

Tribal SELF-GOVERNANCE DEMONSTRATION PROJECT

OCTOBER 1992

A NEWSLETTER OF THE TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT

VOL.1 NO.4 PAGE 1

First Self-Governance Independent Annual Assessment Nears Completion

Patterns among the Tribes appeared...The Tribes also took advantage of some key opportunities provided by the Self-Governance Project—the chance to control the programs that provide services to community members.

The independent Annual Assessment of the Self-Governance Demonstration Project, which started in June, completed the field investigation stage, and a draft of the report is due out in late October.

The fiscal year 1992 contractors are Northeastern State University at Tahlequah, Oklahoma, and the University of Oklahoma at Norman. Dr. W. Neil Morton of Northeastern is the assessment team project director and contracting officer. Dr. Rennard Strickland from the University of Oklahoma is the principal investigator.

The assessment involves the determination of change, progress and associated problems involving the Self-Governance Demonstration Project. The current research involves active Project participants in FY92, including the first seven Tribes that executed Self-Governance Compacts and Annual Funding Agreements, the Interior Department's Office of Self-Governance, and the Bureau of Indian Affairs.

The Tribes involved in the assessment are the Absentee-Shawnee Tribe at Shawnee, Oklahoma; Hoopa Valley Tribe at Hoopa, California; Jamestown S'Klallam Tribe at Sequim, Washington; Lummi Indian Nation at Bellingham, Washington; Quinault Indian Nation at Taholah, Washington; Cherokee Nation of Oklahoma at Tahlequah, Oklahoma; and the Mille Lacs Band of

Chippewa at Onamia, Minnesota.

Morton said the assessment team has reviewed a full-year of operation by the Tribes under the Self-Governance Demonstration Project, since each of the Tribes implemented Tribal Self-Governance Compacts in October 1991.

"We've completed all of our on-site visits and are compiling the information now. Dr. Strickland is preparing the draft," which, explained Morton, "will be sent to the Self-Governance Office, the BIA, and to each of the Tribes—the chief officer of each Tribe."

"They will have the opportunity to review that portion of the document that pertains to them, and they will have the opportunity to make comments," Morton advised.

"We will then put the final document together, the one that will be published," he concluded.

Patterns among Tribes appeared as assessment progressed

Strickland, though he declined to comment on specific conclusions drawn from his investigation, said there were some common experiences among the Tribes.

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Annual Assessment Nears Completion

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"We met with council members and elected Tribal officials, and all of the Tribes and their elected officials found the Self-Governance experience a very awesome one," he remarked.

Because of the experience with Self-Governance, he said, "Each of the Tribes had an increasing sense of responsibility. As a result they were compelled to analyze budgets, review goals, and look at programs with an increased view of what the ultimate result of a program would be."

Tribal participation in the Self-Governance Project was not a decision that was wholly made at the top of the leadership ladder, but rather, involved the Tribal membership from respective communities.

"Across the board, the Tribes sought significant input from Tribal members. All of the Tribes sought input in a variety of ways," Strickland explained, but the final effort was to ensure their members were informed about the Self-Governance concept.

"Among the areas in which all the Tribes showed particular sensitivity," he said, "were the interests of the Tribal elderly, the concern for senior citizens, and concerns for education, and young children."

The Tribes also took advantage of some key opportunities provided by the Self-Governance Project—the chance to control the programs that provide services to community members.

"All of the Tribes in one way or another redesigned and reallocated programs and funds," Strickland remarked.

Areas being investigated

- An analysis of the degree to which each Tribe has redesigned programs under its Compact and Annual Funding Agreement.

- An assessment of the effect of the Compact and Annual Funding Agreement on the governmental structures of each Tribe.

- An assessment of the effect of the Compact and Annual Funding Agreement on program services to Tribal members.

- Identification of Tribal laws and administrative/judicial systems providing administrative due process rights pursuant to the Indian Civil Rights Act with regards to Tribal implementation of the Self-Governance Demonstration Project.

- An identification of any special circumstances of each Tribe and how each Tribe has dealt with such obstacles relative to implementing the Project.

- An assessment of the baseline reporting process for Tribes and the BIA, and its utility as a reporting and accountability tool.

- An assessment of the degree to which the Department of the Interior, including separately the BIA and Office of Self-Governance, has provided assistance to Self-Governance Tribes.

- An assessment of the degree to which the Department of the Interior, including separately the BIA, has reorganized, redesigned, consolidated or otherwise altered its staffing and organizational patterns as a result of the Project.

- An assessment of the degree to which the Department of the Interior, including separately the BIA, could have reorganized, redesigned, consolidated or otherwise altered its staffing and organizational patterns as a result of the Project.

The Independent Annual Assessments and Tribal Baseline Measures reports are intended to provide policy guidance information for Congress, the Tribes, and the Administration. In the next several years, Congress is expected to consider permanent Self-Governance authorization legislation. The Tribal experiences in the Demonstration Project should provide excellent background to future legislative provisions.

Newsletter Of The Tribal Self-Governance Demonstration Project

This newsletter is a publication of the Tribal Self-Governance Demonstration Project. It is produced and circulated by the project to inform Indian Nations and those affected by Self-Governance about the Tribal Self-Governance Demonstration Project, its goals and its progress. For information, write to:

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IHS Self-Governance Effort Progresses

Members of the Tribal Self-Governance Planning Group are working with the Indian Health Service to create a Self-Governance guide that will allow a smooth transition for other Tribes to administer and provide services now provided by IHS. The group has been analyzing IHS budgets as well as developing resource transfer models. This is the first and essential step toward negotiating Self-Governance Compacts and Annual Funding Agreements.

The Planning Group, along with Self-Governance representatives from 17 Tribes, met in Tulsa, Oklahoma in July to review the progress the Cherokee Nation of Oklahoma has made in its budget research and planning effort with IHS.

Meeting participants were shown procedures and options developed by the Cherokee Nation for Tribes interested in negotiating compacts with IHS.

Based on a consensus of the other 17 Tribes, the Cherokee Nation is administering a \$500,000 IHS grant provided by the Congressional Interior and Related Agencies Appropriations Subcommittee. The Congress wants to ensure Tribal involvement in the budget research and planning process.

This effort complements the provisions of Public Law 102-184, which authorizes a study on the feasibility of expanding the Self-Governance Demonstration Project to include activities, programs, functions and services of the IHS. The IHS will be reporting to Congress on its findings and recommendations.

Using Oklahoma's model as an example

"During the meeting, participants were walked through the process, using Oklahoma as an example of what could be done in their own area," explained Mark Downing, Executive Director of Health Services for the Cherokee Nation.

The Cherokees have already started the process of administering their own health care services. The 17 Self-Governance Tribes selected the Cherokee Nation to be recipient of the IHS grant because of its expertise in the area of health care administration and because they felt the money would be more effectively used if given to one Tribe.

What the Cherokees have developed is a document that tribal officials can take to IHS Area offices and simply plug in the appropriate numbers to analyze their portion of the office's budget, Downing said.

"It enables each Tribe to make a valid analysis of where they stand financially. The nice thing about the

method we've developed is that all Tribes will be gathering information in the same way so all funds will be accounted for," he noted.

Four basic steps to the process

Basically, said Downing, the procedure involves four steps: 1)Gathering notifications of funds from IHS Area offices; 2)Gathering the dollar figures by activity for specific areas; 3)Getting funding figures for Full-Time Equivalent positions; 4)Checking the expenditures at area offices to see how the money was actually spent.

Before Tribes can negotiate Compacts and Annual Funding Agreements with the IHS, Congress must approve an amendment to the Indian Health Care Improvement Act, Downing remarked. IHS Self-Governance Demonstration Project Authorizations are included in both the House and Senate Indian Health Care Improvement Act bills.

"It's important to remember this is a demonstration project to determine if this method of funding and operating programs is a better one than the existing (method)," he explained.

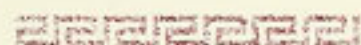
Self-Governance Compacts expected to improve Tribal health services

Compacts will be a vast improvement over Public Law 93-638 contracts, he said, adding that Federal officials have burdened the contracting process with regulations that narrowly define scopes of work, leaving little room for flexibility.

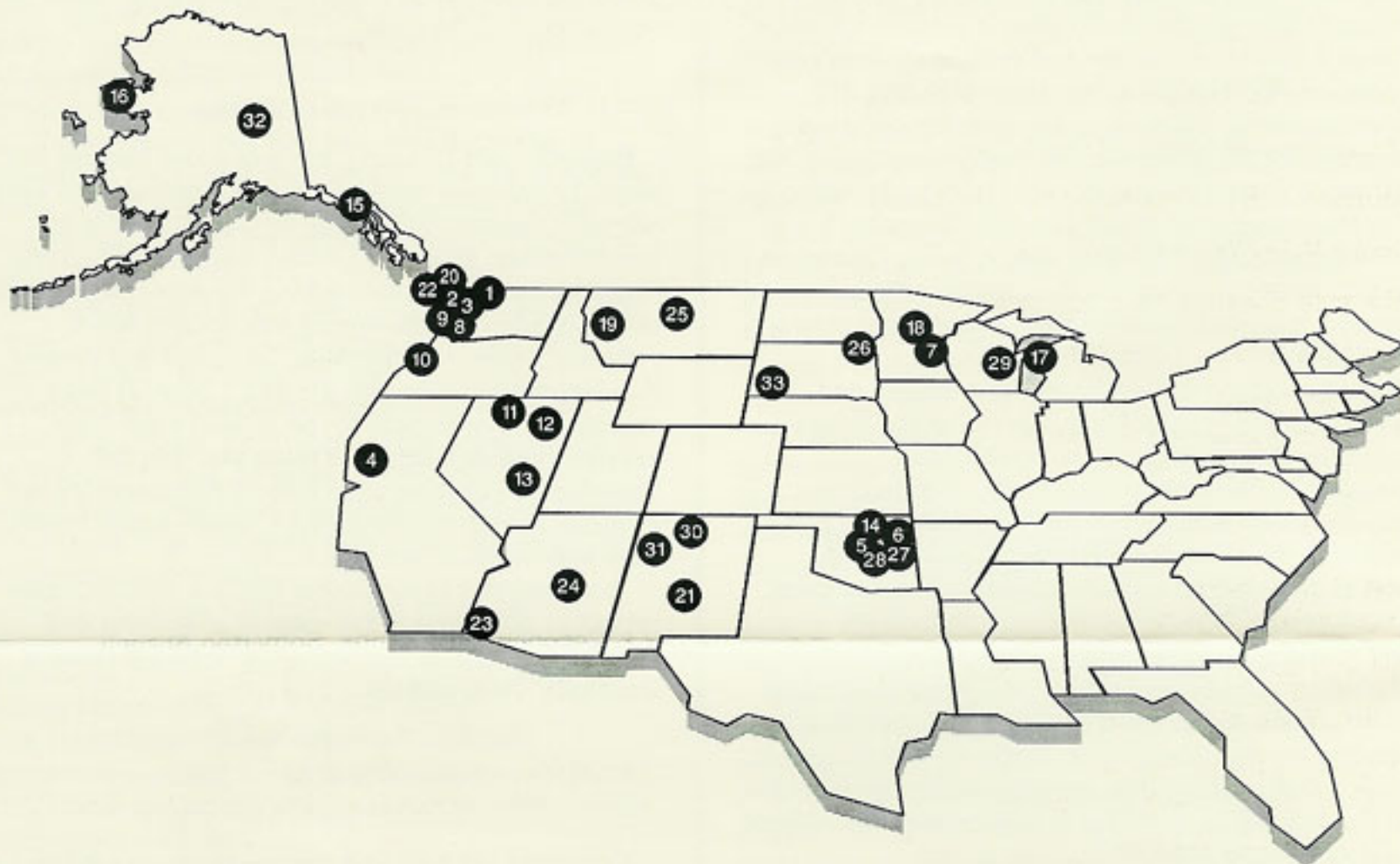
In comparison, Compacts will be more tribally specific since they will give Tribes the latitude to create programs that meet their unique needs, he said.

Under P.L. 93-638 contracts, the Federal agency remains the administrator, with Tribes acting simply as contractors. They are treated as procurement contractors, Downing observed. But Compacts will put Tribes on an equal, nation-to-nation relationship with the Federal government. Tribes will have direct control over their health delivery systems.

"The difference is that it's a Compact rather than a contract, an agreement the same as one between the State Department and foreign territories. We become the administrator," commented Downing.



Tribes Geographically And Culturally



Tribes Participating In The Tribal Self-Governance Demonstration Project

In the fiscal year 1988 appropriations' legislation, 10 Tribes had volunteered to participate in a Self-Governance experiment and were awarded initial planning monies.

When the Self-Governance Demonstration Project was first authorized in September 1988 by Public Law 100-472, Title III, 20 Tribes (including the first 10) were to be selected to participate in the Project. Seven Tribes had negotiated Self-Governance Compacts and Annual Funding Agreements by October 1991—these became known as the First Tier Self-Governance Compact Tribes.

The Tribes that negotiated and signed Self-Governance Compacts during fiscal year 1992 are referred to as Second Tier Self-Governance Compact Tribes.

And in December 1991, Congress passed Public Law 102-184, which increased to 30 the number of Tribes eligible to participate in the Self-Governance Demonstration Project. These Tribes, because they are in the beginning phase of the Project, are referred to as Self-Governance Planning Tribes. As of September 1992 there are 33 Tribes listed on the roster of Tribes either already operating under Self-Governance Compacts and Annual Funding Agreements or in the planning phase of the Project, however, only 30 Tribes will actually negotiate and sign Self-Governance Compacts.

Diverse Are Participating In The Project

Tribes Participating In The Self-Governance Project

FIRST-TIER COMPACT TRIBES

1. Lummi Indian Nation, Bellingham, Washington
2. Quinault Indian Nation, Taholah, Washington
3. Jamestown S'Klallam Tribe, Sequim, Washington
4. Hoopa Valley Tribe, Hoopa, California
5. Absentee-Shawnee Tribe, Shawnee, Oklahoma
6. Cherokee Nation, Tahlequah, Oklahoma
7. Mille Lacs Band
of Chippewa Indians, Onamia, Minnesota

SECOND-TIER COMPACT TRIBES

8. Port Gamble S'Klallam Tribe,
Kingston, Washington
9. Makah Tribe, Neah Bay, Washington
10. Siletz Tribe, Siletz, Oregon
11. Shoshone-Paiute Tribes
of Duck Valley, Owyhee, Nevada
12. Ely Shoshone Tribe, Elko, Nevada
13. Duckwater Shoshone Tribe, Duckwater, Nevada
14. Sac and Fox Nation, Stroud, Oklahoma
15. Southeast Alaskan Tribes, Juneau, Alaska
16. Kawerak Inc., Nome, Alaska

THIRD-TIER COMPACT TRIBES

17. Grand Traverse Tribe, Suttons Bay, Michigan

SIGNED COMPACT, IMPLEMENTATION PENDING

18. Leech Lake Band
of Chippewa Indians, Cass Lake, Minnesota

CONDUCTED PLANNING ACTIVITIES

19. Confederated Tribes of Salish
& Kootenai, Pablo, Montana

SELF-GOVERNANCE NEGOTIATION GRANTS

20. Lower Elwha S'Klallam Tribe,
Port Angeles, Washington
21. Mescalero Apache Tribe, Mescalero, New Mexico
22. Swinomish Tribe, LaConner, Washington

SELF-GOVERNANCE PLANNING GRANTS

23. Cocopah Indian Tribe, Somerton, Arizona
24. Pima-Maricopa Indian Community,
Scottsdale, Arizona
25. Chippewa Cree Tribe of the
Rocky Boy Reservation, Box Elder, Montana
26. Sisseton-Wahpeton Sioux Tribe,
Agency Village, South Dakota
27. Muscogee (Creek) Nation, Okmulgee, Oklahoma
28. Chickasaw Nation, Ada, Oklahoma
29. Oneida Tribe of Indians
of Oneida, Wisconsin
30. Pueblo of Santa Clara, Espanola, New Mexico
31. Ramah Navajo Chapter, Ramah, New Mexico
32. Tanana Chiefs Conference, Fairbanks, Alaska
33. Oglala Sioux Tribe, Pine Ridge, South Dakota
(Sanctioned planning activity, no grant)

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Marge Anderson

(Marge Anderson is the first elected woman chairperson of an Ojibwe Reservation in Minnesota. In the June 1992 election she received the largest percentage of votes of any candidate that has run with opposition on any of the Minnesota Chippewa Reservations. She overwhelmingly won the Chief Executive seat by capturing almost 70 percent of the vote on the Mille Lacs Reservation, giving her a tremendous show of confidence by her people. Anderson is progressive and innovative while still being a traditional Anishinabe leader who practices and lives the Anishinabe way. She has successfully brought together progress and tradition on the Mille Lacs Reservation.)

Marge Anderson, who began her involvement with tribal government 16 years ago as an elected member of the tribal council, has approached her position as Chief Executive of the Mille Lacs Band of Ojibwe with the philosophy that tribal governments, as sovereign nations, have the responsibility to act in the best interest of their own people and in the best interest for all Indian people whenever possible. She also firmly believes that tribal governments must never forget who they serve, and they must work hard to be responsive and responsible to the people.

“The Concept Of Self-Governance Is To Eliminate The Middleman.”

The Mille Lacs Band is a member reservation of the Minnesota Chippewa Tribe, which is a confederation of six of the seven Ojibwe Reservations in northern Minnesota. Such confederations that have been set up this way have proven troublesome for many other Tribes across the nation.

This has been the case for Mille Lacs as well. Not only do Bureau of Indian Affairs services to the Mille Lacs Band have to be bargained and negotiated for, but funds for those services must also be negotiated for with the Minnesota Chippewa Tribe. After years of arriving at frustrating compromises, the Mille Lacs Band began looking for new approaches.

One of the innovative approaches that Mille Lacs undertook began about 12 years ago when the Band initiated major changes and separated its governmental powers, making three distinct branches of government—the Executive Branch or Chief Executive's office; the Legislative Branch or Band Assembly; and the Judicial Branch.

This undertaking was no small matter since the Mille Lacs Band comes under the Minnesota Chippewa Constitution, which does not provide for a separation of powers, but centralizes all power in one branch.

In order to accomplish the separation of powers, Mille Lacs called upon its inherent power as a sovereign nation...sovereign power which existed centuries before the concept or creation of a United States Federal Government. Inherent power continues to exist in spite of the Minnesota Chippewa Tribal Constitution or the U.S. Constitution.

Mille Lacs continues to be the only member reservation of the Minnesota Chippewa Tribe to have separated powers. A few of the other reservations, however, are now seeing the necessity of such a change, though none have yet taken the step.

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Mille Lacs Band of Ojibwe... Continued From Page 6

The Tribe helped pioneer Self-Governance

Anderson recalled that the initial concept of Self-Governance was led by the late Arthur Gahbow, former Band Executive Director who died suddenly in 1991.

"Art had a strong vision of a better future for the people of Mille Lacs and for all Indian people. The Mille Lacs Band and a handful of other Tribes across the nation served as the Self-Governance pioneers," she said.

These Tribes together helped to develop the initial concept, and undertook the initial legislation and lobbying, successfully shaping and continuing to shape the Self-Governance Demonstration Project that exists today, Anderson commented, adding, "Mille Lacs is proud to play a significant part in Self-Governance development."

Before Self-Governance, the Mille Lacs Band of Ojibwe endured a long-standing and frustrating relationship with the Bureau of Indian Affairs over the quality and quantity of services to the Band. The services were too little, too late, and oftentimes poorly delivered.

In addition to having to work its way through the complicated processes required by a multi-tribe BIA agency office, the Band also had to work its way through the bureaucracy of the Minnesota Chippewa Tribe.

Self-Governance provides fast, efficient services

Recently, Anderson and her negotiation team successfully negotiated its third-year annual funding agreement with the Bureau.

"The Mille Lacs Band has found that the flexibility of Self-Governance provides a far better vehicle to identify and prioritize needed services. The Band is then better able to provide those services to its members in a fast and more efficient manner," she explained.

The level of efficiency that the Band has been able to realize varies widely: not only are Band-provided services cost efficient, but much of the administrative paperwork has been eliminated, and the ability of the Band to move funds from one area of service to another is quicker and more efficient.

Mille Lacs was getting only 11 cents on the dollar

Anderson noted that with the Self-Governance planning funds, "We took a look at the Bureau and found that only 11 cents on every dollar that was intended for Mille Lacs services was actually getting to the reservation to help our

people. To lose so much money in administration is contrary to our intent of acting in the best interest of our Indian people. That's what a tribal government is for...to better serve its constituency. We, as the government of our Band, know best how to serve our people, not some bureaucrat sitting in some office hundreds or thousands of miles away."

During the initial planning phase, public meetings were held in the various communities of Mille Lacs to give out information about the Self-Governance Demonstration Project, and to gather community input and concerns. Anderson recalled that the Band's government was pleasantly surprised to find that both the concept and the Project were eagerly embraced by the Band members.

She said, "The overriding attitude among the 2,500 members of the Band (at that time) seemed to be that anything is better than what we are now getting."

Anderson added that as a prelude to Self-Governance, "The Band has successfully contracted to administer Indian Health Service programs under Public Law 93-638, and had also contracted and successfully operated a BIA school as a tribal school."

Self-Governance is more flexible, more timely

The difference between contracting under P.L. 93-638 and administering and operating a program under the Self-Governance concept is vast, she said.

Anderson explained, "The 638 contracting has strings attached, what with reports and all of the regulations that the Bureau interprets. You have to abide by their regulations and their interpretations of those regulations. They're telling us again what we need to do, and that's not exercising our sovereignty."

She said the Self-Governance approach allows more flexibility and is more timely—"Under Self-Governance it's a lot easier. We can move the funds around to where they are needed."

As far as redesigning programs to better suit the Tribe's needs, not a lot of that has yet been done, but for a good reason, said Anderson.

She explained, "First things first. We've been so long getting the short end of the stick that we first want to get control and keep the programs operating after years of not getting enough money for them."

"We are expanding some of our programs, though we're still not getting 100 percent of the funds that we need. We're getting about 30 percent of the dollars now,

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Mille Lacs Band of Ojibwe... Continued From Page 7

and that beats the 11 percent we were getting previously," remarked Anderson.

A long battle to make Self-Governance work continues to be waged

The Self-Governance Project is supposed to make Tribal governing of Indian communities a reality, but frustrations abound.

"One of the most frustrating things," commented Anderson, "is trying to work with the BIA and their system of distributing funds. They have many road blocks to distributing the funds.

"The concept of Self-Governance is to eliminate the middleman so we can get the funds directly, but they (BIA) are very reluctant to do that. It has been one long battle, and it is still going on."

It is, however, just a matter of time before the Tribes prevail, because she as well as other Indian leaders include in their leadership philosophy the drive to protect tribal sovereignty. Much of this boils down to the ability of the Tribes to determine what they want to do and how to

spend funds in their own best interest.

She said, "In order to exercise our sovereign rights we don't need another layer of bureaucracy to tell us what to do and how to spend our money."

The future of Self-Governance with the Mille Lacs Band

The Self-Governance concept has taken root among the Mille Lacs Band of Chippewas, and it is part of their thinking and their approach to Tribal government.

"This is a lot better than before when we were getting 11 cents on the dollar, now we're getting 30 cents. But it's more than that—you make the decision on how to provide services for your people and are not dependent on Bureau regulations and directives."

This, however, can also provide a new twist for some Tribal leaders, Anderson said. They will no longer be able to cloak some of their decisions in BIA regulations and directives. Now when a decision is made, the Tribal leadership is responsible to the people.

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