discuss the appeal procedure and change of enrollment (col. 16).
Oct. 27, 1973	do	John Hope, George Walters	Meeting with AFN, Seattle on appeal procedures.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 16, 1973.

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

DEAR SENATOR JACKSON: On November 14, 1973, during the committee's hearings on the nomination of Mr. Morris Thompson to be the Commissioner of Indian Affairs, you asked certain questions concerning this Department's position on the enrollment of non-resident Alaska Natives and the establishment of a thirteenth region pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, Public Law 92-203. The questions were further discussed with the members of the committee's staff, and we are glad to furnish this reply for the record of those hearings.

1. Computation of the results of elections on enrollment in and establishment of a thirteenth region.

A computer run was made on November 8, 1973, for the purpose of tabulating the results of the elections of eligible Natives, made pursuant to Section 5(c) of the Settlement Act, "to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, if such region is established pursuant to subsection 7(c)." The results are as follows:

Yes -----	2,375
No -----	2,625
Abstained -----	774
Total -----	5,774

On the basis of these figures, the majority necessary for the establishment of a thirteenth region pursuant to subsection 7(c) was not obtained. This would be true whether or not the Natives who abstained from voting are counted in the total against which the "yes" votes must be calculated.

Nevertheless, some questions have apparently been raised about the propriety of including the abstentions in the total vote. We believe that their inclusion is required by the language of the Settlement Act itself, and that no other position is legally permissible.

Subsection 5(c) establishes the qualifications or eligibility for voting on the thirteenth region question. It provides that the election to be enrolled in a thirteenth region may be made by "[a] Native eligible for enrollment who is eighteen years of age or older and is not a permanent resident of one of the twelve regions" in Alaska. Subsection 7(c) provides for the establishment of a thirteenth region "[i]f a majority of all eligible Natives eighteen years of age or older who are not permanent residents of Alaska elect, pursuant to subsection 5(c), to be enrolled in a thirteenth region for Natives who are non-residents of Alaska." (Emphasis added).

Similar language was used by the committee of conference on the bill which became the Settlement Act. Subsection 5(c) is explained as dealing with the enrollment of Natives who are non-residents of Alaska and providing "an opportunity for them to elect to be enrolled in a special thirteenth Regional Corporation if a majority of all eligible non-resident Natives favor the creation of such a corporation." (Emphasis added) S. Rep. No. 92-746, 92nd Cong., 1st Sess. 41 (1971). Section 7 is described in the same report as permitting the creation of a thirteenth regional corporation for non-resident Natives "if a majority of non-resident Natives so elect."

Thus, we believe it is clear that every Native eligible for enrollment who is eighteen years of age or older and who is not a permanent resident of Alaska must be counted in determining whether a majority of such Natives elect to be enrolled in a thirteenth region. As we read the Settlement Act, it is the qualification of the Native—his eligibility for enrollment, his age, and his non-resident status—which determines his right to elect such enrollment, and if he has the right to elect he must be counted whether he votes "yes", "no", or not at all.

It is, then, the Department's position that in calculating whether a majority of the eligible Natives elected to be enrolled in a thirteenth region, we have no legal alternative to the inclusion in the determinative formula of all such Natives who had, at the time of filing their enrollment applications, the right or privilege of voting on the question. In no other way can we determine whether "a majority of all eligible Natives" favored such enrollment and the consequent establishment of a thirteenth region.

11. Enrollment procedures for non-residents of Alaska, assistance provided, and communication of information.

Following a period for public comment on proposed rule-making on enrollment, published on February 4, 1972, final enrollment regulations were promulgated and published on March 17, 1972. No significant objections or comments with respect to non-resident Natives or thirteenth region provisions were received.

Immediately after the regulations became final, the position of Enrollment Coordinator was established, a central office was opened in Anchorage, and an active campaign for the enrollment of eligible Natives was begun. Contracts were entered into with the twelve Congressionally-recognized (Section 7(a) of the Settlement Act) Native regional associations for the enumeration of Natives residing in the villages within their regions. The cost of this program, which was completed in the field by June 1, 1972, was approximately \$343,173. The initial enrollment effort was started at the village level for several reasons: first, because they were the places of greatest concentration of Alaska Natives; second, because it was desirable to contact such persons during the season in which most Natives were in their homes instead of away for fishing or other purposes; and third, because, the village residents were the most obvious and accessible source of information about names and addresses of relatives, friends and others, particularly those outside of Alaska, who might be eligible for enrollment but whose identity and location might otherwise be difficult to obtain.

As soon as application forms were available each Area Office of the Bureau was sent a supply of forms together with copies of the Act, regulations, and instructions. The Area Directors were instructed to have their staffs furnish assistance to any Native applicant who requested an application for enrollment and who needed help in completing the form.

As a direct result of information gathered during the village enumeration, thousands of enrollment application forms and instructional materials were mailed by the Enrollment Coordinator to potential enrollees throughout the world. The first 3,000 application forms mailed to out-of-Alaska addressees were sent on April 24, 1972. In all, 30,000 to 35,000 application forms and informational packets were sent to out-of-Alaska addressees, based on lists compiled from village information, Native associations, and individual requests.

Beginning May 1, 1972, some 10,000 posters were distributed to Bureau of Indian Affairs offices outside Alaska, to be put in Indian centers, meeting places, and everywhere Indians were known to congregate. A supply of informational pamphlets was furnished at each poster location.

In September, 1972, special training was given to Employment Assistance officers in Denver, Oakland, Los Angeles (2), Seattle, and Chicago. Due to the heavy concentration of Natives on the West Coast, Tribal Operations staff from Portland, Sacramento, and Riverside, California, were also given more extensive training. The Native associations were advised at subsequent meetings of the availability of this assistance.

Beginning in August, 1972, and continuing through March, 1973, a series of meetings was held with Native groups throughout the lower United States. Present at these meetings were various combinations of representatives of the Enrollment Office, Solicitor's Office, Tribal Operations Office and other offices of the Bureau of Indian Affairs and the Department in Alaska and Washington, D.C. Among the cities in which these meetings were conducted were Seattle (8), Tacoma, and Everett, Washington; Sacramento, San Diego (2), Los Angeles, and San Francisco (3) California; Akron, Ohio; Portland (2) Oregon; Albuquerque, New Mexico; Chicago (2) Illinois; New York, New York; and Washington, D.C. No meetings of a similar character were held in Alaska. At these meetings, the general provisions of the Settlement Act were explained, and enrollment information and assistance was given to whomever wished such help.

On June 9, 1972, a contract was entered into with a public relations firm, for a total cost of \$185,669, to handle a media campaign designed to inform Natives living outside Alaska of the enrollment requirements of the Settlement Act. This resulted in the preparation of a series of television and radio announcements, newspaper stories, magazine advertisements, press conferences and other media disseminations nation-wide. The first television announcement was made in September 1972, and the first national magazine advertisement appeared in December 1972. This exposure continued, in paid and public service forms, through the enrollment application deadline of March 30, 1973.

As the deadline for filing approached, special authority was granted to the Enrollment Office for hiring on a temporary basis, Natives recommended by the

Native associations along the West Coast and Chicago to serve as enumerators in their localities. From the names submitted 19 Native enumerators were hired. They were trained concurrently in two groups, one in Seattle and one in San Francisco, during the week of February 12, 1973.

To ensure that as many Natives in the Lower 49 as possible had the maximum opportunity to file, during the last two days of the filing period a member of the Enrollment Office staff made a courier run from Los Angeles, California, to Anchorage, stopping at Oakland, Portland, and Seattle, to pick up applications and hand carry them to the Enrollment Office.

Every conceivable effort was made to reach out-of-Alaska Natives, and some \$250,000 in direct costs were paid in this effort. This resulted in some 10,500 out-of-state enrollments, as compared with some 66,400 enrollments in Alaska where \$343,000 was spent for village enumeration. Numerous news releases from the Department were issued as the enrollment deadline approached. Every effort was made to answer individual inquiries in a timely manner. Conference after conference was held in Washington and elsewhere, at every level of the Department, with non-resident Alaska Natives who sought information.

We are convinced that the enrollment program was carried out without discrimination against non-resident Alaska Natives. True, there may have been situations in which some expressions of individual opinion were introduced in such a way as to cause concern, but we believe that overall the program has been administered evenly, fairly, legally, and openly, and without prejudice in law or in fact.

We are compiling this background information in greater detail, and will be happy to supplement this letter to the extent requested.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

Senator JACKSON. I want to see that because I am not raising these questions personally, they have all been referred to us by interested parties and there are real strong feelings surrounding them. I think we need to clarify the record.

Why did the Department or you determine to count abstentions in the 13th corporation rule? Of course this decision to count abstentions because the abstentions when counted became as no-votes and the additional no-votes changed the majority from one favoring creation of the 13th to one not favoring it.

Why did you count the abstentions?

Mr. THOMPSON. Senator, if I may, I don't know but that might be a provision of the act.

The abstentions I believe numbered 774; 774 Alaska Natives at the time chose not to vote on whether the 13th region should or should not be formed. I think it might be unfair to assume that 774 people would have voted for a 13th region thereby creating it, or would have voted against it. Obviously, it was an individual choice made similar to any ballot box situation. I followed this very closely, Senator, but I do not think I could predict the outcome had those 774 people voted.

Senator JACKSON. But you counted it, and that it is same as adding to the majority; the total eligible voters was 5,774. The votes cast in favor of the 13th regional corporation was 2,375, the votes cast against was 2,625. And you have here I think ineligible votes, Natives under 18 years old must abide by the vote of the eligible voters is 4,770.

I question the manner in which the abstentions were handled.

Secretary MORRIS. Mr. Chairman, I think the record is a little unclear here. As I understood it, those who abstained were not thrown into either column for or against, they were subtracted from the total in order to get the figures.

I don't quite understand what your opening question is.

Senator JACKSON. The question is: Are the votes against in those 2,625 no's or the 1,851 no's and the 774 abstentions?

Mr. THOMPSON. Senator, if I may, I believe the way the act is written it clearly requires that the majority of the eligible voters decide whether to form a 13th regional corporation. So, we do have to count those eligible voters in the total account. The law specifically requires that a majority of the eligible voters will determine whether there will or will not be a 13th regional corporation.

I believe that is right out of the law, and so you have to count all eligible voters whether they vote or not. I believe, and I think the way it works out is that abstentions are not counted as no-votes but among the number of eligible voters that may elect.

Senator JACKSON. If you count them that way, you raise the number that you need for a majority. If you count the abstentions, this is the problem.

I think, Mr. Secretary, there ought to be a clear ruling on this. My concern, and I want it clarified, relates to the nonresident Natives.

There is a feeling here that they have expressed of bias. I have no bias against you, but it is my duty to get the facts out on the table and to see how this matter was held in the setting up of the 13th regional corporation.

I suggest, Mr. Chairman, that that matter be clarified before we take any action on this because I want to hear from the nonresident Natives and I think it is in your own interest, Mr. Thompson.

I have no bias one way or the other but I have had these protests and concern expressed to me and I have an obligation to get the truth out and the facts on the table.

Let us find out just what the law is on it. I think the Secretary will agree with that.

Secretary MORTON. I think you ought to hear from both sides because I have gotten an awful lot of heat and mail, too, and talked to a lot of people and there are obviously both sides of this issue that are represented in the nonresident Native groups.

Senator JACKSON. The nonresident Native groups are not all in agreement.

Secretary MORTON. Let me just add, Mr. Chairman, I think this thing was discussed at great length in the Department and in the Solicitor's office as well as in other offices that set the policy and we felt we were doing it fairly and equitably and in accordance with the act.

Now, there are always going to be people who feel otherwise but I think if you are going to examine it, let us examine the whole thing.

Senator JACKSON. I agree. I think we should have this settled once and for all because in fairness to the nominee the record should be complete.

Secretary MORTON. We tried to conduct a fair referendum. I think the statements have been made that we did not carry on enough of a campaign to stimulate voting by all of the eligible voters.

This was the biggest public relations campaign we have ever carried on with public money. Maybe it was not big enough but we felt it was.

And, I don't think Morrie Thompson. I don't feel that he, in the position that he was as area director alone, or certainly alone has the responsibility for the way this thing was carried out.

Senator JACKSON. Let us find out who is responsible and what was done prior to my letter to you or to the Secretary of the Interior.

That completes my questions. I recommend that this aspect be gone into thoroughly; that the nonresident Natives be heard; and that we find out just exactly what the law provides regarding the election of the nonresident Natives in the 13th regional corporation to complete the record.

I have nothing against Mr. Thompson. I want to make that very clear. I believe it is better to have this matter clarified now rather than to have someone raise it at a later date.

Secretary MORTON. I think surely if the vote had gone the other way I would be catching the heat, but because of the way the vote went you are catching the heat.

Senator JACKSON. Maybe there has been a shifting here.

Senator METCALF. Maybe it is better for you to catch the heat than for the Senator to catch the heat.

Secretary MORTON. For that to happen, the vote should have gone the other way.

[Subsequent to the hearing the following information was received:]

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., July 10, 1973.

HON. ROGERS C. B. MORTON,
Secretary of the Interior,
Washington, D.C.

MY DEAR MR. SECRETARY: We are increasingly concerned about the difficulties encountered by Alaska Natives in attempting to amend their applications for enrollment pursuant to the Alaska Native Claims Settlement Act. In particular, we call your attention to the problems encountered by non-resident Natives in selecting the regional corporation with which they wish to be affiliated. As you know, we strongly supported section 7(c) of the Act which permits the organization of a Thirteenth Regional Native Corporation for non-resident Natives should they, by majority vote, choose to create such a corporation. We would hope that the expression of the legitimate desires of non-resident Natives concerning whether such a corporation should be established would not be frustrated by rigid adherence to an administrative schedule.

We commend your Department and the Bureau of Indian Affairs on their extraordinary labors in attempting to complete the enrollment task under difficult time constraints. We would hate to see recognition of these efforts go by the board due to increasing resentment over the lack of a flexible response by the Department to problems encountered by Natives in the enrollment procedures. Many of these problems could not have been avoided, but they can be resolved, by the Department.

It is our understanding that the choice of regional corporation—certainly a difficult choice for non-resident Natives—was made more difficult by complicated application forms, announcements of changes of the importance or meaning of certain columns on the application forms, lack of publication of deadlines and changes in deadlines, and lack of notice to non-resident Native leaders and organizations. We find the deadline changes particularly disturbing. By regulation and with prior notice, the Department established that enrollment applications would not be accepted after March 30. But without regulation and with virtually no notice, non-resident Natives were told that May 9, 1973, was the last date for a person to submit an amendment to his enrollment application. However, from several sources we have learned that Native residents of Alaska were told they had until June 1 to amend their application. The fact that no notice was given, and no publication made, of the amendment deadline and that resident Alaskan Natives were provided a more flexible deadline than non-resident Natives has placed non-resident Natives at a severe disadvantage in their efforts to express their choice of a regional corporation.

We have all been apprised of other difficulties faced by the non-resident Natives: lack of funds, failure to obtain enumerators until the last minute, and the lack of a recognized association-in-being at the time of enactment to handle regional corporation interests. Many of these frustrations can be alleviated by a simple extension of the time to amend the enrollment application forms. The

equities in this case argue for such an extension or some alternative which would allow Alaskan Natives to easily correct their application forms.

The extension would provide to all Natives who have filed enrollment applications, but who did not understand the significance of the choice of village or regional corporations and now wish to alter that choice, the opportunity to do so. One of the principal purposes of the Alaska Native Claims Act was to provide the greatest possibility of self-determination to Alaska Natives. This purpose is identical to the announced Indian policy of the President. Congress shares the President's commitment to self-determination for the Indian people. Surely, no one wishes to frustrate these avowed policies by denying to Natives the right to be allowed to amend their application forms and determine the corporation with which they wish to be affiliated.

It is our belief that the roadblock to amending enrollment applications can be removed by administrative action. However, if the Department fails to take such action, we are prepared to introduce and move an amendment to the Act at an early date.

Sincerely yours,

HENRY M. JACKSON,
U.S. Senator.
LLOYD MEEDS,
House of Representatives.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 30, 1973.

HON. HENRY M. JACKSON,
Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.
HON. LLOYD MEEDS,
Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR SENATOR JACKSON and REPRESENTATIVE MEED: This responds to your letter of July 10, 1973, and subsequent discussions with members of the staffs of your committees, expressing concern over difficulties encountered by Alaska Natives, particularly those who are permanent non-residents of Alaska, in their attempts to amend their applications to enroll under the Alaska Native Claims Settlement Act.

You are, of course, aware that in order to meet the two-year deadline fixed by Section 5(a) of the Act, we determined and established by regulation certain limited periods within which interested parties were required to file their applications for enrollment, to protest, to serve notices, to appeal, etc. The entire schedule was geared to timely completion of the roll, as efficiently as humanly and technologically possible, beginning with the final date for the filing of enrollment applications on March 30, 1973.

The regulations (25 CFR Part 43h) did not provide for the filing of amended applications, or amendments to applications, but some such amendments were received by the enrollment coordinator both before and after the filing deadline. If the application had not been processed and the appropriate village and region notified (25 CFR 43h 6(g)) by the time the amendment was received, the amendment was considered in processing, notification, and the determining of eligibility and place of enrollment. If the amendment was received after the application had been processed and notices sent to the appropriate village and region, the coordinating office would appropriately re-process the application and send out new village and region notices. This procedure was followed for all applicants, including persons who certified themselves to be non-residents of Alaska, because those non-residents who did not elect enrollment in a thirteenth region if one is formed must be enrolled in an Alaska region, and all non-residents must be enrolled in an Alaska region unless a thirteenth region is created. Thus the information for Alaska regional enrollment of non-residents, in accordance with the priorities set out in Section 5(b) of the Act, was obtained and passed on to the appropriate village and region for acceptance or protest.

This procedure was burdensome, but it was workable so long as the time frames leading up to date set for completion of the roll could be accommodated. Those individuals or organizations who inquired about filing amended applications were told that such applications could be submitted so long as they did not hamper the enrollment process, but in no event later than June 1, 1973.

A technical assessment of the progress of the enrollment program was later undertaken, and a determination was made that amended applications filed after May 9, 1973, simply could not be accommodated at the enrollment coordinator's level because of the time constraints on initial processing, notice to the regions and villages, and determination of eligibility sufficiently in advance of enrollment to accommodate appeals and final processing. It became apparent that the enrollment coordinator had no alternative but to reject as untimely filed those amended applications received after May 9, 1973, and to advise the applicants of their rights of appeal therefrom. The enrollment coordinator is now completing the encoding of the determinations of eligibility or ineligibility of the last of the nearly 95,000 applications received, and will then proceed to deny the late-filed amended applications. Those whose amended applications are denied or rejected may file appeals if they so desire.

Pursuant to 25 CFR 43h.8, the Anchorage Regional Solicitor will act for the Secretary on all appeals from adverse decisions of the enrollment coordinator, and we are assured that he will fairly and judiciously decide them on their merits. Where applicants represent that because of error in law or in fact they reported on the application form the wrong permanent place of residence, the necessary corrections can be made. For example, if an applicant originally stated that his permanent place of residence on April 1, 1970, was some place in Alaska when in actuality it was some place outside Alaska, his enrollment record may be corrected and he may be allowed to state his election to be enrolled in a thirteenth region for Natives who are non-residents of Alaska if such region is established pursuant to Section 7(c) of the Act. On the other hand, if he had erroneously stated that he was a non-resident of Alaska, his record may be corrected to reflect his true residence in Alaska and any previous thirteenth-region election would be cancelled.

We are hopeful that this rather lengthy recital will satisfactorily explain why amended applications cannot now be accommodated at the enrollment office level.

We believe, however, that honest mistakes and errors in the enrollment applications can be corrected through the use of the appeals procedure. We recognize that many Alaska Natives had some difficulty in following the enrollment instructions, and we are sympathetic to their desire to rectify any errors that may have resulted. Although the regulations (25 CFR 43h.8) concerning appeals are relatively simple, the "appeals packet" accompanying the Enrollment Coordinator's rejection notice may appear rather formidable. Actually, an appeal may be taken by writing a letter to the Enrollment Coordinator stating that the applicant wishes to appeal and giving the reasons why the appeal should be allowed. Copies of the letter and any supporting documents should be delivered in person or by mail to the region and village concerned, and proof of such delivery ("service") should be furnished to the Regional Solicitor. In order to assist any Natives who need help, we are asking all Bureau of Indian Affairs' offices, in and outside Alaska, to render technical assistance in the preparation of appeals from denials or rejections of amended enrollment applications or amendments to enrollment applications. Appropriate letters to this effect will be sent to all known organizations of Alaska Natives throughout the United States.

It is appropriate to add that some date will soon be established and publicly announced as the cut-off for the filing of the amendments. In all likelihood, it will be determined that no amendments can be allowed if filed after August 15, 1973. This will be established by an appropriate amendment to the enrollment regulations. It is also anticipated that other changes in those regulations will be required in order to complete the enrollment on time, principally the shortening of the appeal period to thirty days, the imposition of a fifteen-day period within which comments on appeals must be filed, and provisions for the use of registered and ordinary mail in situations in which certified mail is not available. The changes will have to be made without an opportunity for public comment and without a deferred effective date, and will be published in the *Federal Register*. We intend to send copies of the changes direct to all regional corporations and to all identifiable associations or organizations of Alaska Natives outside of Alaska.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

Senator METCALF. I have no further questions.

Senator ABOUREZK. Secretary Morton, do you have an opening statement you would like to present?

Secretary MORTON. I only have a few brief remarks, Mr. Chairman.

STATEMENT OF HON. ROGERS C. B. MORTON, SECRETARY OF THE
INTERIOR

Secretary MORTON. I want to say we are delighted with Morrie Thompson's candidacy. This is a very personal appointment as far as I am concerned. I did a great deal of searching myself for the individual that I thought could best lead the Bureau at this time in its history and I doubt if any Secretary has participated to the extent that I have in searching for, and finally deciding on, presenting a nominee to this great committee. Morrie has all of the qualifications I think it would take. The job is one of the tougher jobs in Government, I think we all admit that.

There have been a lot of things said about the Bureau and about the Government policy toward Indian affairs that indicate the depth of feeling people have on all sides of the issues which are before us.

One comment in the chairman's statement, which bears looking at is whether the Bureau was meeting its responsibilities to the Indian community at this time. I think that it is.

I would like to pass on a word of praise to the person on my own personal staff, Marvin Franklin who is my adviser on Indian affairs. He has done, I think, an outstanding job in getting the Bureau ready for the kind of leadership that Morrie Thompson could give it.

I think that Morrie has the complete objectivity that is needed, plus all of the emotional ties to his own race that I believe are also needed. I would just like to say in the eyes of the Department that until the Assistant Secretary for Indian Affairs bill is passed, he will serve as an Assistant Secretary, he will meet with the Assistant Secretaries, and he will be able to draw on all of the resources of the Department of the Interior as no other Bureau chief has been able to do before because we will regard him in a sense as an Assistant Secretary.

It is my plan and desire that all of the Department—the Geological Survey, the Park Service—all of the many bureaus that make up the great Department of the Interior lend a hand wherever possible to the Bureau of Indian Affairs and Morrie Thompson, whom I hope will be confirmed by this great body and installed as the Bureau's head.

We think a milestone is being passed here of significance and I would also like to say, Senator Abourezk, we appreciate your leadership and what you are doing.

Senator ABOUREZK. I just want to say when we adjourn here this morning we will resume the hearings at 1:30 this afternoon to continue the testimony.

I am very optimistic at this time about Federal-Indian relations, especially with the nomination of Mr. Thompson. My optimism stems more from the fact that the Indian people themselves are speaking out on the issues of the day rather than a renewed interest in Indian affairs by the committees of Congress and the administration.

And, I think what Mr. Thompson's nomination means, or at least what I hope it means—is that a new day has arrived in this complicated area of concern. If Mr. Thompson's nomination is approved by this committee and confirmed by the Senate, he can look forward to active support and cooperation from the Subcommittees on Indian Affairs in the House and Senate. To the extent possible, I want the

Indian minority of the Nation to enjoy equal representation in dealing with the Federal Government.

It has been said that the Indian people have no real voting block in this country; their numbers are too limited and disorganized politically to constitute a major voting force.

I think the manner in which the United States deals with the Indian people is a mirror image of how we deal with ourselves and how we restore our own dignity and respect.

I think if we can do that we can provide a measure of justice and fairness to the Indian people who have no political power.

I would hope, as we move forward, the administration and the Congress can see it that way as well. But Indians' role is to advance to progress without the hinderances the Government has placed in their way in the past.

We have another witness that Senator Stevens has just informed me of, State Senator John Sackett from Alaska.

Senator STEVENS. I hope you don't mind. We don't have any questions for you?

Secretary MORTON. I don't.

Senator ABOUREZK. Thank you very much, Secretary Morton, for appearing here today and giving us your comments on the nominee.

Senator STEVENS. This is John Sackett, our State senator. I served on the State legislature with him. He is also president of the Doyon Corp., one of the 12 regional corporations.

These two young men are real leaders in our State, and in the state-wide sense, not only in the Alaska Native community but in the entire Alaska community. And, they have reached the position that each achieved so far and I certainly would go much further on the basis of their own ability and particularly their ability to deal with our people, not only their Alaska Native people and the problems they have encountered there, but as a member of the entire community.

Senator Sackett has just finished a special session of the State legislature and came to testify for his friend, Morris Thompson.

I appreciate your courtesy in appearing and I understand you have to return to your duties in the State.

Senator ABOUREZK. If you have some brief comments, please proceed.

STATEMENT OF HON. JOHN SACKETT, A STATE SENATOR FROM THE STATE OF ALASKA

Senator SACKETT. In addition to being the president of Doyon Ltd., I am also chairman of the board of Alaskan Federation of Natives in Alaska.

And, I would like to state that we fully endorse and support the confirmation of Mr. Thompson. Alaska is much like a small United States in the sense that we have a large number and variety of ethnic people.

Not only do we have Indians of different backgrounds and races, but we also have the Eskimo and the Aleut and it is my feeling and the feeling of all people in Alaska that Mr. Thompson's activities as area director in Alaska has not been in any way hindered by his being of one ethnic background and dealing with other people.

Each regional corporation, each regional association in our opinion has been dealt with fairly in all cases and I would say in addition, Mr. Chairman, that as president of Doyon Ltd., the regional corporation that Mr. Thompson has enrolled under the Alaska Native Claims Settlement Act, Doyon Ltd., has not received any preferential treatment over and above any other regional corporation. I can say this with full honesty.

And again, let me say that we support the confirmation of Mr. Thompson.

Senator ABOUREZK. Thank you very much, Senator Sackett.

Mr. Thompson, I want to welcome you to the committee hearings this morning. I am very pleased to have you here and I would like to hear from you now.

STATEMENT OF MORRIS THOMPSON, NOMINEE FOR THE POSITION OF COMMISSIONER OF INDIAN AFFAIRS

Mr. THOMPSON. Mr. Chairman, members of the committee, it is an honor to appear before you as the President's nominee to become Commissioner of Indian Affairs.

I accept this nomination with the full knowledge of the tremendous responsibility entrusted in this position and this Bureau. I accept this responsibility because of the concern for American Indians demonstrated by this administration, this Congress and the American public. Not only has concern been expressed but much needed action is now being taken that I am confident will lead to real progress in the next several years. I feel that I can contribute to this progress.

The biographical information you have been provided indicates the various positions I have held. What it doesn't provide is my personal philosophy on Indian affairs. This statement and the exchange we will have in this hearing hopefully will provide you and the Indian people a better understanding of what to expect from the Bureau of Indian Affairs under my direction. American Indians have a right to expect an effective and efficient Bureau of Indian Affairs. They have a right to expect that the money appropriated by Congress for Indians is spent wisely and that each dollar directly or indirectly benefits Indians at the local and individual level.

Indian people have a right to determine what the Indian priorities will be and how they are to be met. In addition, if the Indians so desire, and at their own initiative, Indians have a right to direct and administer programs developed for them.

The President recognized these rights and therefore established a policy of self-determination for Indians, without the threat of termination of the trust responsibility. I believe in this policy, and as Commissioner will insure that meaningful Indian involvement is an integral part of all Bureau operations.

The right of Indians to expect an efficient and responsive Bureau is very important. It is unfortunate, however, that in recent months concern with reorganization and realignment appears to have been elevated to a high mission status. Even more unfortunate is that this high concern for organizational changes has somewhat diverted valuable resources and attention from what should be the Bureau's top priorities.

Under my leadership, the Bureau's top priorities will be meeting our trust responsibilities, the delivery of meaningful services, and the achievement of greater Indian self-determination. I hope to do this by providing strong leadership and applying sound management practices to the Bureau's operations.

Within the Department of the Interior, the Secretary establishes all major policies, including those involving Indian affairs. Secretary Morton has given me assurance that I will work closely with him in developing policies on Indian affairs. He has also assured me that I will have the freedom to select my key staff. These assurances are essential to any new Commissioner.

One distinct advantage today, however, is the fact that the Commissioner will report directly to the Secretary.

The ability to select a key staff is also a distinct advantage. The Bureau has several key vacancies both at the central office and field levels which offer an unusual opportunity to develop a well balanced staff. In my selection of key staff I will be seeking not only technical competence and proven ability, but more importantly, I will be looking for people with a deep personal commitment and understanding of Indian problems. Hopefully, this process can be accomplished in a timely manner.

Although we have a tremendous responsibility, I recognize that the Bureau of Indian Affairs is not the total answer to all the problems facing Indians today.

Other Federal agencies and State and local governments also have Indian concerns and responsibilities. It is not only desirable but essential that we work together more closely to take advantage of each other's resources and thinking which hopefully will minimize duplication and maximize total delivery of services. I will make a concerted effort to establish and maintain this needed cooperation.

Of high importance is cooperation between the Congress and the Bureau. I have been following with great interest the progress being made with Indian legislation by this Congress. This progress is more than encouraging in that it demonstrates Congress' understanding of Indians and its sincere desire to provide much needed laws to meet today's needs.

I am extremely hopeful that you will be successful in enacting the Indian legislation before you in the near future. Once enacted, we will be able to more effectively deal with the Indian crises along with the many other foreign and domestic crises facing our country today.

I know that you will want my personal views on many issues facing the Bureau today. Rather than anticipating your specific concerns and attempting to expand on my views in this statement, I will reserve most of my comments for direct response to your questions. You and the Indian people, however, have a right to know what priorities I feel are important in Indian affairs.

If I left with you the impression earlier that I am unconcerned about the organizational structure of the Bureau, this was not my intent. My real intent was to place this concern in its proper perspective. Reorganizations and realignments are administrative problems rather than mission concerns.

My primary objective is to insure that whatever form the organization happens to be in now, or whatever form it may take in the future, that it be as effective and responsive as possible. If major changes are

warranted, these will be taken at my initiation and under my direction. No major changes will be implemented, however, without full Indian involvement.

The most immediate concern is in filling our key positions and becoming fully operational again.

In addition to my concerns for the organization and developing cooperation among the administration, this Congress, and State and local governments, I feel very strongly that our efforts must be consistent with the expressed desires of Indian people.

From my experience in Indian affairs I have developed a tremendous respect and confidence in the Indian leadership throughout this country. The quality of this leadership is demonstrated by numerous examples of outstanding tribal government management, a total commitment to the development of both human and natural resources, and the ability to maintain progress without sacrificing Indian culture. What is most impressive is the unwavering faith Indians have in Indians, that given the opportunity Indians can and will solve Indian problems.

Indian tribes must have the opportunity to develop their tribal governments. Resources must be made available to the tribes for this purpose. If assistance is desired, this must be provided without paternalism. Developing effective tribal governments will be a major step toward true Indian self-determination.

The threat of termination has been a major barrier to the development of Indian resources, enterprises, and governments in recent years. Whether real or imagined, the feeling existed that any successes might be used as justification for terminating the Federal Government's trust relationship. One of my major priorities will be to overcome this fear.

Basic to the role of the BIA is assuring the fulfillment of the Federal Government's trust and treaty responsibilities to Indian people and their resources. I intend to work closely with Indian people and the solicitor to better define these responsibilities and see to it that the BIA fully discharges its responsibilities.

Of the many programs developed and administered for the benefit of Indians today, none is more important than Indian education. The American taxpayers are investing millions of dollars in the education of Indian youth. Indian people and all Americans have a right to expect that the best education program possible is being provided to Indians.

It is not enough to say that we are meeting minimum standards of education, or that we are providing an adequate level of education, or that we are doing our best under the circumstances. We must establish the highest standards possible and insure that those standards are met. We must utilize the most modern education techniques available and also develop new ones. We must provide the best materials, equipment, and facilities available. Finally, we must insure that our teachers are not only of the highest caliber available but also that they be personally committed and sensitive to Indian needs. In short, we must be sure that each dollar appropriated for Indian education is spent wisely, whether through Bureau-operated systems or through other systems.

I recognize and respect congressional responsibility to establish Indian policy. I also recognize and respect the oversight responsibility

of the Congress to insure that the congressional intent is met. As Commissioner. I look forward to work very closely with the Congress, the Secretary, and the Indian people in establishing national Indian policy. Once these policies are established, I pledge to carry them out to the best of my ability.

Mr. Chairman, this concludes my statement. I will be pleased to respond to any questions that the committee may have.

Senator STEVENS. Mr. Chairman, could I put in the record letters I have received from various communities in Alaska endorsing Mr. Thompson's nomination?

Senator ABOUREZK. Yes; they will be entered into the record.

[The biographical sketch of Mr. Thompson and communications follow:]

BIOGRAPHICAL SKETCH OF MORRIS THOMPSON

President Nixon submitted the nomination of Morris Thompson to be Commissioner of the Bureau of Indian Affairs to the United States Senate on October 30, 1973.

Thompson was instrumental in formulating and implementing Indian policy as Assistant to the Secretary of the Interior from 1969 to 1971. In this position he assisted in developing the President's Indian message of 1970; was involved in the return of Blue Lake to the Taos Pueblo Indians; the return of Mt. Adams to the Yakima Indians, and he helped formulate the administration's position on the Alaska Native Settlement Act.

For the past two years Morris Thompson has been Juneau Area Director, top line official for the Bureau of Indian Affairs in Alaska. In this capacity he has had full responsibility for administering the total range of Bureau programs with an annual budget of 40 million dollars and approximately 1200 employees. Significant activities include accomplishing a Tribal enrollment of well over 80,000 Alaska Natives within a two year deadline and implementing other Departmental and Bureau authorities relative to the Alaska Native Claims Settlement Act. Regular on-going Bureau programs and facilities in Alaska include 53 day schools, two Boarding schools, 5 field offices and a 10 ton cargo ship.

Thompson, an Athabascan Indian, at age 31 was the youngest man in BIA history to be named an Area Director. Now, at age 34 will be the youngest Commissioner when appointed.

From 1967 to 1969 he was Executive Secretary to the ten-man NORTH Commission. He was responsible for establishing policies and defining a comprehensive program to implement and promote the human and economic development of Northern Alaska. Additionally, he coordinated the activities for the Commission—economic research and evaluation of the work done by consulting firms—and acted as a liaison between State and Federal agencies.

Before accepting appointment to the NORTH Commission Thompson was Deputy Director of the Rural Development Agency for the State of Alaska. He assisted in the establishment of the Rural Affairs Commission which is a forum of Native leaders who advise the State administration on matters of policy regarding the Indian community. In his role as Deputy Director he also helped with the coordination of emergency relief programs created to alleviate disasters such as floods, fires, poor fishing seasons, etc.

Morris Thompson was born in 1939, in Tanana, Alaska, a community 150 miles west of Fairbanks on the Yukon River. Here he attended school through the eighth grade. During high school years he attended Mt. Edgecumbe BIA Boarding School, graduating as a member of the National Honor Society in 1959. For the next two years he attended the University of Alaska majoring in civil engineering with a minor in political science.

At this time BIA Employment Assistance was recruiting students interested in electronics technical training. Thompson took advantage of this opportunity and moved to Los Angeles, California, for training at RCA Institute. Here he met his future wife, Thelma Mayo from Fairbanks, Alaska, who was also in Los Angeles for a BIA training program.

Upon completing the Electronics course in 1963, he returned to Fairbanks, married Thelma, and worked as a technician at the RCA satellite tracking facility at Gilmore Creek near Fairbanks until 1967.

The Thompsons now have three daughters—Sheryl Lynn, age seven; Nicole Rae, three; and Allison May, 18 months.

Thompson has served on numerous boards and commissions during his career as a public servant including the Rural Affairs Commission, the Alaska Village Electrification Co-op and the Alaska Business Council. Currently he is President of the Juneau Federal Executive Association, a Board member of the Alaska Native Foundation, and a member of the National Congress of American Indians. He was formerly a Board member of the Fairbanks Native Association, and the Alaska Federation of Natives.

MORRIS THOMPSON PROFILE

Birthplace.—Tanana, Alaska.

Birthdate.—September 11, 1939; one-half Athabascan Indian.

Schools attended:

1. Tanana Day School—Grade 1-8
 2. BIA Mt. Edgecumbe Boarding High School—Grade 9-12
- National Honor Society member
Graduated 1959

Higher education:

1. University of Alaska—9/59 to 1/62
Major—Civil Engineering
Minor—Political Science
 2. RCA Institute, Los Angeles, California—1/62 to 8/63
- Completed 18 month course in Industrial and Communications Electronics

Employment:

1. 1963-1967 Electronic Technician at the National Aeronautics and Space Administration's Satellite Data Acquisition Facility at Gilmore Creek near Fairbanks, Alaska.
2. 1967-1968 Deputy Director of Rural Development Agency for State of Alaska in Juneau, Alaska.
3. 1968-1969 Executive Secretary of NORTH Commission for State of Alaska in Juneau, Alaska.
4. 1969-1971 Assistant to the Commissioner (actually Assistant to the Secretary of Interior, Walter J. Hickel) in Washington, D.C.
5. 1971-1973 Area Director of BIA Juneau Area Office in Juneau, Alaska.

Special qualifications:

1. Public Speaking
2. Extensive knowledge of Indian groups and Tribes. Knows many Indian leaders personally.
3. Extended travel throughout Indian country

Membership and associations—present:

1. Alaska Native Foundation
2. National Congress of American Indians
3. President of Juneau Federal Executive Association
4. Fairbanks Native Association
5. Policy and Evaluation Council of the Center for Northern Education (University of Alaska)
6. State Manpower Planning Council
7. Alaska Health Manpower Committee

Past:

1. Rural Affairs Commission
2. Alaska Village Electrification Cooperative
3. Alaska Business Council
4. Fairbanks Native Association
5. Alaska Federation of Natives

[Telegram]

ANCHORAGE, ALASKA,
November 15, 1973.

Sen. HENRY JACKSON,
Senate Interior Committee,
Capitol Hill, D.C.:

Morris Thompson is a hard working man of intelligence and character.

LARRY WEEKS,
Attorney.

[Telegram]

WRANGELL, ALASKA,
November 17, 1973.HON. HENRY M. JACKSON,
Senator Interior Committee,
Washington, D.C.

HONORABLE MEMBERS OF THE SENATE INTERIOR COMMITTEE: The Alaska Native Brotherhood and Sisterhood Grand Camp, assembled in convention November 17th 1973 at Wrangell, Alaska, went on record supporting Mr. Morris Thompson for the position of Commissioner of Indian Affairs.

STEVE HOTCH,
ANB Grand President.
MARY JONES,
ANS Grand President.

Senator ABOUREZK. At this time I would like to yield 10 minutes to Senator Bartlett. He has to go a little later on so we will give him a chance now.

Senator BARTLETT. Thank you very much, Mr. Chairman.

Mr. Thompson, I welcome you to this committee. I compliment you on your many accomplishments in your young career.

I recall your being in Oklahoma along with the Secretary of the Interior in the housing project that he dedicated and the plan for the employment of Indians was just barely beginning and has developed quite well since then.

So, it is good to see you again.

I compliment you also on your opening statement and commend you for your statement that American Indians have a right to expect an effective and efficient Bureau of Indian Affairs.

I have felt that accountability of BIA personnel to the Commissioner is very important. Accountability of the various people in the BIA to the Indians is likewise important and I think you encompass this in your statement.

Recognizing that with clearly defined duties the job is not going to be done if those duties are not carried out, I support the chairman's bill Senate Resolution 133 to make a study of various Indian affairs and relationships and I have added an amendment to title II of that which I hope will be finally reported out, which calls for the Secretary to appoint a chairman of a task force, outsiders, professional people, businessmen, college professors, to make a management study of the BIA which would be independent of any study made either under the title I provision or under any independent study that would be made by yourself as Commissioner.

This kind a study has been made in 10 States or so, maybe more than that, quite successfully from the point of view of improving managerial practices, cutting down on redtape and making a more efficient operation possible, saving money, and to bring in my opinion suggestions that could be implemented by you as Commissioner that you would not obtain otherwise because of the arm's length relationship this group would have.

This is not just a study by a professional group or by a group of individuals who in most cases would be donating their time.

Would you support such a program from the point of having the people in BIA cooperate to provide this study group with full information and make sure there would be an arm's length cooperation with a completely independent view that the personnel—that the task

force would have complete access to all material and personnel in the BIA?

Mr. THOMPSON. Senator, thank you. As I indicated in my statement, one of the things I look forward to doing is working very closely with the various committees of Congress and the various Senators and Congressmen in implementing what we hope will be a progressive Indian policy.

With regard to your amendment to Senator Abourezk's bill, I have had only brief occasion to review the contents of the legislation. Our current posture is one of indicating to this committee that we would be delighted to cooperate and coordinate our activities with this study effort.

I know also that we have some concern, and I am sure the various Senators will keep this in mind in that we would like to see the President's legislative package moved and we are concerned that this study effort might divert that.

To answer your question more directly, of course, we would look forward to working directly with you and cooperating with any study effort.

Senator BARTLETT. Mr. Thompson, in the past it has been reported that the Commissioner of Indian Affairs has not had direct access to the Secretary of the Interior, has not always had the control of the Bureau that many people would like to see either in the White House or in the Department of the Interior.

There have been to some extent road blocks to direct access or connection between the Commissioner and the Secretary and between the Commissioner and the various departments of the Bureau of Indian Affairs.

Do you expect this to continue with you as Commissioner, and do you have any sort of commitment that it will not?

Mr. THOMPSON. Senator, during my discussion with the Secretary and with other members of the administration, this was one of the things I was concerned about. Based on these discussions I don't feel that I have to worry about access to the Secretary.

I am very much impressed with Secretary Morton's knowledge in Indian affairs. I am very much impressed with his commitment on some of these long standing issues we have had.

To answer you more directly, we have had conversations on this subject and, as you know, the Bureau reports directly to the Secretary. I am convinced I will be the principal policymaker in the field of Indian affairs.

Legislation currently pending before Congress would elevate the Commissioner's job to an Assistant Secretaryship within the Department and I think that will also do much to eliminate a lot of your concern.

Senator BARTLETT. Mr. Thompson, do you expect to have the opportunity to select key personnel such as the Deputy Commissioner and the Director? If the answer is yes, do you have any commitment that you will be able to do so?

Mr. THOMPSON. Senator, that again is a subject on which I have had extensive discussion with Secretary Morton and he totally supports me in that regard.

As I have indicated to the committee the Secretary has assured me that I will select key staff including my deputy.

Senator BARTLETT. Could you describe the role you expect the Deputy Commissioner of the Bureau to have?

Mr. THOMPSON. I have really not had sufficient time to totally look at the internal operation that I would want to recommend to the Secretary to implement the organization of the Bureau of Indian Affairs. I will be selecting either one or more deputies. I have received assurances that I will select these. I want to personally and critically interview in great detail prospective candidates for that post. I currently have no individual in mind. I have discussed this with various Indian people on an informal basis.

We have not formalized the procedures yet, but I want to assure the committee that I will personally be involved in the selection of the staff.

Senator BARTLETT. Will you describe the role you expect the area directors and the agency—

Senator ABOUREZK. Excuse me, Senator Bartlett, a vote has been called. I wonder if you can go into your next question—if we should not recess for about 10 minutes and go over and make our vote and come back and let you resume.

Senator BARTLETT. I wonder if I could have about 3 more minutes.

Senator ABOUREZK. Sure, go ahead.

Senator BARTLETT. To repeat the question, would you describe the role you expect the area directors and the agency heads to have in the conduct of the business of the Bureau?

Mr. THOMPSON. Obviously there are three levels within the Bureau of Indian Affairs, the field level, which is the Superintendents or agencies; the intermediary offices which is the area offices; and the Central Office.

I know there has been some consternation about policy role playing within the Bureau.

I want to assure you we want to keep lines of communication open to the Indians and their organizational structures. It is not going to be exclusive communication with area directors or any other level, but we will maintain communication between all levels of the Bureau and with Indian people.

Senator BARTLETT. Mr. Chairman, I have one more question. Perhaps you could ask it or answer it. To whom will you report? And I assume you have answered that, that it will be the Secretary, is that correct?

Mr. THOMPSON. That is correct.

Senator BARTLETT. Do you have direct contact with the White House or would it be through department channels?

Mr. THOMPSON. My immediate supervisor would be the Secretary of the Interior. I am not all that familiar with the current operations at the White House and have not established any working relationship to date with them.

Senator BARTLETT. Mr. Thompson, thank you very much. I appreciate your answers. I am very happy to have you before the committee.

Mr. Chairman, I have five questions from Senator Fannin in written form. I would like to submit those both for the record and to Mr. Thompson for him to answer.

[The questions submitted by Senator Fannin and answers by Mr. Thompson follow:]

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 26, 1973.

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

DEAR MR. CHAIRMAN: Enclosed are the answers to the questions submitted by Senator Fannin in connection with the November 14 hearing of your Committee on the nomination of Morris Thompson to be Commissioner of Indian Affairs.

Sincerely yours,

JOHN KYL,
Assistant Secretary for Congressional
and Legislative Affairs.

Enclosure.

Question.—Mr. Thompson, I am interested in knowing your view of the Federal role regarding the support of reservation public schools serving Indian children. As you may know, I have been greatly concerned over the years with the extent and scope of the Federal commitment to supporting such schools. I have argued that in as much as reservation public schools are without sufficient local tax resources due to the large blocs of tax exempt land, the Federal role must be substantial and broad. However, it seems to me that commitment has been less than satisfactory. May I have your views on this particular point?

Answer.—I believe that the Federal Government has a responsibility to provide assistance to reservation public schools serving Indian children. State laws, in all 50 states, I believe, require that adequate educational opportunities be provided for all children. Because of special relations with Indian peoples, the Federal Government does have obligations to provide special assistance.

State taxation programs for funding public school systems vary greatly—with some states depending almost totally on land-based taxes and others utilizing sales taxes and other means to provide state support for the schools systems. Consequently, there is great disparity in the amount of state funds made available for reservation based public schools systems.

My concern in the administration of the Johnson-O'Malley funds is to cooperate with the states in the most equitable manner possible to provide the greatest benefit to Indian students in public school systems.

Question.—Mr. Thompson, the Johnson-O'Malley Program has received its share of criticism over the years. However, I believe that as it is presently conceived, with some minor reforms, it is still a viable and essential ingredient in the support of Indian education. May I have your comments on the Johnson-O'Malley Program?

Answer.—I have no doubt that the Johnson-O'Malley Program is a viable and essential ingredient in the support of Indian education. Approximately 70 percent of the Indian students in the Bureau's service population attend public schools. The Johnson-O'Malley Program is still required to provide needed basic support for some public school systems but is being used increasingly to provide special programs responsive to the needs of Indian children in public schools. It has helped Indian children to benefit more fully from Public school programs and, through the activities of local Indian parental committees, has greatly increased the involvement and participation of Indian parents in public school programs.

Question.—Mr. Thompson, there is a belief in Congress that the Johnson-O'Malley Program duplicates the Title IV Program under PL 92-318. Some have argued that both these programs serve the same purpose. I would argue however, that this is not true, but I am wondering what your view is of the relationship of Johnson-O'Malley with Title IV.

Answer.—A study of the relationships of Johnson-O'Malley, Indian Education Act, Impact Act and ESEA Title programs has been initiated by the BIA and the U.S. Office of Education. There is need for coordination of these programs to avoid possible duplication. I am informed that the study, to date, has revealed no duplication of program funding. It should be noted that the Indian Education Act embraces a much larger service population than the Johnson-O'Malley program since it is not restricted to those Indians with large blocks

of Indian-owned, tax exempt land. I feel that a continuing relationship with the U.S. Office of Education will help to eliminate any possibility of duplication.

Question.—Mr. Thompson, when the Bureau testified on S. 1017, a question was asked concerning the policy of the Bureau of Indian Affairs toward boarding schools. At that time, the Bureau replied that it was de-emphasizing boarding schools in favor of, I assume, the local neighborhood school concept. I would be interested to know your views of the boarding school program and whether or not you are in accord with the policy expressed last June concerning the de-emphasis that is currently being placed by the Bureau on the boarding school program.

Answer.—It is my expectation that the need for boarding schools—especially the off-reservation boarding schools—will diminish. The boarding schools have never been considered ideal; rather they have been established and maintained as a response to special needs of Indian children. It is my hope that programs can be implemented which will minimize the conditions causing these needs. I am referring to the development of improved road-transportation systems and to socio-economic programs which will provide Indian people opportunities for decent jobs and improved family living conditions so that the need for Indian children to attend boarding schools can be greatly lessened, if not eliminated. It is my hope that excellent neighborhood schools can be made available to serve Indian communities, as they are now available for non-Indian communities.

Question.—Mr. Thompson, I have learned that the BIA requested either of the Department or of the Office of Management and Budget, an additional \$38 million to cover some increased costs in its education budget for fiscal 1974. As I understand it, the Bureau is asking approximately \$10 million for unprogrammed cost increases due to inflation, \$11 million for unprogrammed cost increases to meet minimum educational requirements, and \$16 million to meet state and local requests for JOM Public School assistance. I am interested in knowing what the status is of that request and whether or not you feel it is necessary.

Answer.—Field education directors have expressed concern over the education budget for fiscal year 1974. This concern has led to the development and analysis of data at field and central office levels. A preliminary supplemental appropriation request has been prepared and discussions are now in progress within the Department of the Interior. There are a number of items that need further clarification and resolution. I intend to do all I can to assist in expediting the solution of these matters.

Senator ABOUREZK. We will recess for 10 minutes and come back after the vote.

[Recess.]

Senator ABOUREZK. The hearings will resume.

Before we continue I want to make a brief announcement. We are having a scheduling problem. We are in full Interior Committee session right now.

There was previously scheduled for this morning a full Interior Committee markup session on the research and development bill, which is almost as important as this particular hearing, Mr. Thompson.

The markup session has been rescheduled to 2 o'clock this afternoon. Now, I had originally announced we were going to come back at 1:30; with your forbearance I would like to run right through the noon hour and continue the hearing.

We may have to resume these hearings if our questioning is not completed today, but we want to try to get in as much as we can today, and resume the hearing.

In my view it is extremely important and in your view and in the view of the Indian people I am sure it is, too, and we want to be very thorough in these hearings.

We don't want to give this hearing any kind of a short shrift even though the other business is very pressing for the country. We have

to find some alternative oil and energy sources or everything else won't work either, I guess.

So, with your forbearance we would like to go right through the lunch hour and Mr. Thompson, you might want to have somebody bring up a milkshake or something if you get hungry.

I want to ask first of all general questions and then I have some other specific ones I want to go into. I am particularly interested, Mr. Thompson, in how you intend to run the Bureau of Indian Affairs, and by that this question is not directed so much toward specific management methods on your part, but in general what will be the mood of the Bureau of Indian Affairs. The attitude of the organization will be indicated I think by the people that you hire to undertake the work of the Bureau.

And second, I am interested in what kind of assurances and conversations you have had with the people above you in the Department of the Interior.

One of the major problems with the Bureau, as I view the situation, is that the old line bureaucrats have been successful in suppressing new ideas and innovative programs.

You have been around the Bureau for a while and you know most of the people who are there. Do you intend to put into responsible decisionmaking positions people who are not afraid of a new idea, or are you intending on hiring some of the old line bureaucrats whom I have heard it put this way—they understand the needs of the Indian people. I have heard their attitudes expressed in those exact terms.

Some individuals have already expressed their concerns to me regarding the kind of people you intend to assign to those positions where major and minor policy decisions are made on a day-to-day basis.

Mr. THOMPSON. Let me respond, Senator, in saying we need to look for some unique people who will bring unique ideas to the Bureau of Indian Affairs and we want to bring in people who are dedicated to solving the problems confronting us.

We need to look at people who are rather innovative, who are willing to work, and who are willing to tackle some of the rather sensitive issues that are confronting the Indian community.

In line with your question, one of the things I have done on an informal basis has been to talk to selected leaders throughout the country attempting to get their ideas as to the type of individuals we want in Indian affairs, and specifically some names of people they feel could help us do the job.

Obviously it is going to take a great amount of time and a great amount of effort, and for a lot of Indian people, a great deal of sacrifice to come into Washington and spend a year or two working in this atmosphere.

I am looking for people who are highly motivated, who are willing to assist us in moving out the Bureau and moving the Bureau in such a way that it is going to credit the administration and credit my leadership, and more important, bring some results and action to the Indian world.

Senator ABOUREZK. You do intend to appoint Indians in key positions, I take it?

Mr. THOMPSON. Currently, Senator, as you know, we are under some court orders. Indian preference is required under the court orders resulting from the *Freeman* versus *Morton* decision. Indian preference is also required under Departmental policy. We support that policy and of course, we will adhere to the court orders.

Senator ABOUREZK. There has been an exodus from the Bureau of Indian Affairs of Indian people who were hired in the past 3 or 4 years.

I wonder if you might explain how you intend to deal with that problem in order to stem the exodus of what many people consider to be the highly innovative Indian employees.

Mr. THOMPSON. I don't know the number, Senator, of people who have left the Bureau in the last year, but I think one of the reasons for their leaving, is simply this: Many fine dedicated people in the Bureau of Indian Affairs want to help resolve some of the issues that we are currently faced with, but they want to know there is some organizational entity there that has some integrity and there is an opportunity for them to advance both from a professional and personal point of view.

One of the things I am looking forward to doing early, is stabilizing some kind of organizational entity so we can then concentrate on some of the issues and problems confronting us instead of on internal matters such as how we organize.

So in answer to your question directly, Senator, I think one of the reasons many people are leaving is that they are uncertain of their future in the Bureau and that uncertainty is partly caused by some of the reorganization activities.

Senator ABOUREZK. Do you think their reason for leaving is not the uncertainty about a job or their career, but that it is based more on having their efforts frustrated in trying to make beneficial changes?

Mr. THOMPSON. That would be a difficult one for me to determine, Senator. They leave for various reasons, such as personal reasons or for advancement, but I would hope under my administration that we could end any feeling of frustration and inability to get things done.

Senator ABOUREZK. Working in the bureaucracy is akin to being an elected official; you are always careful to preserve your own future. And, unfortunately, too many elected officials and appointees to high public office tend to become controversial to avoid being the noncutting edge of social change because of their instinct for self-preservation.

I wonder if it might not be useful, at this time, to explore whether you view your role and the role of the people you appoint to work with you, as being that where you are not necessarily concerned about your own future so much that you might want to do just what you believe to be right by way of changing beneficially Indian policy and the way in which that policy is administered.

I don't know if I have made myself clear, but please proceed if you can respond to my question.

Mr. THOMPSON. Let me answer that in one respect. When the opportunity came forward to be Commissioner of Indian Affairs to me as an individual I did have a sincere feeling that I could do some things in this particular field that would bring some benefit to the Indian community.

I personally accepted a Presidentially appointed position in which, as you know, you serve at the pleasure of the President, and I will not in any way be in a career capacity. However, I did leave a career posi-

tion to take on this task because of my commitment to Indian affairs.

I have talked to people personally who, I think, are willing to make this sacrifice as well. This is simply because there is a sense or feeling that it would be most rewarding if we could get working on some objectives and start getting some problems solved.

I can answer directly for myself, I am committed to this type of thing. I am a young enough man to have enough faith in my abilities and capabilities so that if it is determined that I am no longer useful in this particular role, then I can be considered for other uses of my talents. So, I am committed and have taken direct action in line with my commitment.

Senator ABOUREZK. Let me ask you this. In getting people to work with you in key positions in the Bureau, is that going to be one of the major qualifications you will look for, not their interest in security for themselves, but their interest in perhaps working themselves out of a job if necessary?

In other words, to do such a good job and to change the Indian situation to the point where they may no longer be needed.

I know of a young man in South Dakota who ran for public office recently who was 26 years old, and his platform was that he wanted to abolish the office after he got elected.

Although he lost the election that year, he attracted a great deal of attention with that concept. Would that be one of the major qualifications you will look for in hiring people to make policy decisions in the Bureau of Indian Affairs?

Mr. THOMPSON. That will be a criterion, obviously. I think that would show that people really are dedicated to the field of Indian affairs if they are willing to take some risks from the personal point of view.

We do, however—I must be totally honest, Senator—we do have a lot of excellent qualified totally committed people in the career service. I would also want to call on them. The number of positions that I have to offer that are noncareer is rather limited.

I will be calling on people both within the Bureau of Indian Affairs and other departments of Government, on people who have some very unique qualities and some unique dedication in this field who are in the career service. I know there are a lot of people working in the field of Indian affairs with the same premise in mind. So, I want to look both within the Bureau, within the Indian community, and other departments of Government to get the type of people we want.

Generally, I might indicate, Senator, I am rather fortunate in this respect, we do have the unique opportunity to fill many of the key vacancies in the Bureau. Many of the people who assume this position or positions similar to mine do not have this opportunity. Most of the people are in career posture and are placed prior to coming in. So, I am coming in with the distinct advantage of being able to select some of the key policymakers in Indian affairs. That, I see as a great plus.

Senator ABOUREZK. The second part of that question is: What kind of arrangements have you made with the people who will be above you in the chain of command in the Interior and the administration?

I think you have already testified you have been given assurance that you will be free to pick your own deputies without any interference from above.

Mr. THOMPSON. I have been given assurances that I will pick a deputy. In total candor with the committee, some of these high level appointments require other checkoff other than the Commissioner. I think, for example, the positions at GS-15 and above require Secretarial concurrence. So obviously we will be working very closely with the Secretary to get that concurrence.

I will initiate the actions to go after some of my key people.

Senator ABOUREZK. Do you mean that it will be necessary for you to obtain the Secretary's concurrence before you hire a deputy?

Mr. THOMPSON. I believe that is the case. For example, in my own appointment the Secretary had to recommend to the White House that I be nominated. So, there are some procedural things that are required for high policy positions—one must go through the administration.

Senator ABOUREZK. Does that mean you will be free to select a deputy with the right of veto by the Secretary? Does that mean that the Secretary is going to name your deputy?

How will this important process work?

Mr. THOMPSON. My understanding is I will have the opportunity of working with the Indian community and of working with the administration to come up with some names that we will then clear with the Secretary so that the best individual could be appointed.

There are some other procedural things. I don't know if a deputy has to go through the normal clearance routines or the FBI checks, and so forth. These are some of the other checkoff type things I was referring to.

It is my understanding that I would initiate actions on key policy decisions and if they have to go elsewhere for these other kinds of checks then obviously I cannot proceed until they are completed.

Senator ABOUREZK. Mr. Robert Burnette, the newly elected chairman of the Rosebud Sioux Tribe, which is my own reservation, just came in, accompanied by Jay Gambrell.

In other words, you are not going to be entirely free to select your deputy, but you are going to help the Secretary and his people select the person for this position.

Mr. THOMPSON. I hope I am being responsive. It is my understanding that I will select the deputy. It is one of the assurances that I accepted this position under. The Secretary concurred in my request. However, for administrative purposes there are some procedural things that we have to follow in these types of appointments.

Senator ABOUREZK. Aside from the procedural matter, what I am interested in is whether you are going to have a free hand in appointing your own man for the deputy's post.

Mr. Thompson, I don't expect you to comment on my next statement because I don't want to create trouble for you with the people who nominated you; but we have witnessed a political czar system at work in this administration for the past several years. The White House has appointed deputies in almost every major department and agency, with such individuals maintaining their loyalties with the White House rather than to the department or agency to which they have been assigned.

The only thing I am concerned about is that will not happen again in the BIA. And if it does, that means progressive Indian policy will then be subordinated to the political needs of the White House. And, I do not want to see that happen.

What we would like to do is have BIA subordinate its needs to that of the Indian people.

Can you state emphatically that is going to be the case. That the method of selection of your deputy and your other key people is going to be with a view of how you want to run the BIA rather than how someone else wants to run the organization.

We want to know whether you are going to run the BIA.

Mr. THOMPSON. Let me respond in this manner. I have no commitments. No one has approached me, I have no commitment to any specific individual in or out of government.

I honestly believe that I will be intimately involved and I would make the recommendation and the selection of the deputy.

The Commissioner, in running the Bureau of Indian Affairs, has prerogatives in appointing people below him at various levels. These go through some of the procedure checkoffs that I went through myself. But to answer your question directly, Senator, I personally feel I will have the key role in making Indian policy or formulating Indian policy with Secretary Morton.

Senator ABOUREZK. Okay.

Now I want to get into the question of the area that has been pretty controversial within the Bureau recently. Initially information came to me that an arbitrary figure of 715 employees has been set by Mr. Bodman for Management and Budget within Interior and the information came to me that as soon as he determined that maximum figure—he left Interior and was not working in that area anymore—and then when Mr. Franklin came into Interior he began to shuffle positions within the BIA to meet that predetermined figure of 715.

I inquired of the Civil Service Commission to see if other personnel matters were being properly handled and yesterday I received a letter that I would like to be made a part of the record and I want to read part of it if I might and ask for your comments.

This is just the second page of the letter of what I am questioning you about. This is from the U.S. Civil Service Commission dated November 13, this year. It is signed by Bernard Rosen, Executive Director of the Commission on behalf of the Chairman, Robert E. Hampton.

Details are an appropriate means of meeting such circumstances as a change in organization, pending description and classification of new positions and official assignment of employees.

They must be made, however, in a manner to assure that they do not compromise the principles of sound position classification or merit selection.

Thus the Commission requires that details of more than 60 days to higher grade positions or positions with known promotion potential must be made under competitive promotion procedures, that classification action must be taken by the agency within 120 days for any new position, and that a detail over 120 days must have the prior approval of the Commission.

We found that these requirements have not been met in the Bureau's details.

Because of the scope of this situation, in that it encompasses the entire central office of the Bureau, plus the involvement of the Department in the reorganization decisions leading to it, we have told the Department to conduct a prompt and thorough review.

We have also asked for an early report from the Department on the action being taken to bring about full compliance with Commission requirements.

As far as current improper details over 120 days are concerned, the Bureau can come into compliance with Commission requirements by returning the employees to their official positions, by officially reassigning or promoting the employees if applicable merit promotion requirements are met, or by obtaining the Commission approval for extension of the details.

Commission approval will not be granted unless the agency can demonstrate that a detail is the only practical means by which it can get the necessary work done and that employee equity will not be adversely affected.

We would also like to point out that should any employee be affected by reduction in force or adverse action in the reorganization, the Bureau will have to follow established procedures and employees will have applicable appeal rights to the Commission.

That is the extent of the letter from the Civil Service Commission. I wonder if you might want to comment on rolling back the realignment that was started earlier this year.

I would like to hear your comments on the Civil Service decision here and your opinion on rolling back.

[The letter referred to follows:]

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., November 13, 1973.

HON. JAMES ABOUREZK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ABOUREZK: This is in further reply to your letters of September 21 and October 16, 1973, concerning reorganization plans for the Bureau of Indian Affairs, Department of Interior, and temporary assignments under which members of the Bureau's staff are working. We have discussed this matter with representatives of the personnel office of the Department, and Commission staff also visited the Bureau to follow up on the material you provided us.

It is our understanding that steps have been taken to put a new organizational structure into effect within the central office of the Bureau, but that the final form of the new organization is still under consideration by the Department. The nature of the Bureau's reorganization is not subject to review or investigation by the Commission. Each agency has the authority to determine how it will plan its work and organize its workforce to accomplish its mission. The decision to reorganize and the resulting organizational structure are the responsibility of agency management.

We are concerned, however, that personnel actions resulting from a reorganization be carried out in compliance with Commission requirements; and this is what we looked at in our review at the Bureau. We found the Bureau has been operating under an interim organization while final decisions about its permanent structure are being made. In this period of transition, a number of employees who remain officially assigned to positions they occupied in the old organization have been functioning in other positions, including high level managerial ones, under temporary assignments, that is, on detail. Furthermore, in the interim organization, many old organizational units have had their lines of reporting authority changed. As a result, some employees are on detail to managerial positions where they are organizationally above employees of higher grade. Since all employees remain officially assigned to their old positions, however, no employee has been subject to any formal adverse action, nor has any reduction-in-force action taken place.

Details are an appropriate means of meeting such circumstances as a change in organization, pending description and classification of new positions and official assignment of employees. They must be made, however, in a manner to assure that they do not compromise the principles of sound position classification or merit selection. Thus the Commission requires that details of more than 60 days to higher grade positions or positions with known promotion potential must be made under competitive promotion procedures, that classification action must be taken by the agency within 120 days for any new position, and that a detail over 120 days must have the prior approval of the Commission. We found that these requirements have not been met in the Bureau's details.

Because of the scope of this situation, in that it encompasses the entire central office of the Bureau, plus the involvement of the Department in the reorganization decisions leading to it, we have told the Department to conduct a prompt and thorough review. We have also asked for an early report from the Department on the action being taken to bring about full compliance with Commission requirements.

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ployees to their official positions, by officially reassigning or promoting the employees if applicable merit promotion requirements are met, or by obtaining Commission approval for extension of the details. Commission approval will not be granted unless the agency can demonstrate that a detail is the only practical means by which it can get the necessary work done and that employee equity will not be adversely affected. We would also like to point out that should any employee be affected by reduction in force or adverse action in the reorganization, the Bureau will have to follow established procedures and employees will have applicable appeal rights to the Commission.

We appreciate your bringing this matter to our attention.

Sincerely yours,

By: ROBERT E. HAMPTON,
Chairman.
(Out of city)
BERNARD ROSEN,
Executive Director.

Mr. THOMPSON. Let me respond in this manner.

As I indicated in my statement one of the objectives of any new Commissioner coming in would be to stabilize the Bureau of Indian Affairs to an organizational posture which will enable us to meet some of the crises we are facing today in Indian affairs. Far too much time has been devoted and expended on realignment, reorganization, reshuffling, and reordering in the Bureau of Indian Affairs.

I am not prepared at this time to offer extensive comments on the months of work that have gone by both by the Civil Service Commission and by the Department, by various task forces that have been instigated regarding this realignment. There have been volumes, Senator, written on this. I would respond by saying this. It will be a high priority item of mine, when confirmed and sworn in, to insure that we become an organizational entity that can get to work.

I have had meetings, Senator, to be fair to you, with the people who are proposing realignment, certain elements of the Indian community and people that have different views on it. It is a rather huge undertaking. I hope to, and plan on, jumping on this particular situation early on—after being sworn in.

Senator STEVENS. Would you yield there?

Senator ABOUREZK. Yes.

Senator STEVENS. Mr. Thompson, I am sure you know I support your confirmation and am delighted to see you nominated.

But, I have had direct personal contact now with the BIA since the days of Bill Zimmerman over 20 years ago, and every Commissioner I have ever known when he came on board started realining the Bureau.

Some of them got lost in the realignment and forgot about the policies they told us they were going to put in effect.

I am hopeful that you have the ability to separate the two, to set the policies and to get the bureaucracy lined up behind the policies rather than having a priority of setting the realignment, getting the bureaucracy, and then determining the policies from the bureaucracy.

I think that is what the chairman is saying, that he is implying in his comments, too. I hope he does, because we have rather similar ideas about what the role of the Commissioner of the Bureau of Indian Affairs ought to be.

But I am hopeful as you get into this realignment problem it is not the predominant problem for the BIA because I think the bureaucracy will follow the policies if we establish the policies first.

Mr. THOMPSON. I concur, Senator.

Senator ABOUREZK. Thank you, Senator Stevens.

I think what has happened in the past year or so with regard to the attempted realignment, which is about halfway completed, is that it has antagonized the Indian community. And it has antagonized a lot of the bureaucracy the way the shift has been made and there was no real consultation with the Indian community before it was taken.

As those of us in politics know, if you are operating in this kind of a representative democracy, you have to talk to people that you are governing to find out how they would like to see things done. I believe the absence of consultation with Indians was one of the major problems in the proposed realignment.

What it did, as Senator Stevens said, was to create a controversy and deprive the Bureau of its ability to operate.

Since the Civil Service Commission has ruled that the Bureau realignment is in noncompliance with existing laws and rules and procedures, I believe that the realignment should be considered void at this time, and that the authorities delegated to the area directors should either be redelegated back to headquarters or to the agency level in the field.

I would just strongly urge you as somebody who is interested in Indian affairs and Indian matters to seek to take such action to make the Bureau an operational agency again, rather than donating your time to fighting a realignment plan.

I don't think we can afford to waste time and still move forward. I would like to hear your comments.

Mr. THOMPSON. Senator, I concur with those statements and I will commit to the committee and to the Indian people that when confirmed and sworn in one of the first things I would like to see done is to get the Bureau operational.

An expression we hear quite frequently now is that we will start to resolve some of the great issues and followup on the initiatives that have been made in the 1970's. We have accomplished, by working with Congress and the Indian community and the administration, some very key pieces of legislation, some key determinations in resolving Yakima land claims and in resolving the Alaska claims, just to name a few which have been done through hard working cooperative efforts between the Indian community and the Congress. And I know there are many other key policy questions yet to be resolved out there and I look forward to getting back to a posture that will allow these kinds of action to be taken.

Senator STEVENS. Mr. Chairman, Senator Hansen had to go to the Finance Committee and if I might ask one of those questions now.

This is Senator Hansen's question. He said, I have recently received a resolution from the Shoshone-Arapahoe Tribes of Wyoming concerning a proposed reorganization of the Bureau of Indian Affairs.

In that resolution these tribes indicate the plans were largely drawn without Indian participation and they have not received responsive information but confusing contradictory reports.

Mr. Hansen's first question is, how do you think more Indian participation can guarantee for these projects and these tribes and particularly what procedure could be followed more effectively to explain projects to those tribes in a more satisfactory manner?

He asks that the resolution of the Shoshone-Arapahoe Tribe be placed in the record. Those are these two questions.

[The resolution referred to follows:]



CHIEF WASHAKIE

SHOSHONE & ARAPAHOE TRIBES

BOX 217

FORT WASHAKIE, WYOMING 82514



CHIEF BLACK COAL

SHOSHONE BUSINESS COUNCIL
STARR WEED
ENOS ENOS
JOSEPH ENGAVO
ALFRED McADAMS
STANLEY B. BROWN
JAMES FOGUE
Alfred Ward

ARAPAHOE BUSINESS COUNCIL
JESSE MILLER
ERNEST HANWAY
JOHN WARREN
FELIX GROESBECK
ARNOLD HEADLEY
HUGH FRIDAY

JOINT BUSINESS COUNCIL
SHOSHONE AND ARAPAHOE TRIBES
WIND RIVER INDIAN RESERVATION, WYOMING

Resolution No. 3335

WHEREAS, the Shoshone and Arapahoe Tribes of the Wind River Indian Reservation, Wyoming, through their Joint Business Council, are very disturbed about the major reorganization or realignment of the Bureau of Indian Affairs now being carried out by the United States Department of the Interior; and

WHEREAS, despite a meeting with tribal representatives, Department officials have largely planned and carried out the reorganization without the participation of the Tribes in conjunction with their tribal attorneys in working sessions where Departmental plans could be explained, analyzed, and changed where necessary to meet the real needs of the Indian people which the Bureau is intended to serve; and

WHEREAS, the Tribes have received no responsible information, but only confusing and contradictory reports, concerning why the Department is reorganizing the Bureau and how the Bureau will work after realignment;

WIND RIVER INDIAN RESERVATION, WYOMING - Tribal Office Phone Numbers 332-4882 & 332-4092

NOW, THEREFORE, BE IT RESOLVED by the Joint Business Council, that the Shoshone and Arapahoe Tribes are opposed to the present efforts to re-organize the Bureau of Indian Affairs; and

BE IT FURTHER RESOLVED, that the Tribes and their tribal attorneys must be involved in the planning of any reorganization of the Bureau; and

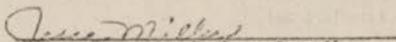
BE IT FURTHER RESOLVED, that a Bureau of Indian Affairs central office be established in Washington, D.C. with control over regional offices, so that uniform Bureau policy over services to the Indian people can be maintained.

CERTIFICATION

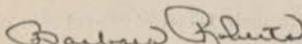
We, the undersigned, as chairmen of the Joint Business Council of the Shoshone and Arapahoe Tribes, hereby certify that the Joint Business Council is composed of twelve (12) members, six (6) members of the Shoshone Tribe and six (6) members of the Arapahoe Tribe, of whom four members of the Shoshone Tribe and five members of the Arapahoe Tribe, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 17th day of October 1973; that the foregoing resolution was duly adopted by the affirmative vote of eight members, Chairman not voting, and that the resolution has not been rescinded or amended in any way.

Done at Fort Washakie, Wyoming this 17th day, of October 1973.


Chairman, Shoshone Business Council


Chairman, Arapahoe Business Council

ATTEST:


Tribal Secretary

RESOLUTION NO. 3335

Mr. THOMPSON. I think the way to insure more Indian involvement ideally is to be responsive to Indian initiatives and to either get favorable administrative determinations or to work with them and see that the needed legislation is enacted. That would be the best involvement in that the Congress and the administration react to Indian initiatives.

Second, I think there are several mechanisms that could be utilized more effectively in Indian business or in the Indian community; for example—one, a series of consultations with tribal organizations; two, meetings at the tribal level; three, conducting a series of hearings on major changes in emphasis such as realignment and reorganization; four, personal direct contact which I hope to maintain with many of the Indian leaders throughout the country.

I think there are these four methods of getting Indian consultation.

Senator STEVENS. Mr. Chairman, Senator Hansen had one other question that relates to the same thing.

He said, recently the committee has been presented with a plan to reorganize the Bureau of Indian Affairs. The organizational realignment is supposed to make the Bureau of Indian Affairs more responsive to the priorities established by Indian individuals and the tribe.

How much effect do you think the realignment would have in meeting the priorities and would such a realignment solve the problem associated with the present organizational structure?

Mr. THOMPSON. Senator, I would like to refer to an earlier comment that was made that obviously any objective for realignment or reorganization is to put the administration in such a position as to better respond, better react and better act on some of the issues confronting us.

I think Senator Stevens put it very well that we may be finding ourselves in a posture now of working internally and this internal work may result in many of the policy questions going unresolved. So, Senator, I would hope that directly this will put us in a posture of meeting the key policy questions that are before us and get on with the job.

Senator STEVENS. Thank you very much.

Senator ABOUREZK. Do you intend to back the realignment that has been underway?

Mr. THOMPSON. This process of realignment, has been going on now, I think for well over a year. There have been volumes written and many, many things proposed. There are high level people working in this effort. I think one of the things that a new Commissioner should do, that he should have the prerogative of doing, is to determine what is being proposed by both camps and setting a course of direction that will be responsive.

I do not feel I am prepared to respond and say that I favor this type of organization with these numbers of people versus that type of organization with that type of people today. I have not had that great an opportunity to look at some of the final proposals. But I commit myself in saying to the committee that that will be a high priority.

Senator ABOUREZK. You are aware of the studies being conducted by Sid Freeman?

Mr. THOMPSON. Yes.

Senator ABOUREZK. On the realignment?

Mr. THOMPSON. I believe, Senator, if I may, I believe Mr. Freeman is looking at the field organizations to see how they may be reorganized to conform to an overall reorganization of the Bureau.

I believe Mr. Freeman is chairman of what is called the working group. Mr. Freeman, I understand, has been going out at the tribal level and meeting with Indian individuals and tribal councils to get their feeling on exactly what the field offices, mainly I believe, the area offices, should look like. I understand that is currently an ongoing effort and will last up to a year.

Senator ABOUREZK. The recent realignment has made some changes. Now what do you envision as the function of the central office division of Indian education programs and what qualifications are you contemplating for the man whom you will select to head that program?

Mr. THOMPSON. That was two questions. What qualifications? I missed the first part.

Senator ABOUREZK. What qualifications are you going to require for the man whom you will select to run the Indian education program in the central office?

Mr. THOMPSON. I think primarily we will key off some qualifications that are required for the job as established by the Civil Service Commission. I am sure we have all seen the position descriptions for various positions, some of them are volumes. In addition I will be looking for the person's background, his qualifications, his educational experience, his understanding of the Bureau educational system, as it does have some unique wrinkles.

I would look for support of various individuals from various Indians in the community. As indicated in my statement, education is one of the most important programs, the largest in the Bureau nationally.

We are going to have to look very carefully and critically for a person that could conduct himself in such a manner as to be a credit to the Indian community and the Bureau.

Senator ABOUREZK. You know there is a supplemental appropriation for BIA which is hung up between the Department of the Interior and OMB. Are you aware of that?

Mr. THOMPSON. I am not aware of the supplement, no, Senator. I am aware that historically we have come in for supplementals in this particular line.

Senator ABOUREZK. That, I am given to understand, is a supplemental, but the BIA does not have enough money right now to meet its educational needs and the appropriation request, has not yet come to Congress.

But if you are confirmed, we will try to move that program right along.

Mr. THOMPSON. I would like to respond to that, Senator. I think one of the initiatives of the Indian community and the Bureau of Indian Affairs and the Congress which we can all take a great amount of credit for is the number of Indian youngsters in college today. It is fantastic. I think we are assisting over 13,000 Indians in higher education whereas a couple of years ago it was around 1,500. Obviously that increase has required a greater amount of assistance which means greater appropriations and I think it is something that we all ought to be proud of and it is something that I support.

I think Indian youngsters should have the opportunity and the right to higher education—and I might add that I have been on the receiving end of implementing this particular program—and it continues to run short just because of the great numbers of students entering college. I would take a very close look at that because it is something I personally believe in.

Senator ABOUREZK. You would take a close look at it, but would you work to get that request up to Congress right away?

Mr. THOMPSON. I will do what I can, Senator.

Senator ABOUREZK. Thus far we know you are concerned and you have a great deal of knowledge about Alaskan Indian problems and their situation.

What knowledge and concern do you have of the Indian people in the lower 48, as you Alaskans like to call us down here?

Mr. THOMPSON. What concern do I have?

Senator ABOUREZK. Yes, what concern and what knowledge?

Mr. THOMPSON. I think my background indicates from a professional point of view I have served 2 years in the position which was created as Special Assistant for Indian Affairs to Secretary Hickel during 1969 to 1971. During that particular time and prior to that time I attended Indian meetings throughout the country, special conventions, and I was on the Alaska Governor's Staff and attended the Governor's State Council on two or three occasions.

I was for the 2 years with Secretary Hickel very actively involved on some very key Indian issues and I was involved in a small part in formulating the President's message of July 1970. I worked very closely on the return of Blue Lake. I worked on the Yakima Mount Adams land restoration. I had the pleasure and the opportunity of traveling to many Indian communities, meeting many leaders, tribal leaders, and I have maintained my association with them during my years in Alaska.

I honestly feel I would not have sought the post, unless my background and knowledge of Indian affairs stood me in good stead to work in this position as Commissioner.

Senator ABOUREZK. We have had a lot of testimony and reports that the BIA Central Office of Education cannot account for funds expended by the Bureau for Education.

How do you propose to correct this obviously untenable situation?

Mr. THOMPSON. I am not aware of that fact, Senator. One of the things obviously, then, that has to be strengthened, is some reporting techniques and accounting systems as I indicated in my statement, to assure that the moneys Congress appropriates are spent in such a manner that they benefit down at the local level as far as possible.

I will have to honestly indicate it is something I am going to have to look into and will look into very promptly to insure that moneys do go to the education program, which is the most important and the largest program in the Bureau, that those funds are spent wisely and the integrity of the dollars is maintained.

Senator ABOUREZK. Do you know how many division chiefs you presently have in the Central Office of Education programs and how many of those are Indians?

Mr. THOMPSON. I honestly do not, Senator.

Senator ABOUREZK. Do you know how many Assistant Area Directors for Education there are and how many of these are Indians?

Mr. THOMPSON. As is the case with other programs, I could not give you the definitive number of how many Assistant Directors we have in all of our program activities.

Senator ABOUREZK. Can you tell us if you plan to attract or try to attract more Indian people into these kinds of key positions, since I think the area of Indian education does have more qualified Indian people than any other area?

Mr. THOMPSON. Senator, as a policy statement I would say yes. I have obviously been in the area of Indian affairs for a number of years and I think my track record in that regard speaks for itself. I have appointed some key people in Alaska. I have sought out native people, Indians, and Alaska Natives, for these key roles and have appointed them. In my dealings with other Indian communities and other Indian departments I have been complimented on both the professional quality and the number of Indian people I had the personal privilege of hiring.

The field of Indian education is one that many Indian youngsters are entering in Alaska. In my particular area of jurisdiction, we have gone to college campuses trying to recruit Indian students to return back to their own communities and be teachers and we have been successful in some regards. I know I would be looking very closely for qualified people to fill these positions in this field.

Senator ABOUREZK. I might state for the record that of the eight division chiefs there are no Indians, that is the part you did not know about.

One of the eight division chiefs is an Indian and he was transferred into a different division. There are 10 Assistant Area Directors for Education. There is one Indian who is an Assistant Area Director for Education and one other Indian who is an acting Assistant Area Director, and there are six non-Indian Assistant Directors and two Acting non-Indian Assistant Area Directors.

It is not a very good record. I take your testimony to mean that you intend to correct that.

Mr. THOMPSON. Let me just indicate, Senator, that the policy of the Bureau of Indian Affairs has probably dramatically changed since these individuals were appointed. I do not have information as to when they were appointed but in this administration, Indian preference has become the policy and this will apply in seeking out those qualified Indians for our key positions.

Senator ABOUREZK. We will have another rollcall. We will recess for another 10 minutes and return.

[Recess.]

Senator ABOUREZK. The hearings will resume.

Mr. Thompson, an increasing number of Indian communities wish to exercise greater control over educational programs involving their children.

Now, some BIA educators feel that this control can be adequately exercised by community-elected advisory school boards.

Other advocates of Indian education feel the Indians must actually control the budgets and hire their own staffs, in other words, go beyond the advisory function.

I wonder if you would tell the committee how you feel about this question. Do you like either one of those alternatives or a different alternative?

Mr. THOMPSON. Senator, the current policy as I understand it is any school board has several options. It can become a public school, they can remain with the Bureau, in which case they would have an advisory school board, or they can become a Bureau contract school. I think based on tribal initiative, once the options have been sufficiently and honestly outlined, tribal people should dictate which one of these methods they want to go along.

I know from practical experience there are many advisory school boards that have a great amount of influence.

Ideally the situation would be that Indians run and control their own schools if this is their real option or their desire. However, for example we have made several trips to some of the communities, some of our larger schools in my State, to try to get schools with very sophisticated school boards to take over by way of contract their school situation. At that time, this was about a year ago, they were not interested. This was an effort made by the Bureau in this case.

I accompanied several people from Washington on these trips to convince the Indian community they should move from the advisory role to a more active one. We visited three schools and they did not want this.

I think based on tribal initiative, if they decide to go the contract route, or whichever way they would want to go, I would support their moves.

Senator ABOUREZK. Thank you.

Now, a student bill of rights has been argued for a number of Indian students in BIA schools for almost 10 years. I wonder if you have any opinion on implementing a student bill of rights in Indian schools currently under Bureau control.

Mr. THOMPSON. Senator, I am honestly not familiar with the bill of rights that is currently under discussion. Let me state generally, as a product of the Bureau school system and primarily as a product of what you can now call the "off-the-reservation" boarding school system, I can see some need for a student bill of rights. I am not prepared nor am I familiar with the particulars in what is being debated or is under consideration. But I would generally support the concept and the idea of a bill of rights.

Senator ABOUREZK. What is your general policy about off-reservation boarding schools and what do you specifically plan to do about the numerous complaints you have heard and that have been recorded about these schools?

Mr. THOMPSON. Obviously the "off-the-reservation" boarding school situation is one that is continually undergoing change. As indicated earlier I myself had an opportunity to attend such a school and did attend one for 4 years.

At that time, as was the situation in other communities with large Indian populations, there were no local schools available in which I could get my secondary education. I was required to go approximately 1,000 miles for my education. Obviously that is not a very good situation. So the future of "off-the-reservation" boarding schools will be a diminishing one and hopefully through added appropriations and school construction we can educate our Indian students closer to home.

I think it is a right they are entitled to, the right of education near their home. I think it is something we have to face that we do need additional moneys in this area to construct these facilities on or near home communities.

I am a realist as well. We are not going to have a high school in every community throughout the country because of the very small population of some Indian groups. But, I would be remiss if I did not state that I strongly support local education.

I am aware, Senator, that once this continuing role of "off-the-reservation" boarding schools diminishes we run into another problem and that is, what do we do with the huge facilities that have been constructed, or taken over I might add. Most of the Bureau's education facilities are abandoned military bases of one type or another. I know that we do get into some problems when we attempt to close these facilities. Obviously the options are open: One, to attempt to use it for other programs, two, to seek other Federal support to keep the program going so we do not have an adverse effect on the community.

But generally to answer your question I think the "off-the-reservation" boarding situation is one that should be gradually phased out so we can get education closer to home.

Senator STEVENS. I have read the five questions that Senator Fannin submitted to you and I just discussed them with him on the floor.

Two of his questions pertain to the problem of boarding schools and to general support of the education program. I would urge you to answer those questions in full and I would be pleased to show them to the chairman.

I think they are all pertinent questions that the committee would want an answer to, and one that I think my good friend, that you will be held to answer to, and I know you will give us your answer as to your commitment to the Indian education program.

They have already been submitted, Mr. Chairman, to Mr. Thompson in writing by Senator Fannin.

Senator ABOUTREZK. Thank you.

I think in my view one of the most tragic consequences of past BIA education policy has been repeated and consistent efforts by educators as the sociologists, to destroy the identity of the Indian child and to make him over into non-Indian, and that is by discouraging the child from speaking his own native tongue, from engaging in his own religion of whatever kind that might be, and in an effort to make him shed his own culture.

The reason I say that is tragic is it would force unfortunate conformity in this country to a dominant culture, and a dominant value system.

I think it is a mistake because I think the variety that we have had in this country for the past 200 years is what has made this country so vital and so progressive.

Do you share that view or do you think that perhaps we ought not to retain an Indian culture? How do you feel about that?

Mr. THOMPSON. Let me answer, Senator, out of some of the program activities I have attempted to undertake in my brief tenure in Indian affairs. In my home area or home State I believe that we were the first educational unit within the Bureau to institute bilingualism in our schools. We have seen schools where English is taught as a second language through the fourth grade. We have instituted by contract, and I don't know the exact number, but many, many cultural programs where we get the elderly people in the community generally to come in and teach, to discuss, to demonstrate the various highlights of Indian life or Eskimo life that happens to be in their State.

I am a firm believer, as you indicated, Senator, that the strength of the country and the moral fiber of the country are based on the plurality of societies. I don't know how wise it is anymore for the Indian communities to attempt to join the mainstream. It has often been said that what is in the mainstream is not desirable for Indian people.

To answer your question directly, Senator, I support an individual choice; if he wants to maintain his Indian culture, his Indian identity, I think the Bureau should lend support by programs as we do with cultural programs. But if he does want to go out into the business world, I leave that as an option to him. Hopefully the educational system the Bureau will provide him will permit him that choice. If

he chooses to go into "the mainstream" then he is equipped educationally to deal effectively with the dominant society as we like to say.

Senator ABOUREZK. I think one of the results of that past educational policy of trying to remake the Indian into something else has resulted in the militancy we have seen in the American Indian movement. Many sociologists maintain that kind of militancy is a desire on the part of Indian people to maintain their identity with pride and dignity.

If the BIA schools would teach Indian children to be proud of their own culture and people, this would tend to diffuse the type of militancy currently manifested in the Indian field.

I am firmly convinced that the Bureau's failure to adopt this type of curriculum has helped to sow the seeds of militancy. I think you saw this in the black community as well.

The militancy demonstrated by blacks is attributed to the black peoples' efforts to attain full citizenship. I believe the Commissioner has a responsibility to develop the kind of program in Bureau schools that will result in Indian children taking pride in their heritage, and that the Commissioner should exercise his influence to see that public schools develop curriculums that portray Indians as something more positive than the savage stereotype.

I think you and I agree on the concept of cultural plurality and I am hopeful that you will give that kind of impetus to your education program.

Mr. THOMPSON. Senator, yes, I would. I am not privy to what is going on now nationally to foster this and to encourage it and support it, but I can say I am relatively sure we do have some programs in this area.

I know, for example, in the areas I had under my jurisdiction we had two or three of these similar programs. While they are relatively new, we have had an analysis of their educational benefit and I am convinced they are going to go a long way to provide students who are better educated and equipped to cope with their society and the dominant society.

I want to look at this very critically to see that we are supporting a sense of identity in Indians across the country.

Senator ABOUREZK. In order to accomplish that kind of change, it will be necessary for you to exercise your personal leadership.

About a week ago five young Indian boys from Oklahoma called on me in my office. They had attended public schools in the State last year. They informed me that because they wore their hair in long traditional braids, they were expelled from school. In other words, they were penalized for being Indians.

There is really no way the Federal Government can tell local school boards how to handle their student dress codes. However, those schools do receive various forms of Federal assistance because of the presence of Indian children.

Would you, if that case were still pending, and if other cases come up during your tenure as BIA Commissioner, work to require those school districts to obey the law insofar as nondiscrimination under the threat of cutting off their Federal funds?

Mr. THOMPSON. I was going to indicate that I thought that there was some ruling in one court or another that it was unconstitutional to say

that a student had to cut his hair. I know that was tested, I believe, in California. But again, I just raise that. I am not an attorney and I am not certain of how the court ruled in that particular case. But, I know there were several cases pending before the court.

Hopefully, as you indicated, if they do receive certain amounts of moneys, with the Parent Indian Advisory Board on these Johnson-O'Malley funds, these types of activities, could certainly be brought to the Board so they could take them into consideration.

Senator ABOUREZK. These are non-BIA schools.

Mr. THOMPSON. But I think in most of our non-BIA schools when they receive Johnson-O'Malley moneys, I think in our particular State we have a very active Johnson-O'Malley committee made up of Alaskan Natives to review what schools and what institutions get Johnson-O'Malley moneys and under what conditions, and they are really putting in a lot of conditions that the money is wisely spent and I think this is the case nationally, although I may stand corrected on it, Senator.

Hopefully we could use this mechanism for insuring that the culture of Indian people would be allowed to flourish.

Senator ABOUREZK. Would you take a direct role in insuring that these school districts obey the law?

Mr. THOMPSON. That is an interesting question, Senator. I would have to look, as you indicated earlier, the administration—and we are moving into some local initiatives—I would have to look very clearly at what my authority would be to move in. From a personal, philosophical point of view, I would say we might want to charge down there and do something about it, but I would want to make sure whatever actions we take would be appropriately backed up by actions that are both legal and right.

And, I don't know the wisdom of what is going on in Oklahoma. I am not apprised of the case. I did hear of it the other day. On the surface, it causes me concern because my personal view would be to say, I think we ought to have plurality in societies as we indicated and Indians ought to flourish. But, what legally I can do about it, I am not clear at this time but I will certainly look at it, Senator.

Senator ABOUREZK. I would like to move now into the area of protection of Indian natural resources, including water rights.

In the absence of the Indian Trust Counsel Authority, many Southwest Indian tribes are experiencing a great deal of difficulty in obtaining adequate protection for their water rights.

The committee has encountered some resistance from the Bureau in getting them to agree to let their various experts work with the tribes on their water rights problems.

In other words, we have had trouble in getting the BIA to send water rights lawyers out in the field to help the tribes with the necessary legal work.

At the present time there is a problem with regard to the lands of the Quechan tribe at Yuma, Ariz., and I understand it is a pretty serious problem which could erupt into a violent confrontation if it is not handled properly.

The Quechan tribe places the blame for this misunderstanding directly on the Bureau of Indian Affairs and the Department of the Interior.

Do you know about the problem?

Mr. THOMPSON. I am aware there is potential confrontation in the area out there but I am not fully versed on the historical or legal background of the situation. I understand that generally, Senator, if I may respond with my limited knowledge of the matter, the Quechan people ceded their reservation in the late 1800's and the United States in turn allotted individual Indians some land and then sold some of the land.

At the time the Quechan people sold their land they thought they had a commitment from the United States that private individuals or private concerns would build a canal across their land for irrigation purposes.

The Department I understand is reviewing this situation with the thought in mind of saying that perhaps the United States and the Quechan people—perhaps the United States may have erred in fact and the Department is getting ready to go back and attempt to see if it cannot return some of that land back to the Quechans.

Senator, that is admittedly a very limited understanding of the situation. Obviously I am not intimately familiar with it.

I know the Department is moving on it.

Senator ABOUREZK. As Commissioner what would you propose to do to avoid the confrontation that just about all observers argue is inevitable?

Mr. THOMPSON. I was led to believe that several actions have taken place. I understand Mr. Hans Walker in the Solicitor's Office has been detailed and sent out directly to meet with the Quechan people to let them know exactly what the Department is proposing to do.

And again from my limited knowledge, it appears, the actions proposed by the Department anyway, appear to be very beneficial to the Quechan people.

As you know, Mr. Walker is a man of long experience and I understand he is on his way out there, if he is not there already. I think obviously that is a wise move made by the decisionmakers over in the Bureau and in the Department to send a man of Hans' background and knowledge of the affair right to the scene. I am advised that he is there now.

Senator ABOUREZK. Since assuming chairmanship of the Subcommittee on Indian Affairs, many Indians have voiced the complaint to me that there are only a couple of real advocates in the Bureau who are serious in protecting and maintaining Indian voter rights.

That has been a very serious complaint. The Indians feel that their land base and water rights are gradually being eroded in the West and in the Southwest.

Do you intend to be an active advocate of trying to protect those rights through all legal means?

Mr. THOMPSON. Yes; definitely, Senator. Yes; I am hoping to work very closely; No. 1, with the committees, and No. 2, if I may mention the trust counsel—

Senator ABOUREZK. Can I stop you there?

The administration has recommended that the proposed Indian Trust Counsel Authority be funded at \$1.5 million, which would support about 7 to 10 lawyers for the first year of operation.

I am in favor of the Indian Trust Counsel bill, and I believe we should move it through the Congress. But in view of the fact that the administration wants to absolve the Justice Department from further responsibilities in the Indian field and transfer the 225 pending cases to the 7 to 10 lawyers, I am reluctant to move forward on the legislation on that basis. Moreover, the small legal staff of the counsel would be required to process other cases in addition to the 225 cases Justice wants to relinquish.

Is there any way you can see to overcome that impasse? Would you recommend additional lawyers and funding on the Indian Trust Counsel Authority?

Mr. THOMPSON. Senator, I was just going to indicate it might be in the wrong field. If you have seven lawyers, over \$1.5 million, that might be \$100,000 per lawyer.

Senator ABOUREZK. In addition to the 7 to 10 lawyers, all other administrative, travel and support costs would have to be funded from the \$1.5 million.

I don't know, if the administration intends to pay \$100,000 a lawyer. If so, I will resign from the Senate and apply for one of the jobs.

Mr. THOMPSON. I will take your application.

Senator STEVENS. May I interrupt right there? I want to thank the chairman for his courtesy to me and I appreciate your courtesy to me since I am not a member of the committee.

Senator ABOUREZK. We want to thank Senator Stevens for the great interest he has taken. He has been a good advocate of yours, Mr. Thompson.

Mr. THOMPSON. Thank you.

I would want to take a look at the proposed budget and proposed work program that the administration has recommended to date to see; one, whether it could get the job done, and two, to insure that the people that we bring on are of such a quality and caliber that we will make some starts.

Again I am unaware of the budget proposals and I appreciate the Senator bringing this to my attention. I will attempt to work with the administration and if more funds are needed to adequately staff and fund that particular office, I am sure we would have no real problem working together.

Senator ABOUREZK. I think you could perhaps do it with 7 to 10 lawyers, but providing we keep the Justice Department available.

The bill as it stands now, the administration proposal, is to shut off the Justice Department. There is a lot of good legal resource there that could be used if you get overworked with the Trust Council staff.

I want to get your comment. Do you think we ought to keep the Justice Department in it for the time being at least?

Mr. THOMPSON. It is my understanding that many tribal attorneys and attorneys for various tribes and individuals have expressed a great amount of concern about Justice's noninvolvement in the Trust Counsel because they feel there are other activities the Justice Department may want to drop in the field if this particular legislation comes in.

I would want to take a closer look obviously on this, Senator, to see what relationship the Trust Counsel should have with the Justice Department.

Not being an attorney and not being intimately familiar, I would respect your views on it and I will give you the commitment that I will spend some time, hopefully in the near future, getting fully prepared and would submit my views at a later time if I may on that particular question.

Senator ABOUTREZK. That is fine.

I would like to state the committee's position; I think we are prepared to move on passage of that bill provided we are convinced that the interests of the Indian people will be protected.

In my view, the limited budget, the small legal staff and the absolution of the Justice Department falls far short of protecting those interests.

And as bad as the situation is now, it could conceivably become even worse, if Congress were to pass the bill in its present form. So, we are prepared to move any time the administration wants to be realistic in handling its responsibilities for these trust cases. We would be very happy to work with you on this matter.

I want to discuss, briefly, the area of Indian self-determination. First of all, I would like to hear what your definition is of Indian self-determination and, what is your general definition and your operational definition, and what specifically would you do as commissioner to implement self-determination?

Mr. THOMPSON. Senator, that is obviously a question I have given much thought to. As you know, within the administration, we do not have a clear definition of what self-determination is and what it means. Self-determination can be many things to many people or groups. Self-determination could mean doing exactly what I feel I want as an individual, what I want for my family, for my community.

In the Indian world there is some potential conflict in what self-determination is and can be. For example, the main mission and function of the Bureau of Indian Affairs is to maintain the trust responsibility of Indian lands and resources, and that means there is a give and take between Indian individuals and the Department in administering that trust. The Secretary is charged with carrying out the trust responsibility on behalf of the Federal Government. Now, if we violate the trust at the request of an individual we can be liable, both in courts and in criticism from the American public and the Congress. But to deny the request can be construed as "a violation of self-determination." However, many program activities the Bureau carries out are of a social nature, and we want to be sure the Indian voice, their views, and their thoughts are adequately heard at the proper levels of Government to assure the self-determining requirements of Indians are met in these programs.

That is not such an essential gut issue as other parts of the programs. But in many instances we use self-determination as kind of a catch-all for many things. The minute I am not able to get sufficient funds or sufficient program direction to do what I want, I can indicate we are infringing upon Indian self-determination.

I would hope, recognizing some of these inherent conflicts we have, working very close with the committee in Congress and with the Indian community, to try to come up with a definition of Indian self-determination. As I indicated, I don't think there is one presently in

existence. But I think that would be something we would want to work on so when we talk about this particular area, we will all have a keen understanding of what we are speaking about.

These are some of my views. I don't have a definitive answer to say in a paragraph or so as to what self-determination means.

Senator ABOUREZK. In recent field hearings conducted by the subcommittee in the West and the Southwest, we heard repeated expressions from Indians that the BIA should no longer remain the Department of the Interior. That it should be made into a separate agency or a separate office in order to avoid the conflict of interests with other components of the Department, particularly with respects to Indian natural resources.

You have heard all of the charges about how there is a conflict within the Department of the Interior because there are certain interests within the Department that cater to the land and development interests.

And, that comes in direct conflict with the interests and rights of the Indian people.

In view of the proposed legislation to create a Department of Natural Resources—in which the Bureau of Indian Affairs would remain according to present plan—do you favor making a separate agency out of the BIA?

Mr. THOMPSON. To be honest, Senator, I have not given it all that much thought. I know there are views let's say that BIA would be better operating out of the White House or in other departments like HEW.

I have not given it that much thought as to whether we should have an independent agency. I can give a personal view right now of what we would want to do in the next couple of months. Hopefully the Indian people will give us an opportunity to see what can be done within our current administrative makeup within the Department, to see if this particular administration will resolve some of the issues and trouble in the community, and eliminate some of the conflicts of interest within the Department. Hopefully with congressional support through elevation of my job to an Assistant Secretaryship we will cause the Indian community to realize what we are doing is making sufficient progress and these organizational concerns of whether a program be placed here or there might be somewhat diminished.

I think if we can actively go after resolving some of these problem areas, and if we have a successful administration, where the Bureau lies organizationally might not be that important.

I think what the Indian people want more than anything else is the resolution of some of these longstanding problems. They are not that concerned with organizational details.

I am not totally able to answer your question, Senator. I have not given it that much thought, but hopefully we can resolve these issues through our continued cooperation and our continuing efforts, and achieve many successes.

Senator ABOUREZK. Are you familiar with the pending Menominee Restoration legislation?

Mr. THOMPSON. I visited Miss Ada Deer and had a meeting with her. Once you meet that dynamic person, it is very difficult not to be somewhat familiar with the current activity.

Senator ABOUREZK. I was just going to say if you visited Miss Deer, you know about the legislation.

Let me ask you this, do you support the legislation?

Mr. THOMPSON. Yes, I do, Senator.

Senator ABOUREZK. Witnesses at the hearing testified on this bill that the Menominees would like to establish a less paternalistic relationship with BIA, much less than the traditional relationship has been where they would control more of the decisionmaking power.

Do you feel comfortable with that position?

Mr. THOMPSON. I indicated to Ada that early on I would hope to sit down with her and other Menominee leaders to begin the planning processes which I feel are necessary to successfully implement the restoration and comply with the intent of Congress. I would hope we would have meetings here and at the reservation to determine exactly how we were going to implement the act.

I think perhaps, although I looked at the legislation in great detail, that this might be an area where we could use more of the contract technique for providing services to the Indian people as opposed to the staff arrangement. But, that is something I am going to work on with the Menominee people and Ada Deer in the months ahead. I know their basic premise is to get their lands and resources back under the trust relationship with the Federal Government again.

They do have some concerns about the most effective method of getting services I have indicated I have committed to Miss Deer we would be more than willing to sit down with her in great detail, both the people at the field and the central office, and come up with a method of accomplishing both her goals and our goals.

Senator ABOUREZK. Do you feel uncomfortable with the notion that this particular Indian tribe will most likely be a lot more independent of the BIA than most tribes currently under Federal supervision?

Does that make you uncomfortable?

Mr. THOMPSON. No.

Senator ABOUREZK. I didn't mean to imply that Bureau officials would be uncomfortable with less control over the Menominees under the proposed legislation. I just wondered if you agreed with that notion?

What do you see as the role of the area officers under your administration?

Mr. THOMPSON. As I indicated earlier we have three levels within the Bureau of Indian Affairs, the central office, the area office and the field office. Currently, Senator, I think we want to work with all levels within the Bureau of Indian Affairs and all areas of the Indian community.

I don't propose to elevate one or the other levels of the Bureau. I think there are certain key types of things. I want to keep open lines of communication with all levels of the Bureau, at the agency level, at the field level, and the people at the central office level, and not give any weighted advice to any one level.

I also want to open lines of communication involved in consultation with Indian tribes and leaders. I think the role of the area offices has been under much discussion lately in the delivery of services to the Indian community, and that is the name of the game. It has been

debated both pro and con. My being an area director gives me some expertise in this area.

I definitely feel there are coordinative types of functions between the agency level and the central office level that are best performed at an intermediate level. For example, some of the higher educational types of programs are best administered on the areawide basis. For other types of programs that are best administered on area, be they single State, or one or two States, it makes sense to have the technical resources that you could utilize on a need basis in certain key areas. For example, plan, design, and engineering supportive roles where you may not need a facilities engineer in each particular agency. But, you have need for this from time to time with all of your various agency levels. Obviously having that capability in one central spot would make the most sense.

But, there is one thing I know has been in the minds of many people because of my discussions with them. There was some concern that I would be communicating with this level or that level exclusively. I commit myself to the committee that such will not be my policy or plan of operation. I want to work with all of those levels that deliver services to the Indian community. So, hopefully, we will open up those lines of communications that are necessary in a large operation such as ours.

Senator ABOUREZK. Recently we witnessed unfortunate experiences on the Pine Ridge Reservation in South Dakota. A great many people, myself included, believe the Wounded Knee confrontation came about as a result of the Bureau of Indian Affairs police being overly politically aggressive. As a result, a dissident group organized and invited the AIM leaders in to help them publicize their goals or grievances. Since that time, complaints about police repression have come into my office almost daily from Pine Ridge, and I have repeatedly requested the Department of the Interior to do something about it.

Specifically what is needed on that reservation, in my view, is an impartial and efficient police force. Unfortunately, we are not getting much help from the Department of the Interior on this potentially explosive situation.

Part of it is due, I believe, to the fact that the Director of Law Enforcement at the Bureau headquarters has no real line authority. In other words, he is just there as kind of an adviser in the Washington Office.

Also the pay scale for BIA policemen is quite low and consequently the quality of people attracted to police work is not too high.

In addition, the individuals employed on the Pine Ridge Reservation and elsewhere are called upon to cope with sociological problems in addition to their police duties. Given their substandard qualifications, they are not performing too well in either category.

In addition, many tribal judicial systems have been charged with unfairness and favoritism in administering justice for their tribal members.

I would like to know what you intend to do to upgrade and elevate tribal policemen, BIA policemen, and the tribal judicial system?

Mr. THOMPSON. Senator, I think you have adequately described some of the unique problems we are finding in law enforcement in general throughout the country.

Years ago we got away from the officer walking the beat on the block and now he is walking with a partner and with a dog and the responsibilities of a policeman have drastically changed.

I think the experiences I had out on the west coast a couple of years ago at an assembly of the national park police pointed out the change in need for the different types of officers differently trained. I recall some very, very negative publicity of how the national park police reacted because they were not trained to deal with huge crowd control situations that became very emotional.

I have had some long discussions with our own law people in the Bureau and generally their assessment of the matter is, we need more pay for some of the tribal policemen and we need more and different types of training for tribal police forces.

We do need more community relations between the tribal police and the community so the community understands its responsibility and vice versa.

I think we need more effective training programs for tribal judges so that the basic civil rights of people who become involved for one reason or another in the tribal court system are not infringed upon.

All of these take manpower and personnel. I think it is safe to assume that both of these are currently lacking in our Bureau of Indian Affairs, both in the amount of dollars expended and in the type of people we have.

Senator ABOUREZK. The BIA police, at least on Pine Ridge, are subject to control of both the Area Director and the Agency Superintendent, depending on which of the two wants to exercise control.

Don't you think it would be much better, at least for that situation, to have the authority based on the man here in Washington and get the responsibility out of local politics?

Mr. THOMPSON. It is something I will have to take a look at. I know there are several points and views on that particular question within the Department. One point of view is in line with your question and is somewhat different than police reporting mechanisms in the rest of the United States. Normally your local police handle local situations and they call upon the expertise of the State police or the Federal Bureau of Investigation in unique situations and they report to the local elected officials in the various communities and have to go through these various layers.

Now, whether that should hold true in Indian affairs, whether a more efficient method of handling some of the problems we are currently facing could best be handled right out of Washington, is something that I want to look at.

I have not made my mind up on it. We have one view supporting a line relationship right from Washington down the local levels. And, just as a comment, Senator, some of the communities of course are pretty far and distant from Washington, D.C., and we do have direct policy formulation, direct control coming out of Washington, D.C., and you do sometimes suffer from access to that control. I am reminded of one community we have in our jurisdiction, by the time they open their doors, we are closing ours here simply because of the time difference. So that obviously is a problem.

I don't mean to indicate that would take place in this case but there are two points of view and I want to look at it more properly and to

come up with a decision as to what I feel would be the resolution of some of these very serious problems.

Senator ABOUREZK. There are a number of Indian tribes in the United States, some with and some without a land base, who currently are not recognized by the Federal Government.

Now, what will you attempt to do as Commissioner to afford recognition to these tribes if they want it?

Mr. THOMPSON. I think generally the Menominee is the first one, if you will, try to get recognition.

But your question was broader than that. I think we are going to have to take it on almost an individual basis because my assessment of the matter is that each of these tribes is vastly different as are the needs and the approaches that are going to be required to get back into a Federal trust situation. I am going to have to work very closely with the committees of Congress on this.

It is something we have to look at based on the merits of each case because I find no consistency in the majority of these cases that want restoration. So, I think it is something that the Bureau, the Department, and particularly this committee are going to have to work with on an individual basis.

Senator ABOUREZK. Mr. Thompson, we have a number of other questions that we want to ask, but it is now 22 minutes until 2 o'clock.

In other words, we would have another 22 minutes. However, I can detect even though you are bearing up very well, that you are becoming slightly weary and that can happen to anyone who has to sit and be grilled for such a long period of time.

I am going to recess the hearings now subject to a recall by the committee chairman and there will be no action taken on the confirmation today, principally because we have no quorum of the committee members. We want to make sure the questions raised by the chairman, Senator Jackson, with regard to the 13th Regional Corp. are answered fully in accordance with the law.

I want to compliment you on the forthright manner in which you have endeavored to answer the questions posed by the committee members.

The committee looks forward to working with you as Commissioner of Indian Affairs, and not just for our benefit, but for the benefit of the Indian people in correcting what has been a very undesirable situation for the last 150 years in Indian affairs.

Once again I just want to state how optimistic I am for the future of Indian people and Indian affairs. We certainly want to thank you.

We will recess now.

Mr. THOMPSON. I would like some time before the conclusion of the hearing to submit for the record the Department's position and handling for the 13th Regional Corporation.

[The material referred to above follows:]

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Juneau, Alaska, November 23, 1973.

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

DEAR SENATOR JACKSON: This will respond to a telephone inquiry made on Tuesday, November 20 requesting an additional statement on the following questions:

- A. As Area Director what role did I play in the enrollment process?
- B. Types of decisions made while I carried out enrollment activities.
- C. Whether my membership in a regional corporation affected my ability to deal with non-resident Alaska Natives.

I have taken the questions in order.

Upon the passage of the Alaska Native Land Claims Act, a group of people gathered to formulate the regulations that were to govern the enrollment process from its inception to the signing of the completed roll on December 17, 1973. The group had representatives from both the Field and Washington, D.C. Solicitor and Tribal Operations offices, as well as myself. While the initial draft of the regulations was being finalized, I began preparations in the Juneau Area to take on this monumental task of completing a roll in less than a two-year period, something that had never been accomplished before, at least not one of this magnitude nor one in which the eligible participants were so widely dispersed. Once the regulations were published I had made arrangements in Juneau to have them mailed to every conceivable address that was available at that time. I then called together all members of my staff who might have any expertise to contribute in mapping out the implementation of the enrollment process. The results of this meeting not only identified approaches but also additional people outside the Juneau Area such as the Media Center in Brigham City, Utah who would be able to contribute ideas and resources to the overall plan. As a direction began to emerge out of the planning, a budget was developed and with the plan the total package was sent to Washington, D.C. The planning process was accomplished fairly rapidly for I had anticipated that the Juneau Area would have the responsibility for conducting the Alaska Native enrollment and had the Area formulating plans and budgets to accomplish this task prior to the actual signing of the bill on December 18, 1971. While awaiting approval of the funding so that we could proceed I instructed the Juneau Area contracting officer to issue a request for proposals from advertising agencies and public relations firms for a media campaign for the out-of-state enrollment. The contracting procedure is quite time consuming, therefore I wanted as much of it accomplished as possible so that when the budget was approved we could proceed immediately with our out-of-state program. The next move was to identify staff for the Enrollment Office which was to be located in Anchorage. The positions in that office were advertised throughout the Bureau of Indian Affairs as well as to all known Alaska Native organizations. The first key selection made was Mr. George Walters as the Assistant Enrollment Coordinator whose prime job was to be coordinator of the out-of-state enrollment. His selection insured getting a big jump on the out-of-state campaign since he had played such an active role in the out-of-state organization of the Alaska Federation of Natives and had personally compiled a list of over 3,000 names and addresses. The second key position filled was that of the overall Enrollment Coordinator who had the responsibility of the total enrollment task. He reported directly to me; however, once the enrollment regulations were published any policy questions or decisions he had consisted mainly of legal interpretation of the regulations and these were closely coordinated with the Regional Solicitor. Within a couple months after he arrived on the job, I began prodding the Enrollment Coordinator and his Assistant to refine and finalize a plan for accomplishing the out-of-state enrollment. This plan was required by our Washington office for their approval prior to any implementation. I personally felt that the out-of-state enrollment was to be our most difficult task and wanted to begin as soon as possible in identifying all eligible Natives wherever they might be. The fact that we received applications from nineteen foreign countries and all 49 states proves that we were quite effective in our outreach program.

I continued to be involved in the enrollment process by providing whatever administrative support that was required, such as detailing employees from other parts of the Juneau Area to the Enrollment office, as well as requesting and receiving assistance from Bureau Areas in the other states. I called periodic meetings of a task force made up of people from our Washington Office, Juneau Area and the Anchorage Enrollment Office, to keep abreast of the progress being made and also adjust to any situation that developed which required a change in direction or emphasis. The problems were hammered out and through the joint effort of all involved adjustments were made to improve and enhance the possibility of a timely completion of the roll.

The Department, Bureau, Juneau Area Office and the Enrollment Office policy on enrollment and its conduct was to assist, to the maximum extent possible,

all eligible Alaska Natives to become enrolled for benefits under the Act. Concurrently our policy was not to offer advice where an individual should be enrolled (i.e., what village, what region, or whether to vote pro or con on the 13th region question). I feel this policy was carried out.

As additional information I offer this as my relationship with Doyon, Limited regional corporation:

1. I and members of my family are potential stockholders of Doyon, Limited, a regional corporation formed pursuant to P.L. 92-203. No stock or dividends or any other benefits have yet been derived by me or members of my family.

2. I am not officially, nor are members of my family, connected with the management or operation of Doyon, Limited. We hold no office in the corporation, are not operating in any advisory capacity and have not assisted in policy formulation of this corporation.

3. I have not participated in the meetings of Doyon, Limited, except one meeting where I addressed their Board of Directors in my capacity as Area Director, as I have done with other regional corporations.

4. I am unaware of the policy of Doyon, Limited on the formation or non-formation of establishing the 13th region.

By law the stock and dividends that we are to receive may not be sold, pledged, subjected to a lien or judgment execution, assigned in present or future, or otherwise alienated. I am willing to discuss with your Committee any lawful arrangements to eliminate any possible conflict of interest that may arise from my membership in this corporation and the duties and responsibilities entrusted in me as Commissioner.

I firmly believe that I can and have dealt fairly and honestly with resident as well as non-resident Alaska Natives and want to further state that I stand willing to be equally objective in my dealings with all American Indians.

Sincerely yours,

MORRIS THOMPSON.

Senator ABOUREZK. We intend to hear all sides of this issue before it's over.

I think the people who registered the complaints have sent a statement. I do not believe they are here to testify. As I understand it they have sent a statement presenting their side of the story and we intend to hear fully the Department's side and your side of the story.

Mr. THOMPSON. OK.

Senator ABOUREZK. We will then recess.

This committee will be in recess until further call by the Chair.

[Whereupon, at 1:40 p.m., the hearing was adjourned subject to the call of the Chair.]

EXECUTIVE SESSION

TUESDAY, NOVEMBER 27, 1973

The Committee on Interior and Insular Affairs met in open executive session on November 27 to discuss the nomination of Morris Thompson, of Alaska, to be Commissioner of Indian Affairs.

The chairman of the committee, Senator Jackson, stated that at the open hearing on this nomination, question was raised as to whether or not Mr. Thompson had acted objectively and fairly in connection with the 13th Corporation, the corporation for nonresident natives under the Alaska Native Claims Act. He said that the committee had requested Mr. Thompson for a full statement in the matter, and that he was now in receipt of a letter addressed to the chairman of the committee from Mr. Thompson which in his opinion answered the basic question satisfactorily. There being no objection, the chairman directed that this letter be made a part of the record.

The chairman stated, however, that he still had reservations with respect to the 13th Corporation and asked the staff to make some recommendations as to how the matter should be handled and present such recommendations to the committee on Friday, November 30.

There being no further discussion, the committee unanimously ordered the nomination of Mr. Morris Thompson reported favorably to the Senate.

[The letter referred to above appears on p. 56.]

[Subsequent to the hearing, Mr. Thompson submitted the following communication.]

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., January 14, 1974.

HON. JAMES ABOUREZK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ABOUREZK: This is in response to your November 29, 1973, letter. Again let me express my thanks for your congratulations and my appreciation for the courteous and fair treatment I was accorded during my confirmation hearings.

For ease of reference, each of your seven questions is repeated below preceding the respective answers.

Since your questions "a" and "b" are related, I will answer them jointly:

"a. Division of Rights Protection/Tribal Water Inventories.—The Office of Indian Water Rights has essentially been a funding conduit to the Area Offices where the funds are dispensed and widely dispersed without adequate legal and technical guidelines. How will you staff the Office of Rights Protection with highly competent and proven advocates who can provide the direction, guidance, and protection needed? What do you mean by competent, qualified, and proven advocates? Whom do you have in mind? How will you insure that the tribal water inventories will not become just another report lost on some bookcase? What are the criteria and guidelines to which you will adhere to insure accountability? In these inventories, what provisions will be made to consider the projected uses, say 50 years from now, or the upstream diversion and invasion of rights by non-Indian projects?

"b. Within the present Bureau organization, there is a nine person Office of Indian Water Rights charged with the protection of Indian water resources. Under the Franklin committee's realignment proposal, this same number of people are charged with the protection of rights against trespass, water rights, hunting and fishing rights, contractual rights, sovereign rights, and zoning rights. This makes a total of nine people out of 48 in the Office of Trust Responsibilities. Under the Task Force proposal, the Division of Indian Water Rights and the Division of Rights Protection disappear completely. Could you comment on this?"

Subject to the understanding that I have not yet completed my review of the organizational structure and staffing levels for the Central Office of the Bureau of Indian Affairs, I believe that the following are appropriate answers to the above two questions at this point in time.

The Division of Rights Protection is to be staffed with personnel who have diversified experience in natural resources activities in many parts of the country. Each reservation has different circumstances and problems, and personnel charged with this responsibility must be knowledgeable and recognize these differences. They must be the top experts that can be recruited from within or from outside the BIA in the fields of water, water rights, land, titles, boundaries, hunting, fishing and trespass. We will select personnel who have devoted their talents, time, and efforts in improving Indian well being. If candidates are not competent, qualified, and willing to advocate Indian causes, they will not be appointed to these positions.

Tribal water inventories should not become another report lost on a bookcase, because the tribes are requesting these inventories, and in most cases, for immediate use to assert their water rights. We will work with field personnel and the tribes in fully utilizing the information developed in these inventories.

Provisions made to consider projected uses and to protect against upstream diversion and invasion of rights by non-Indian projects are included in Phase II of water inventories in which water requirements are defined, and in Phase III which selects feasible projects or programs to use water for maximum development of the reservations. Merely completing Phases II and III of water inventories does not, of course, ensure against diversion or invasion of water rights, but does provide the basic facts for litigation advocated by the Bureau of Indian Affairs and the Department of the Interior and prosecuted by the Department of Justice.

Under the Task Force proposal the Office of Indian Water Rights would have been placed in the Office of Special Projects. The Franklin Committee's realignment proposal eliminated the Office of Special Projects, and Water Rights was placed in the Division of Rights Protection of the Office of Trust Responsibilities. This Division was originally planned to be staffed by nine people out of the total of 48 in the Office. The total in the Office was later revised upward to 58 and the Division of Rights Protection to 19, including two who are working on the Westwide Water Study as a special project. The staff composition would be as indicated above, and would be supplemented by area and agency staffs performing the actual day-to-day operations at field locations where the bulk of personnel are located to provide the best possible service to the Indian people.

"c. Buy Indian Contracts/1799 Account.—The BIA receives an annual line-item appropriation in the neighborhood of \$5 million for administration; this is the 1600 Account. After final appropriations are made for each program area, the BIA takes off a certain percentage from each program 'for administration'; this totals about \$19 million, and known as the 1799 Account, which is being used to pay administrative salaries in the Central-Area-Field offices. Tribes complain that they don't get financial assistance for administering their Buy Indian Contracts, but that they could if this practice of the BIA of taking a certain percentage off the top of program funds for administrative costs were discontinued, and if the money was rechanneled to the Tribes. What authority exists for establishing such an account as 1799, and isn't it a duplication of the 1600 Account? How do you plan to correct this, and to provide the needed funds the Tribes need for administrative costs in their Buy-Indian Contract programs?"

The Bureau of Indian Affairs received direct appropriations of \$5,244,000 in FY 1974 for General Administrative Expenses, a reduction of \$881,000 from FY 1973. This item is justified for the purposes of providing for Executive Direction and other general administrative functions at the Washington and Albuquerque headquarters offices. These general functions are policy formulation, development of systems and procedures, program planning and budget development, personnel, property and records management which relate to the many programs of the Bureau.

The costs of providing a centralized accounting and payroll system, all of the administrative cost at Area Offices, and for Reservation Management at the Agency level are financed from program funds. In FY 1974 these costs have been programmed at a level of \$19,324,000, a reduction of \$192,000 from FY 1973. These functions and management levels are more closely related to and provide direct support services to Indian programs, therefore are properly a part of the expense of operating each program. The programs for Indians cannot be efficiently or effectively operated without Area and Agency level management and administrative services.

The 1799 Account is a consolidated accounting distribution schedule designed to eliminate a number of clearing accounts and, at the same time, eliminate a laborious accounting process necessary to distribute the related costs to the many programs being served. To require each program to provide and operate its own separate accounting, payroll and other administrative system would result in much more expense than the programs currently bear for these essential services. The chaos, inconsistencies of fund management and duplication of effort that would occur under a decentralization of these services would also have a severe impact on Indian programs.

The Bureau in many years past has included in the General Administrative Expense portion of its justifications direct references to the fact that a portion of its total general administrative costs are directly charged to programs. This fact has been readily available to, and understood by, members of the Appropriations Subcommittees. Therefore, we must assume that the procedure has generally met with their approval through passage of each year's Appropriation Act.

As we have described above, the "1799" account is not a duplication of the "1600" account. It finances services other than those provided by General Administrative Expense. As far as the issue of providing administrative costs to tribes to support their Buy-Indian contract programs is concerned, we generally provide for such costs within the contract amounts whenever a tribe brings this item of cost into the negotiations for proposed contracts. Often there is *not* a direct off-setting of savings in administrative costs to the Bureau in having the tribes operate programs, rather than the Bureau operating programs. In these instances, we cannot shift funds from our administrative programs to the contracts without reducing services elsewhere that support other tribes. Therefore, any tribal costs of administering such contracts should properly be considered part of the direct cost of the program covered by the contract and be settled upon as part of the contract being negotiated.

It is apparent that this practice of reducing program funds available to tribes to cover their administrative costs is somewhat discouraging to tribes to contract for program operations. Therefore, we are now considering an alternate way of providing these administrative costs for tribes by designating that a portion of increases requested for each program will be used for administrative costs incurred in contracting with tribes.

d. Indian Action Team.—A new concept in utilizing employment assistance funds, or commonly referred to as 'relocation funds' has been developed within the BIA that provides for training on the reservations for jobs near the reservation, and providing needed improvements to community facilities. These Indian Action Teams have been most effective and are warmly accepted by those tribes who have managed them. What do you see as the future of these programs? I understand there are many tribes who would like to try such a venture but have not been allowed to because of a shortage of funds. Do you see more of Employment Assistance funds being utilized in this manner?"

I am strongly in favor of efforts to train and employ Indians in jobs on or near their reservations and communities. Indian Action Teams will continue to be utilized in this effort when they are desired by tribes and to the extent that we have sufficient funds. The addition of new Teams will be dependent upon the action of the Congress on our fiscal year 1975 budget or on the willingness of tribes to give up or curtail other Bureau funded activities so that the funds thereby saved could be made available for new Teams.

We are also directing our efforts toward achieving joint funding with other Federal programs in order to supplement and extend the use of the Employment Assistance and Roads Construction funds now utilized to finance the Indian Action Teams.

Your questions "e" and "g" are related so I will answer them jointly:

e. Tribal Takeover.—The right of Indian tribes to 'take over' the management of BIA programs by contracting is an innovation of the past three or four years.

The key to the success of the contracting program, as I understand it, is to give the tribes the option of contracting, if they wish, and if they don't want to, they don't have to. Some persons opposing contracting claim that it has been forced on tribes by Washington planners. Those who favor contracting, on the other hand, often argue that Area Office and Agency staffs sometimes employ devious methods in stopping tribes from attempting to enter into contracts, particularly those which will eliminate BIA jobs. Tell us how you view contracting as a means of promoting tribal self-sufficiency, and how you will go about insuring that it is neither forced upon the tribes nor will it be denied them if they should so choose to contract.

"g. Do you support the pending legislation which authorizes the Indian Tribes to contract for the receipt of goods and services for their benefit (S. 1017)?"

In my view, it would be improper and a disservice to a tribal government and the people they serve for Bureau staff to in anyway try to force a tribal government into a contract, or to understate the responsibilities under a proposed contract. It would also be improper for Bureau staff to discourage a tribal government from contracting by overstating the responsibilities or falsely indicating possible dire consequences. Perhaps the most effective means that I and my key staff will have to monitor the conduct of Bureau staff in this regard will be through our own meetings and other communications with Indian leaders. I will also look for other methods of seeing that Indian leaders are fully aware of their contracting options and, to the best of our abilities, see to it that they receive any assistance they need to prepare for contracting.

In my view, one of our first priorities must be to provide tribal governments with the necessary financial and technical assistance so that their role in Indian communities can be strengthened and so that they may become as complete local governments as they wish to be and at the pace that they choose to move.

As I indicated during my confirmation hearing, I fully support the policies set out in the President's July 8, 1970 Message to the Congress on Indian Affairs. One of the key aspects of that Message was that local Indian governments should have the right to operate the federally funded programs operating on their reservations and in their communities. Although it does not go quite as far in granting this right as we proposed in S. 1343, I believe that Title I of S. 1017 (Committee Print No. 3) as revised will greatly enhance the ability of tribal government and the Bureau to enter into contracts for the operation of Bureau programs.

One of the best aspects of S. 1017 are the provisions which are directed to enabling tribal governments to overcome any obstacles which may be preventing or inhibiting their contracting with the Bureau. This type of authority and the granting authority which we have proposed in S. 2038 (the Indian Tribal Government Grant Act) would enable us to provide greater assistance to tribal governments and enable them to become stronger and more effective governments which are better able to respond to the Indian people and their needs.

I hope that S. 1017 will include provisions (such as we proposed in S. 1340) to allow Federal employees who are hired by a contracting tribe to retain their civil service fringe benefits. One of the factors inhibiting contracting by tribes is the fact that tribal members employed in the activity to be contracted would lose their civil service fringe benefits including especially their retirement benefits.

"f. Does the proposed realignment, that provides for transfer of any personnel, have the effect of delegating appeal authority over any subject? If yes, would not such a step require the issuance of new regulations by the Secretary for publication in the Federal Register and codification in the CFR?"

The procedure for appeals of decisions or actions by BIA officials is published in Part 2 ("Appeals from Administrative Actions") of Title 25, Code of Federal Regulations. As you may know, a proposed revision of this procedure was published for comment in the Federal Register (38 FR 34812) on December 19, 1973. It does not appear at this time that either the current or proposed appeal procedures would have to be revised because of the realignment.

I hope that the above answers provide you with the information you desired. I am looking forward to working with you on matters relating to the welfare of Indian people.

Sincerely yours,

MORRIS THOMPSON,
Commissioner of Indian Affairs.

APPENDIX

[Under authority previously granted, the following statements and communications were ordered printed:]

[Telegram]

JUNEAU, ALASKA,
November 7, 1973.

Sen. TED STEVENS,
Capitol Hill, D.C.

We the undersigned representing the executive departments of the central council of Tlinket and Haida Indians of Alaska strongly endorse the prompt confirmation of Mr. Morris Thompson as Commissioner for the Bureau of Indian Affairs. Important programs within the Bureau are in need of the strong direction that Mr. Thompson can provide. As Alaskan area director Mr. Thompson has been an advocate of the self-determination of our people. We urge his prompt confirmation.

Respectfully,

RAY PADDOCK.
ROBERT WILLARD.
ROBERT LOESCHER.
JOSEPH WILSON.
RICHARD STITT.
GERALD GRAY.

MILLER, CASSIDY, LARROCA & LEWIN,
Washington, D.C., December 5, 1973.

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

DEAR SENATOR JACKSON: During the hearings on the nomination of Morris Thompson to become Commissioner of the Bureau of Indian Affairs, representatives of the Alaska Federation of Natives, International, met with members of the Committee's staff to detail the irregularities in the process of enrolling non-resident Alaska natives under the Alaska Native Claims Settlement Act. At that time, AFNI was invited to submit a written statement for the record setting forth its views, and I am happy to submit this statement on AFNI's behalf.

Congress provided in the Alaska Native Claims Settlement Act that the almost \$1 billion to be paid by the United States and the State of Alaska in settlement of Alaska Native land claims would be distributed in the first instance to native owned, profit making "regional corporations" for the benefit of natives in each region. The Act established 12 regions in the State of Alaska, each of which is to have its own regional corporation. The Act also provided that a 13th region would be created for natives of Alaska who reside in one of the other 49 states of the Union, if those natives elected to have such a region established. The election for the 13th region was to take place at the time the natives submitted their enrollment applications under the Act.

From the very beginning, the Department of the Interior conducted the enrollment process in such a way as to stack the cards against the creation of a thirteenth region. In meetings conducted by representatives of the Department during 1972 and 1973, potential non-resident enrollees were told that it would be to their advantage to enroll in one of the twelve Alaska regions rather than in a thirteenth region. An attachment to the official enrollment form, distributed to all potential enrollees, also sought to discourage enrollment in a thirteenth region, by emphasizing that members of a thirteenth region would not share in

the land to be owned by Alaska natives under the Act, yet failing to mention that the twelve Alaska regional corporations are likely to use a substantial part of the primary benefits under the Act—the \$962,500,000 Alaska Native Fund—for regional projects that will benefit non-residents little, if at all. A copy of this attachment to the enrollment form is attached to this statement.

The Department's activities undercutting a thirteenth region did not stop with this sort of discouragement of potential enrollees. Many of those non-residents who did wish, despite the official propaganda, to enroll in a thirteenth region were led by the written and oral enrollment instructions to fill out their applications for enrollment in such a way that they were eventually counted by the Department as having elected against the establishment of the thirteenth. Thus, whereas Column 16 of the enrollment form called for the residence of the enrollee as of April 1, 1970, the official instructions advised applicants that the residence listed in Column 16 need only be a place to which they had "some ties," and applicants were encouraged by representatives of the Department to put an *Alaska* address in Column 16 even if they actually resided elsewhere. Thus, non-resident natives, many of whom have little education, were misled into stating that they were Alaska residents and hence disqualified from enrollment in a thirteenth region.

In addition, other non-resident natives were led to believe that placing a non-Alaska address in Column 16 would automatically entitle them to enrollment in a thirteenth region, without any necessity of also placing a "yes" vote in Column 22 of the application. The instructions for Column 16 stated (emphasis in the original): "The place you name here is where you will be enrolled if you are found eligible under the requirements of the Act." Yet when enrollment forms were received by the Department of the Interior with non-resident addresses in Column 16 and no entry in Column 22, they were counted in effect as votes *against* the creation of a thirteenth region.

One result of the misleading information disseminated by the Department was to galvanize AFNI and other organizations representing the interests of non-resident natives to increase their efforts to educate non-resident enrollees on the benefits of a thirteenth region. Partly as a result of these efforts, over two thousand non-resident natives submitted amendments to their enrollment applications, electing to be enrolled in a thirteenth region. All of these amendments were submitted prior to August 15, 1973, which was the final date established by the regulations of the Bureau of Indian Affairs, 25 C.F.R. § 43h.14. Yet, in direct contravention of this regulation, the Enrollment Coordinator denied all such amendments by a form letter which stated that the amendments had not been timely received.

The end result of the Department's activities described above was an announcement on November 8, 1973, that a thirteenth region will not be created under the Act because a majority of eligible non-resident natives had not elected to be enrolled therein. However, had the amended applications been properly counted in favor of a thirteenth region, as required by the Department's own regulations, the result of the balloting would have been a majority in favor of the thirteenth region; and had the so-called "abstentions" been counted as votes in favor of the thirteenth, the majority would have been overwhelming.

We should add that two lawsuits have recently been filed by natives and native organizations challenging the propriety of the activities of the Department of the Interior described above, and seeking the establishment of a thirteenth region for the benefit of non-resident Alaska natives who have elected or who might elect, if given a genuine opportunity, to be enrolled therein. AFNI is a plaintiff in one of these lawsuits, and will be happy to provide further information should the Committee or any member so desire.

Sincerely yours,

NATHAN LEWIN.

ANE ALASKA NATIVE ENROLLMENT

NOTICE

This is your official enrollment form, fill out completely. This form will be used to qualify you for your share of the Alaska Native Land Claim Settlement Act of 1971, Public Law 92-203 if you meet the requirement of being $\frac{1}{4}$ or more degree blood of Eskimo, Aleut or Alaska Indian or a combination of any of the above to add up to $\frac{1}{4}$, i.e. $\frac{1}{8}$ Eskimo, $\frac{1}{16}$ Aleut, $\frac{1}{16}$ Tlingit, and $\frac{1}{4}$, etc.

All completed applications must be returned and received by the Coordinating Officer:

Bureau of Indian Affairs
 Enrollment Coordinating Office
 Pouch 7-1971
 Anchorage, Alaska 99510
 not later than March 30, 1973.

Fill out as soon as possible so as not to lose or misplace this form. We are keeping a record of all forms sent out. Remember you will not be eligible for any benefits if this form is not returned to the above address.

Please read all enclosed instructions BEFORE filling out your application forms.

The non-resident Alaska Natives who live outside the State of Alaska will have the choice of establishing a 13th Region. The 13th Region will only come into existence if a majority of the non-resident Alaska Natives vote "yes" to be in the 13th Region. The only benefit members of the 13th Region will receive is a share of the \$462.5 million in Federal funds and \$500 in revenues from the State of Alaska.

Members of the 13th Region will not share in any of the land or revenues (money) derived from the yield of the 40 million acres of land that is owned by the Alaska Natives. If you choose to be enrolled in a village or region for which you qualify (see instructions, especially 16, on your enrollment form) you will be enrolled in that village or region of your choice if you vote "no".

Be sure to keep us advised of your current address at all times.

TLINGIT & HAIDA INDIANS OF ALASKA,
Juneau, Alaska, November 9, 1973.

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

DEAR SENATOR JACKSON: It is impossible for me to attend and testify to your committee in favor of Mr. Morris Thompson's nomination as Commissioner of Bureau of Indian Affairs, therefore I am respectfully submitting the following.

I have known Morris Thompson personally for the last ten (10) years. I am firmly convinced that Mr. Thompson is eminently qualified for the position of Commissioner of Bureau of Indian Affairs.

Both the Executives of Tlingit & Haida and myself as President of Tlingit & Haida Central Council unanimously endorse the appointment of Morris Thompson as Commissioner of Bureau of Indian Affairs.

Respectfully submitted,

CLARENCE JACKSON,
President.

COUNCIL ANNETTE ISLANDS RESERVE,
Metlakatla, Alaska, September 14, 1973.

Hon. ROGERS C. MORTON,
 Secretary of the Interior, U.S. Department of the Interior, Bureau of Indian Affairs, Washington, D.C.

DEAR SECRETARY MORTON: The Metlakatla Indian Community Council has learned that the Alaskan Area Director, Mr. Morris Thompson is being favorably considered as the next Commissioner of Indian Affairs. We would like to take the liberty of adding our support for Mr. Thompson as the next Commissioner.

Having worked with Mr. Thompson over the past years we have found him to be fair in all his dealings, a sincere and dedicated man. We wholeheartedly recommend Mr. Thompson for this post with the realization that all the Natives will benefit from his services.

Thanking you in advance for your favorable consideration.

Yours truly,

METLAKATLA INDIAN COMMUNITY,
 JOHN R. BENSON,

Mayor.

[Telegram]

Bethel, Alaska, September 18, 1973.

TED STEVENS,
Washington, D.C.:

The Association of Village Council Presidents at their annual convention of September 14th, 1973 passed the following resolution . . . *Be it resolved* That the Association of Village Council Presidents support the Interior Department's recommendations that President Nixon nominate Mr. Morris Thompson, presently area director of the BIA as Commissioner of Bureau of Indian Affairs.

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS.

[Telegram]

NOME, ALASKA,
September 11, 1973.

Senator TED STEVENS,
Washington, D.C.

This is to confirm our verbal endorsement of Morris Thompson, area director of Alaska Bureau of Indian Affairs for the position of Commissioner of Indian Affairs. Mr. Thompson has the full respect of Alaska Natives and this with his previous experience in working with other American Indian organizations qualifies him to serve in this position.

JEROME TRIGG,
President, Bering Straits Native Corp.

BRISTOL BAY NATIVE ASSOCIATION,
Dillingham, Alaska, August 7, 1973.

ROGERS C. B. MORTON,
*Secretary of the Interior,
Department of the Interior,
Washington, D.C.*

SIR: Please be advised that the Bristol Bay Native Association endorses Mr. Morris Thompson as Commissioner of Indian Affairs. His experience with broad national issues in the Indian and Alaskan Native Community make him an ideal selection as Commissioner.

Sincerely,

NELS A. ANDERSON, Jr.,
Executive Director.

NANA REGIONAL CORP., INC.,
Kotzebue, Alaska, August 3, 1973.

SECRETARY OF THE INTERIOR,
*Department of the Interior,
Washington, D.C.*

DEAR SECRETARY MORTON: This letter follows our wire of 8/3/73 recommending Mr. Morris Thompson, presently Area Director for Alaska, for the position of Commissioner of Indian Affairs.

Mr. Thompson has had a distinguished career in the Department of the Interior. He has ably represented the United States Government in extremely sensitive situations without alienating the Native people. On the contrary, his actions have gained the highest respect and confidence of the Native leadership.

The possible loss of Mr. Thompson in Alaska at this critical period of implementation of the Claims Act would be greatly felt. The benefit of having a person with his intimate knowledge of our problems in Washington, D.C. during this same period, who would be available to advise you on our problems, is of greater importance.

Your serious consideration of Mr. Thompson for the position of Commissioner of Indian Affairs is sincerely appreciated. Mr. Thompson has the complete support of our organization.

Sincerely yours,

JOHN W. SCHAEFFER,
Executive Director.

TLINGIT & HAIDA INDIANS OF ALASKA,
Juneau, Alaska, August 7, 1973.

ROGERS C. B. MORTON,
*Secretary of the Interior,
 Interior Building,
 Washington, D.C.*

DEAR SECRETARY MORTON: The Tlingit & Haida Central Council unanimously endorse Mr. Morris Thompson to the position of Commissioner of the Bureau of Indian Affairs.

I have personally known Mr. Thompson for several years and have had an opportunity to work very closely with him in the last two years. We are extremely impressed with Mr. Thompson's capability in administrative and understanding the problems of our Alaskan people. His ability to communicate and his stamina to continue from one meeting to another are commendable and very necessary requirements of a leader. We have found working with Mr. Thompson very pleasant and feel that if Mr. Thompson is selected for the position that a wise choice will be made on behalf of our people.

Respectfully submitted,

CLARENCE JACKSON, *President.*

CHUGACH NATIVES, INC.,
Anchorage, Alaska, August 2, 1973.

Hon. ROGERS C. B. MORTON,
*Secretary of the Interior,
 Office of the Secretary,
 Washington, D.C.*

DEAR MR. SECRETARY: It is my understanding that you will soon be appointing a person to the position of Commissioner of the Bureau of Indian Affairs.

I would urge that you give serious consideration to Mr. Morris Thompson as our new Commissioner of the BIA.

Mr. Thompson has been active in Indian affairs for many years and active in resolutions to settle the Alaska Native Land Claims with the present administration.

As Area Director of the Bureau of Indian Affairs in Alaska, he is extremely helpful in advancing, in the Alaska Native's interests, rational behind criteria in regulations and other matter to implement the Act. He is also knowledgeable on all legislation affecting Indian tribes in the United States.

Sincerely,

CECIL BARNES,
President and General Manager.

STATEMENT OF PETER MACDONALD, CHAIRMAN, NAVAJO NATION

Mr. Chairman and Members of the Committee, the past three years have been years filled with much promise and diminishing hope for Indian tribes. The policy of self-determination without termination espoused by the President in his 1970 speech, and for the most part reflected in Congressional policy statements, has more and more come to mean little more than a slogan and a public acknowledgement of some of the wrongs of past Indian policy. However, the dramatic hope which we felt was promised has not materialized and in many quarters cynicism has begun to take its place.

Significant in the fading of the hope which welled up in the wake of the President's July 1970 Indian Message was the subsequent collapse of the Bureau of Indian Affairs due to other reasons, internal and external. A new policy can become nothing more than a slogan in the absence of a viable mechanism for implementing that policy. We are all too familiar with the chaos which has reigned within the BIA over the past two years. The BIA has not only been unable to define the new policy of self-determination, it has increasingly become incapable of running its day-to-day affairs. Even when it could offer no concrete assistance, it has not seen fit to stay out of the way of those tribes who have been able to mount some forward momentum and has frequently served as a hindrance more than a help.

In considering the nomination of a new Commissioner of Indian Affairs, Indian tribes should reflect upon these solemn observations: that there is probably the willingness, if not the ability, within this administration to bring about some fundamental changes in the country's Indian policy and to right some of

the wrongs of the past; that probably the best opportunity we will have for positively affecting national Indian policy will be in the remaining tenure of the current administration—probably not more than the next 30 months—since it is not likely that Indians or Indian concerns will continue to be in vogue to the same degree in the next administration, witness the recent examples of the Chicanos and Negroes; that therefore, if we are to assure major policy and administrative changes for the future, they will have to be made during the next 30 months under the leadership of the new Commissioner of the Bureau of Indian Affairs or not at all. Another opportunity for fundamental change may be a long time coming. It took nearly twenty years from the termination policies of the fifties to the President's Indian Message of July, 1970 (the Menominee Termination Act was signed into law in June 1954).

Thus, in my view, the confirmation of Mr. Thompson as the new Commissioner represents an important event. If confirmed, it will be under his leadership that promise can be converted into reality and the groundwork laid for making self-determination without termination a fact—of under his leadership we will have lost that opportunity.

It is important to recognize the major duties and challenges which will confront the new Commissioner of the BIA in determining who is best suited to carry them out:

1. Probably the single greatest need within the Bureau is leadership and direction. The feuding which has existed within the BIA and the Department of Interior and between the two, is public knowledge. There has been no single voice determining policy direction, no administrative enforcement of policy determinations and the BIA has been like a rudderless ship with more energy expended in sabotaging the "other faction," than to a serious consideration of the needs of Indian tribes and Indian people.

Thus, the new Commissioner will have to provide leadership and strong direction within the Bureau before it can effectively begin constructive action to assist Indian tribes. The Commissioner must have a strong and unambiguous mandate from the Secretary and it must be made clear to the rest of the personnel within the Department and within the Bureau what that policy is and that the Commissioner has the authority and responsibility for carrying it out. It should not be left to the individual staffer within the BIA or the Department to determine whether or not he will go along with this or that policy position. The Bureau must be pulled together and made to operate as a coherent, cohesive and goal-directed entity. Staff must be reminded that neither they nor the Bureau exist to satisfy their own needs; they exist to meet the pressing needs of Indian people. Those who cannot follow clear policy direction, in this regard, should be dismissed from their jobs. Indians have already paid too dear a price for bureaucratic feuding and incompetence.

2. If self-determination without termination is to be the cornerstone of the new Indian policy of the United States, something substantive should be done to define that policy. The BIA's sole operational expression of a self-determination concept has been contracting in the narrow sense. In testimony I gave before this Committee on the pending Indian Self-Determination Act (S. 1017), I have pointed out that contracting is one of many vehicles available for effecting self-determination for Indian tribes. (It is of interest to note here that Mr. Thompson's record in his own Area has been approximately 40% of program funds contracted to local entities—a creditable record.)

In addition, if a new policy of self-determination is to be the basis for redefining the BIA's relationship with Indian tribes, then this policy cannot be simply thrown in along with all of the rest and "routinely" administered. If it is to provide the basis for redefining the Bureau's role and the whole of its policies towards Indian tribes, then it must be singled out for attention and operational definition and all other policies and priorities must be adjusted consistent with self-determination policies, rather than trying to fit a self-determination policy within the context of existing policies and administrative practices—the two approaches are mutually exclusive.

I also wish to stress here, particularly since the Navajo Tribe has taken the initiative in recent months to define the meaning of self-determination for the Navajo Tribe, that there must be a full and honest commitment to genuine self-determination and a respect for the right of each Indian tribe to determine its own course toward self-determination based on its own view of its needs, capacities and the desires of its people. There is no one proper road toward self-determination, no single model which could work for all tribes. Each tribe is unique and has different needs and thus each should be consulted in defining the meaning of self-determination which best suits its unique needs and desires.

Any attempt to impose a particular brand of self-determination on Indian tribes without consultation with tribes contrary to tribal desires would be a contradiction of the meaning of the term.

Thus the new Commissioner must have a commitment to a meaningful policy of self-determination and must be prepared to restructure the policies and operation of the Bureau consistent with a clear definition of the policy which will provide for full consultation with tribes while at the same time providing initiative and leadership—a most delicate task.

3. There has been much controversy concerning the role of the Area Offices in relation to the tribes. In my view and in the view of others with whom I have consulted, Area Offices have been permitted to run wild. In some cases it has appeared that Washington is dictated to by the Area on key policy issues and administrative concerns, rather than the other way around. It is also clear that there is a commitment within some circles both within the Bureau and within the Department to abolish Area Offices. Elaborate plans have been drawn up arrogantly without the consultation, advice and consent of Indian tribes. If, as the Secretary has said, the role and function of the Bureau is to support the needs of the tribes, then the Department and the BIA must stop deciding in a vacuum what is best for the tribes and start asking Indian tribes their own views on what is best for them.

In my view, there is a clear need for Area Offices. Our complaints concern how they operate, not whether they should exist at all. We simply do not believe that the multitude of problems we now have in dealing with the Bureau would be improved by removing the Bureau farther from the locus of its constituency and making the relationship more remote than it now is. We have enough trouble with the Area Office situated within shouting distance of my office; removing it to a regional context or abolishing it could hardly improve the situation. Rather, we must strive, as we are in the Navajo Area, to work out more functional relationships with the Area Offices.

The new Commissioner must make all of this possible and must have the mandate from the Secretary to clearly place into perspective for and to Area Offices their role with respect to the tribes and to assure that Area Offices will be responsible to national policy directives, and that Washington will continuously and vigilantly monitor the degree to which Area Offices carry out national policies, including self-determination and consultation with Indian tribes.

4. Some tribes, and specifically the Navajo Tribe, have invested considerable time and energy in working out new relationships with the Bureau, both at the Washington and Area Office levels. We have taken significant steps in defining the meaning of self-determination for the Navajo Tribe and in redefining our relationship with the Bureau, particularly at the Area Office level. These recent efforts are the result of months of planning and hard work. We feel that we have generated a momentum, reflected in an Agreement signed on October 25, 1973 by myself and the Assistant to the Secretary for Indian Affairs, which is positive in direction and one which we wish to maintain, if not accelerate. The advent of a new Commissioner should be occasion to further the progress achieved to date. We would be very much opposed to delaying or eliminating on-going efforts which in our view carry promise of success, in the name of policy reassessment or administrative reorganization, although we consider that both are quite crucial. It is our view that positive on-going efforts can take place concurrently with policy reassessment and administrative reorganization to the mutual benefit of each.

Therefore, the new Commissioner must take pains early in his tenure to learn from tribes what on-going activities show promise of progress and success, and must take steps to protect and further those activities while other necessary changes are being made.

We sincerely believe that the next Commissioner of BIA may prove to be the single most important Commissioner in furthering the interests of Indian people. Because of this we have reviewed the credentials, work history, and personal statements of Morris Thompson in light of the above points, the specific interests of the Navajo Tribe and in terms of our view of the best interests of all Indians and Indian tribes. In addition, I have initiated discussions with Mr. Thompson to better understand and know his mind and his heart as an Indian, and as a potential Commissioner. Based on these discussions and our assessment of his ability to carry out this most difficult job, we sincerely believe that he is qualified for the job and, therefore, urge prompt and unanimous confirmation of his appointment.

