

Sovereign Nations

August
1994

NEWSLETTER OF THE TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT

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Inside

PAGE **2**

The recent Social Services conference in Seattle produced results and direction for the future.

PAGE **3**

In an unexpected move, Judge Jerry Muskrat, a relatively unknown Cherokee, has been nominated to succeed Bill Lavell as director of the Office of Self-Governance.

PAGE **3**

Bill Lavell may have retired from the Office of Self-Governance, but he hasn't slowed down.

PAGE **4**

Congress expresses fiscal support for Self-Governance.

PAGE **5**

Results of Ken Reinfeld's Department of the Interior Self-Governance survey are due for release.

PAGE **7**

Under the leadership of Phillip Martin, the Mississippi Band of Choctaws are progressively and aggressively practicing self-determination through Self-Governance.

103rd Congress
2nd Session

HOUSE OF REPRESENTATIVES

Report
103-653

TRIBAL SELF-GOVERNANCE ACT OF 1994

AUGUST 3, 1994.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MILLER of California, from the Committee on Natural Resources, submitted the following

REPORT

(To accompany H.R. 3508)

(Including cost estimate of the Congressional Budget Office)

The Committee on Natural Resources, to whom was referred the bill (H.R. 3508) to provide for tribal self-governance, for purposes, having considered the same, together with an amendment and recommendations thereon, as ordered to pass.

The Committee reports that the bill (H.R. 3508) is in accordance with the intent of the Tribal Self-Governance Act of 1994.

- (1) the tribal right of self-government and the sovereignty of Indian tribes and nations;
- (2) the United States' current relationship with Indian tribes, as reflected in the Constitution and laws of the United States; and
- (3) although the Tribal Self-Governance Act of 1994, with its centralized rules and regulations, has improved the relationship between the United States and the Tribes, the Tribal Self-Governance Demonstration Project was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management; and
- (5) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that—

79-005

Self-Governance Permanent Status Nearing Reality

THE TRIBAL Self-Governance permanent authorization legislation has stayed for several months in the House Committee on Natural Resources and could pass the House before the Congressional August recess. A companion bill in the Senate (S. 1618) sponsored by Senator John McCain and Senator Daniel Inouye passed last November. The House Resolution (HR 3508) sponsored by Congressman Bill Richardson includes a number of Administration-sponsored amendments that Tribes

[CONTINUED ON PAGE 6]

Social Services Session Produces Results

IN EARLY JUNE, nearly fifty people met in Seattle for a two-day working session aimed at identifying and addressing General Assistance and Indian Child Welfare Act (ICWA) implementation issues within the context of Self-Governance. Representatives from Self-Governance Tribes, non-Self-Governance Tribes, the Office of Self-Governance and the Bureau of Indian Affairs were present, including David Hickman, Chief of the Division of Social Services of the BIA Central Office.

Conference attendees divided into two teams for the first day of the meeting, with each group examining General Assistance to identify issues, set priorities and make recommendations to address key concerns. On the second day of the conference, the groups joined together to focus on ICWA issues.

This working session provided an excellent opportunity for some lively discussion and voicing of many of the problems and concerns Tribes and the BIA are facing with social services. It was more than just a gripe session, however; the group did manage to conclude with some well-considered recommendations on how program and service implementation can be improved for the benefit of Tribal members.

The basic purpose of this meeting was to improve service delivery; and, thereby, the lives of Tribal members—children, families, adults. Through Self-Governance, Tribal managers, Self-Governance administrators and BIA program staff have an excellent opportunity to dramatically improve social service administration through creativity and innovation.

The two group sessions on General Assistance created lively discussions on both problems and potential for the program. The first focused on roles and responsibilities; negotiation processes, authority for program implementation for Self-Governance Tribes; and funding. Much of the discussion in the second

group concerned defining "need" for determining overall funding level distributions, and how to accommodate individual Tribal needs and priorities for program design and implementation.

There was general consensus that the current needs-based system should be retained, at least for purposes of initial General Assistance fund distribution. Beyond this, the system needs to be modified to allow more local Tribal decision-making on the actual use of funds, and also to allow for more rapid movement toward the development of stable base budgets for those Tribes who want to move in that direction. As long as a fair and uniform system of fund distribution was used, and a "fair share" of funding actually got to the Tribal level, the group felt the Tribe should have maximum flexibility in the actual expenditure of the funds received. That is, payment levels and program design should be individual Tribal decisions.

The group also recommended that the opportunity be provided to develop and implement comprehensive multi-year General Assistance plans, with stable funding levels. The multi-year approach would create a stable administration and allow the Tribe, over the long-term, to capture savings for use in other areas as the Tribe works toward reduction of General Assistance need.

Another Tribal recommendation was that Tribes request that the BIA prepare a "white paper" on the impact that President Clinton's Welfare Reform Initiative will have on BIA social services programs and in particular, General Assistance.

On the second day of the session, two

JUNE 8 & 9

Conference in Seattle

JUNE 17

Documents Drafted and Distributed to Self-Governance Tribes

JULY 1

Comments on Materials must be Received

JULY 29

Finalized for presentation to Self-Governance Policy Council

AUGUST/SEPTEMBER

Plan for Tribal Support

AUGUST/SEPTEMBER

Plan for BIA Support

SEPTEMBER

Presentation to Policy Council

SEPTEMBER 15

Decision for 1995 Meeting

approaches were devised for those Tribes that may be considering ICWA waiver requests. The first approach is to ask for a blanket waiver to bring the ICWA program into line with the basic parameters of Self-Governance. The second approach is to single out specific programmatic areas where a Tribe may want a waiver and pursue each case as separate waiver requests. The rationale for this second approach is that it allows for at least a partial waiver of some of the requirements even if certain specific requests are denied.

The meeting concluded with the creation of a master

timeline and the establishment of two drafting committees, one for ICWA and one for General Assistance. Each committee will organize their issue into those concerns that may be addressed administratively and those that require formal waivers.

Tribes will have the opportunity to comment and ultimately to sign on to whatever requests move on to the appropriate decision makers. In the meantime, any questions or comments may be directed to Tom Shirilla at the Northwest Field Office of the Office of Self-Governance (206) 699-1010, or to the Lummi Education & Communication Project (206) 738-2301.

SOVEREIGN NATIONS is a monthly publication of the Tribal Self-Governance Demonstration Project. The purpose of the publication is to disseminate accurate information about Self-Governance. Complimentary subscriptions are available through the Communication & Education Project. Materials contained herein can be reproduced, with proper credit. Appropriate editorial contributions and correspondence are welcome.

Self-Governance is a Tribally driven initiative intended to

provide Tribal governments more control over their own destinies. The project fosters the shaping of a "new partnership" between Tribal governments and the government of the United States. We believe that excellence in related communication and education is fundamental to the achievement of these goals. NOTE TO CONTRIBUTORS: We encourage your input, but cannot guarantee acceptance due to time and space constraints inherent in the publication of this newsletter.

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Muskrat Nominated to Head Office of Self-Governance

WHEN BILL LAVELL retired from the Office of Self-Governance in February, his deputy Ron Brown took over as acting director until a permanent replacement could be found. Brown, taking advantage of the early-out option, retired shortly thereafter in April. Although Tribal leaders had appealed to Assistant Secretary of Interior Ada Deer to fill the position permanently or with an interim Director as soon as possible, only Deer's commitment to eventually filling this critical role was known.

While Office of Self-Governance staff member Bill Sinclair has served as acting director in the interim, it appears as if a permanent replacement has been chosen. In late July, Deer forwarded to the Clinton White House the name of Jerry Muskrat, an administrative appeals judge with the Department of Defense.

According to Deputy Assistant Secretary Faith Roessel, Deer made it known that she was looking for nominees, "spreading as wide a net as possible." Roessel says several Tribal leaders recommended possible nominees to Deer.

Once Deer had chosen Jerry Muskrat to be the likely nominee, the Assistant Secretary spoke with Cherokee Chief Wilma Mankiller, who Roessel says confirmed that Judge Muskrat was an individual the Cherokees were willing to support. Roessel says this support was "pivotal" in Deer's decision to formally nominate Muskrat.

With respect to the names that Tribal leaders submitted to the Assistant Secretary, Roessel says that Self-Governance is "a forward-looking program," and

"Ada wanted a fresher view—someone without a stake in the program, but who knows the BIA."

that Deer was, "looking for someone who would look at the Office of Self-Governance anew—someone independent of the BIA." Roessel says, "Ada wanted a fresher view—someone without a stake in the program, but who knows the BIA."

Roessel says that at present, the White House is only focusing on Senate-confirmed nominations—which Muskrat's post is not—but she says that she hopes the Administration will act quickly to confirm Judge Muskrat. "They have heard from the Tribes (how important this office is) at the Listening Conference, at the June 23 meeting and at the meeting with the Office of Management and Budget."

Judge Muskrat is a member of the Cherokee Nation of Oklahoma. Since 1990, he has served as an administrative appeals judge with the Department of Defense Board of Appeals. He previously served as an administrative hearings judge with the Department of Defense and as an administrative appeals judge with the Department of the Interior Board of Indian Appeals.

Prior to his appointment as a federal administrative judge, Judge Muskrat was a law professor, legal scholar, and university administrator specializing in American Indian law

and Indian Affairs issues. Judge Muskrat holds a Bachelor's and Master's degree from the University of Oklahoma and a Juris Doctor degree from Harvard. He is an active member of the American Bar Association and a long-standing member of the national board of directors of Americans for Indian Opportunity.

Former Self-Governance Director Lavell was a strong advocate for Tribal consultation regarding his replacement. He said upon leaving office, "I will not make any recommendation as to a permanent Director. However, I strongly recommend that you consult fully with Tribal leaders in the Project and consider their recommendations before choosing."

Charles Head, of the Cherokee Office of Self-Governance, says that although Chief Mankiller may have been consulted by Assistant Secretary Deer prior to Muskrat's nomination, "like all other Tribes, we would have liked more Tribal consultation."

Other observers have expressed disappointment that the Tribes were not more fully consulted—as Lavell prescribed—prior to the nomination of Judge Muskrat to this important and influential post. In spite of Roessel's wishes to the contrary, she says the White House discourages nominees from making comments before they are confirmed, thus further distancing the Tribes from the selection and confirmation process. With Judge Muskrat unavailable for interview, it remains to be seen how committed he is to the concept of Self-Governance and Tribal sovereignty.

Even in Retirement, Lavell Keeps Busy Landing Big Fish

TO FIND Bill Lavell these days, you have to leave Washington, DC and go out into Maryland along the banks of the Potomac or up into the mountains near a favorite trout stream. Since the former head of the Office of Self-Governance retired earlier this year, he's been keeping busy with a

range of recreational activities, and he's been keeping in touch with Tribal issues. Besides fishing nearby rivers and exercising at the YMCA, Lavell has also traveled extensively with his wife Joan to visit friends and family. The two have also spent time together working in their yard.

The past months haven't been entirely composed of rest and relaxation, though. Lavell stays close to Native American issues and in particular Self-Governance. He joined Raynette Finkbonner on a panel at a conference at the University of Washington in Seattle in June, and in May spoke at the University of Maryland. While he keeps abreast of the issues as best he can, Bill says what he misses most is working closely everyday with the Tribal members, the people who became his friends and

[CONTINUED ON PAGE 8]

Congress Continues Support for Self-Governance

CONGRESS faces possibly the tightest budgets and most difficult spending challenges in its history in fashioning the Fiscal Year 1995 budget within the constraints of the deficit reduction targets. Despite these restrictions, both the House and Senate Interior and Related Agencies Appropriations Subcommittees provided increases to the IHS budget of \$4 million for shortfall funding and \$130,000 for inflation and pay cost increases associated with Self-Governance. The House provided a \$208,000 increase to the

Office of the Secretary of the Interior for Office of Self-Governance operations, citing the increased management responsibilities with the expansion of Self-Governance Tribes from seven in FY 1992 to twenty-eight in FY 1994. No similar provision was offered by the Senate.

The House and Senate differed in their instructive report language to the BIA and IHS in implementing Self-Governance. The House Interior Appropriations Subcommittee, traditionally supportive of Self-Governance, showed its impa-

tience with the BIA by requiring support for base budgets for Self-Governance Tribes that request to enter this budget phase; limiting the BIA use of shortfall monies to two years with future funds derived from Agency restructuring and down-sizing; and, by setting a March 1, 1995 report deadline for outlining Tribe-by-Tribe shares of BIA Central Office operations by the Agency. For the IHS, the House was more concerned over negotiations negatively affecting services to other non-participating Tribes and advised the Agency

not to compact in such cases. From the \$4 million shortfall budget, the House suggests that \$50,000 of the proposed increase fund the Lummi Self-Governance Communication/Education initiative associated with the IHS Project implementation.

The Senate Interior Appropriations Subcommittee took a more cautious approach to Self-Governance implementation. For the BIA, the Committee expressed that it was, "premature for the Bureau to determine Tribal shares of

The specific report language from the House and Senate Interior and Related Agencies Appropriations Subcommittees on Self-Governance for Fiscal Year 1995 is outlined as follows:

HOUSE REPORT-BIA

The Committee continues to support strongly the Self-Governance program, and the establishment of base funding for each Self-Governance Tribe which requests base funding be established. The Committee was dismayed to learn that the Department ignored the 1994 report language requiring stable base funding for the Mille Lacs Tribe and the five Tribes in the Southeast Alaska Compact. The Department is again directed to establish stable base funding for these Tribes, as well as others so requesting, transfer these amounts to the Tribes at the beginning of the year, and display these amounts as the Tribal priority allocation base for the Tribes involved in the budget request for fiscal year 1996. These funds are to come from the Bureau's base, as part of the reallocation assumed in the Self-Governance program.

The Committee is also aware that, despite repeated directives, little if any Bureau restructuring has occurred as a result of the negotiation of Self-Governance Compacts during the last four years. This has limited the usefulness of the shortfall funds that the Committee has provided each year. Therefore, the Committee directs again that shortfall funding is to be used only to make additional funds available to a particular Bureau organizational level when it is determined that provision of a negotiated Tribal share of that organization will have an adverse impact on other Tribes served by it, and as supplemental funds to meet the ongoing additional needs of Tribes assuming the increased responsibilities and obligations inherent in Self-Governance agreements. For the first purpose described above, shortfall funds should be used only for two years, after which a

Tribe's full share shall be met from other than the shortfall account, including funds derived directly from Bureau restructuring and downsizing at the particular organization level affected.

The Committee is also concerned that no negotiations of Self-Governance Tribal shares of Central Office funds has been accomplished, similar in procedure and scope with the Self-Governance negotiations used in relation to Area and Agency Office budgets during the past three fiscal years. Although significant transfers of funding and responsibilities have been accomplished at the Area and Agency Office levels, Central Office budgets remain largely untouched. The Committee therefore directs the Department to subject all Central Office budgets to the same negotiation process used with Area and Agency Office budgets, applying similar Tribal share formulas and residual percentages used in negotiations at those levels. The Bureau shall provide a report by March 1, 1995 of the Tribal share dollars negotiated, Tribe by Tribe, of all Central Office funds, including all funds controlled or expended at other than the Tribal/agency level, and the accompanying justification for said Tribal shares.

HOUSE REPORT-IHS

Self-Governance - The Committee recommends an increase of \$4,130,000 for Self-Governance including \$130,000 to partially offset inflation and pay cost increases and \$4,000,000 for shortfalls for new Self-Governance Compacts negotiated for fiscal year 1995.

While the Committee strongly supports the Self-Governance program and expects the IHS to expand the program to accommodate additional Compacts with Tribes in fiscal year 1995, the Committee believes that new Self-Governance Compacts should not be negotiated at the expense of program funding for other Tribes. To the extent that funds cannot be

made available for a new Compact without negatively affecting services available to other Tribes, IHS should not enter into the Compact.

The Committee does not object to the use of \$50,000 of the proposed increase for the Self-Governance program to fund the Lummi Self-Governance Communication/Education initiative.

SENATE REPORT-BIA

The Committee is aware of concerns regarding the slow pace of Bureau restructuring as a result of Self-Governance Compacting during the last four years. In order to better understand the impact of Self-Governance on the operations of the Bureau, the Committee expects the Bureau to provide a report which gives specific details on the workload associated with Self-Governance Compacting at the Agency, Area and Central Office locations. The information should include functions and activities which were performed by the Bureau prior to Self-Governance Compacting and then what activities have continued to be provided by the Bureau for non-Compacting Tribes or have been assumed by the Bureau as a result of services which must be provided to Compacting Tribes, and that which is no longer required of the Bureau due to Compacting Tribes assuming specific responsibilities. The information should provide a detailed analysis of what functions are performed for the Self-Governance Tribes at the Central Office which were formerly provided at Agency or Area Offices and the personnel required to perform these functions. The Committee expects the Bureau to include an analysis of the impact of Self-Governance on non-Compacting Tribes.

The Committee is aware of efforts by the Bureau to identify those functions at the Central and Area Office which are considered inherently Federal responsibilities which may not be contracted or Compacted by the Tribes. The Committee encourages

Central Office operations until the Bureau completes its review of federally inherent responsibilities at the Central Office." Although the Committee expressed concern over the use of Self-Governance shortfall funding by the Agency, the report threatens possible limitations on the Bureau unless adequate justification is forthcoming. The Committee directed the Bureau to develop a workload analysis report of the impact of Self-Governance on all levels of the Bureau and non-Compacting Tribes as well as a determination of inherent BIA Federal functions to be included in the five-

year strategic planning process. The Senate also warned the Agency not to compact funds on the assumption that all Tribes would be entering Self-Governance in the future, but rather, to negotiate on a case-by-case basis.

The Senate reiterated the House concerns of IHS Self-Governance Compacts negatively affecting non-participating Tribes. The Committee also noted that it could not continue to fund shortfalls associated with Self-Governance in the future and directed the health agency to "deal aggressively with the possibility of closing or consolidating

one or more area offices and/or delegating headquarters and area office functions to the service unit level." Although the Committee acknowledged that these actions were "rarely popular," they must be considered to free up additional resources for such priorities as Self-Governance Compacts.

Both the House and Senate expressed strong continuing support for Self-Governance. The differences in Congressional policies on Self-Governance implementation strategies will be resolved in the pending House-Senate conference on the FY 1995 Interior and Related Agencies Appropriations.

the Department to continue this effort in the context of its five year strategic planning process, in consultation with the Tribes. The strategic planning process should recognize the levels of contracting and Compacting expected to occur in the next five years based on input from the Tribes. The strategic plan should recognize and incorporate the effects of Federal policy and enacted from legislation regarding administrative streamlining and staffing reduction on all Bureau programs.

The Committee is aware that some long-range plans have assumed that all Tribes will enter into Self-Governance Compacts and any resources other than those required for the core residual responsibilities should be available for Self-Governance Compacts or contracts. The Committee believes that such assumptions may not be realistic and potentially could result in the Bureau lacking the resources necessary to carry out its trust responsibilities. The Bureau should not Compact for Area Office and Central Office functions based on future expectations of 100 percent Compacting by the Tribes or increased funding levels, which may or may not occur. Rather, Compacts should be entered into on a case-by-case basis based on actual resources associated with savings to the Bureau that result from the Tribe providing services formerly provided directly by the Bureau, after any cost associated with any increased workload to the Bureau has been considered. The Committee believes that it is premature for the Bureau to determine Tribal shares of Central Office operations until the Bureau completes its review of federally inherent responsibilities at the Central Office.

The Committee is concerned about the use of Self-Governance shortfall funds but at this time does not recommend a time limit for the use of these funds. Unless the Bureau can provide adequate justification, the Committee may impose such a limitation in the future.

SENATE REPORT-IHS

Self-Governance - The Committee recommends an increase of \$130,000 for inflation and pay and an

increase of \$4,000,000 to address shortfalls for new Compacts negotiated for fiscal year 1995. The Committee notes that this increase is the largest provided in this account, except for pay and inflation and new facilities costs, and unmet need in contract care.

While the Committee supports the concepts of Self-Governance, in terms of allowing Tribes greater control and management over program funds, the Committee is also concerned that Self-Governance cannot be pursued at the expense of non-Compacting Tribes. The Committee has provided increases in recent years, in both BIA and IHS, to address funding shortfalls associated with Self-Governance Compacts, but is concerned about the ability to do so in the future as budgets get tighter. The Committee does not intend to preclude Self-Governance from continuing, but the Tribes (both Compacting and not) and IHS must be sensitive to the dollar constraints which will affect the Committee's ability to provide funding to implement Compacts fully.

The Committee recognizes, as must IHS, that changes to the organizational structure will be necessary as Tribes assume more responsibility for program management. IHS must seek to undertake such changes in order to free up the resources necessary to address Tribal shares, and to do so in a manner that also protects the interests of non-Compacting Tribes.

Commensurate with the changes in responsibility associated with more Tribes entering into Self-Governance Compacts, as well as the need to achieve FTE reductions, the IHS must deal aggressively with the possibility of closing or consolidating one or more Area Offices and/or delegating headquarters and Area Office functions to the service unit level. While such consolidations or closures are rarely popular, they must be considered if additional resources are to be made available to address other priority needs, such as Self-Governance Compacts, in times of flat or declining budgets. Such reductions are also necessary if positions are to be available to fill medical care and associated support positions in hospitals and clinics.

Interior Department Reinfeld's Report to be Released

FEDERAL legislation requires that the Office of the Secretary of Interior submit to Congress a thorough report detailing the costs and benefits of the Self-Governance project.

Ken Reinfeld, a policy analyst in the Secretary's office, has been working since the winter on a comprehensive study that is scheduled to be released in draft form later this summer. Speculation is that the study will reflect favorably on Self-Governance.

This much-awaited document will be approximately 100 pages in length and will take into account the historical perspective of the Tribes' relationship with the federal government as well as the contemporary challenges that face the Self-Governance program. Reinfeld says that his study takes a broad, comprehensive view of the project in the context of trust obligations, government-to-government relations and distribution of resources. Future editions of *Sovereign Nations* will report in more detail on Reinfeld's study.

The Interior Department's Office of the Inspector General continues their on-site visits to Self-Governance Tribes, and BIA Area/Agency Offices their long-term study of the Self-Governance Demonstration Project. Project Director Douglas Coster estimates the final report may be made available in November. The Inspector General's study is expected to be the most comprehensive independent technical analysis of Self-Governance to date.

PERMANENT STATUS, from page 1



Senator John McCain (above) wrote, "it is my belief that these amendments should be subjected to further scrutiny, which includes an adequate period for Tribal review. As a result, I am prepared to push for a bill that reflects our agreement to date."

consider regressive and restricting. How the House and Senate resolve their differences will be critical to the future of this initiative.

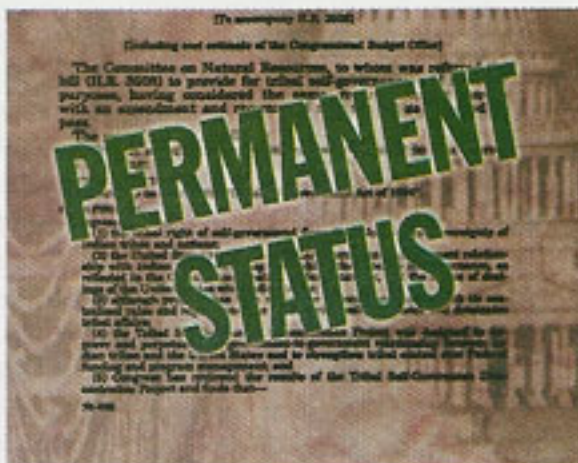
There is much forward progress to be gained from Self-Governance achieving permanent status. Once permanent legislation is enacted, up to twenty new Tribes per year could enter into the process of compacting for funding with the Secretary of the Interior. As Bill Lavell said in his farewell address, "The Self-Governance Program is now ready to be made a permanent program available to any Tribe who so chooses." The Self-Governance movement will begin to establish a foundation in Indian Affairs as Tribes begin managing their resources more effectively and expand their operations into other Interior Department Bureaus and Agencies.

In a letter to Self-Governance Tribal Leaders, Senator McCain said that in the five months between the introduction of S. 1618 and the introduction of proposed amendments to HR 3508 in the House, the Department of the Interior did not formally present the proposed amendments to the Senator, nor to his knowledge, to any Self-Governance Tribe. The Senator expressed disappointment that the amendments were not presented at the Self-Governance Conference in San Diego in April. He also expressed surprise that the Administration expected Congress to act on an amended Self-Governance bill without the benefit of Tribal consultation.

Senator McCain said he withheld introduction of permanent legislation until he had consulted with the Tribes—hoping to build a consensus rather than take divergent paths that the proposed amendments could have created. He hoped for the same courtesy from the Department of the Interior.

Senator McCain wrote, "it is my belief that these amendments should be subjected to further scrutiny, which includes an adequate period for Tribal review. As a result, I am prepared to push for a bill that reflects our agreement to date. That is, a bill that is identical to the bill as passed by the Senate. Following that step, I will immediately seed a Self-Governance hearing on the Department's amendments as well as other Self-Governance issues. At that time, the Department will have the burden of justifying their amendments and the Self-Governance Tribes will have the opportunity to formally present their views."

After the Interior Department amendments to HR 3508 became public when the House



Committee on Natural Resources reported the bill on May 25, numerous calls and letters were forwarded by Tribal leaders to Interior Secretary Babbitt and Congress expressing concern. Tribes were disturbed by both the lack of direct consultation and the direction the amendments were taking to restore bureaucratic controls over Tribes.

As a result of the Tribes expressing disappointment about not being consulted about the proposed amendments, a meeting took place on June 23 between Interior Department officials and Tribal leaders held in the Senate Committee on Indian Affairs hearing room. Professional staff from both the House and Senate Indian Affairs Committees also attended. At this meeting, Tribal leaders offered a point-by-point review of the more troublesome amendments and the Interior Department officials responded as to their purposes and necessity for inclusion. Although little agreement was reached, the unusual session clearly outlined differences.

After the meeting, Assistant Secretary Ada Deer and staff expressed their own displeasure over their apparent lack of involvement with the Secretary's office in the legislative process. Internal meetings in the Secretary's office produced a series of compromise amendments outlined in a letter from Secretary Babbitt to Chairman Richardson dated July 22, 1994.

Substitution amendments to HR 3508 reflecting both Interior Department compromises and Tribal recommendations could reach the House floor for a vote in mid-August, with the House bill passing before the August Congressional recess. What happens then is dependent upon several variables. The House version could be close enough to the Senate version to produce a final Tribal bill acceptable to the Senate, or Senator McCain could introduce a bill like that passed in November and force the Department of Interior to justify the proposed amendments in a hearing.

Tribal leaders remain confident that the work they have done will result in Self-Governance achieving legislated permanent status before the end of the session.

Tribal concerns over the final provisions of a permanent Self-Governance Authorization are very fundamental. This bill will serve as the cornerstone for all future Self-Governance advancements; flaws and weaknesses in the original foundation legislation will simply create compounding future obstacles. In the spirit of Self-Governance, Tribes want the final Self-Governance bill to represent Tribal views and support Tribal interests.

**MISSISSIPPI BAND OF
CHOCTAWS PRACTICE**

Self-Determination THROUGH Self-Governance

IN EASTERN MISSISSIPPI'S forested hills of sandy clay, Phillip Martin has been an active member of the Mississippi Band of Choctaw Indians since the late 1950s. As Chairman, he is dedicated to improving conditions for the 6,000 members of his Tribe—descendants of people who have lived in most of what is now Mississippi and west Alabama for over 400 years.

For conditions to improve, Martin believes the basic relationship between the Tribes and the federal government needs to change. Martin says frankly, "The method the government uses is outdated, and in some cases wrong. Tribes today are more in tune, better educated than the forefathers in dealing with the government." Rather than dealing with multiple agencies and multiple contracts, Martin says the Tribes need a "pass-through agency, one federal contact."

The Mississippi Band of Choctaw Indians is located in east central Mississippi on 21,000 acres of reservation trust lands. Through a number of treaties, the tribe ceded over 63,000 square miles of their lands to the United States in the early 1800s. The Mississippi Band of Choctaw Indians are the descendants of the over 8,000 Tribal members who elected to stay in Mississippi rather than relocate to Oklahoma.

Though the Tribe recently joined the Self-Governance Demonstration Project with an IHS compact, Tribal Chairman Phillip Martin says the concept is not a new one to Tribal members. "We've practiced Self-Governance for a long time," Martin says. "We just called it something else: self-determination."

Under the Indian Reorganization Act of 1934, which authorized Tribes to exercise their rights of self-government through the election of representatives, the Mississippi Band of Choctaws established a democratic form of government much like a state government. It consists of Chairman Martin, who was elected by the people at large; and a 16-person Tribal Council whose members are elected by the individual communities to serve four-year terms. A Vice-Chief and Secretary-Treasurer are elected by the council members from among themselves every two years.

Martin is a firm believer in the benefits of Self-Governance, including higher levels of funding reaching tribes directly, but he believes there are many difficulties to overcome for all Tribes. He says that Self-Governance is chal-

lenging because, "there are too many obstacles and not enough money. The compacts end up being regulated like 638 contracts."

The Mississippi Band of Choctaws are the fifteenth-largest employer in Mississippi, with a diversified collection of industries owned outright or in joint ventures that employ over 1,700 workers and generate over \$60 million in annual sales. Timber harvest makes up a small percentage of this figure, with production of automobile parts, electronics, greeting cards and printed advertising materials rounding out the Tribe's manufacturing activities and economic base.

The economic vitality of the Mississippi Band of Choctaws owes much to Martin's philosophy. Martin says, "I've always believed in self-determination, self-rule and in taking responsibility for your actions. We are more aggressive and progressive." He eagerly anticipates the day when his Tribe will be a true sovereign entity. "We don't need someone to supervise us, we can do it for ourselves," he says.

Along with this progressive attitude, there is a strong commitment to tradition among the Tribe, with over 90 percent of Tribal members fluent in the Choctaw language. The annual Choctaw Indian Fair, held in the summer, combines traditional cultural activities with modern Nashville entertainment. Martin is proud of the Tribe's past and optimistic about the Tribe's future, and the future of Tribal self-rule. He is confident that key legislators have taken notice of the Tribes' wish to take part in

true government-to-government relations. He says, "Congress is thinking more positively about Self-Governance. People like Senator Inouye and Senator McCain and Congressman Richardson, they believe in sovereignty for Tribes. We are slowly moving in that direction."

While Chairman Martin believes permanent Self-Governance Authorization is a step in the right direction and that it is moving forward, he would like to see it progress more rapidly. He says, "I believe in government-to-government relations. Self-Governance is nowhere near that. The higher levels of the federal government need to deal directly with the Tribes."

When asked about the future, Martin states candidly that as time moves on, the Mississippi Band of Choctaws will be simply "further down the road" to self-determination through Self-Governance.



"I've always believed in self-determination, self-rule and in taking responsibility for your actions. We are more aggressive and progressive."

— CHAIRMAN PHILLIP MARTIN

BILL LAVELL,*from page 3*

allies in making Self-Governance a reality.

Lavell remains confident about the future of Self-Governance. He says, "Self-Governance is here to stay. It is a concept whose time has come." He is also confident that permanent status legislation will pass Congress this summer. With all the discussion these days about rethinking the operation of federal and state agencies, Lavell says the Tribes are already doing what others only talk about. "Reinvention of government is happening now with the Tribes who are participating in Self-Governance," Lavell says.

The banks of Maryland's Potomac River were the scene of an exciting episode recently, as Lavell landed a gargantuan 25-pound carp following an hour-and-a-half battle. Though the carp is a fish infamous for its stubborn demeanor, it was no match for Lavell's well-known tenacity. Because he had only 8-pound line on his reel, Lavell had to carefully play the fish, slowly and determinedly wearing down its resistance until it couldn't fight back anymore. Much as he did with managing the Office of Self-Governance, Lavell took what resources he had available and skillfully made them work to get the job done.

Like many people who fish, Lavell has a philosophical streak. He says, "If you look back in history, certain things have come along in their time. This is the time for Self-Governance."

Bill would like to hear from friends and receive copies of Tribe's newsletters. Please write him at: 15457 Peach Leaf Drive, Gaithersburg, MD 20878.

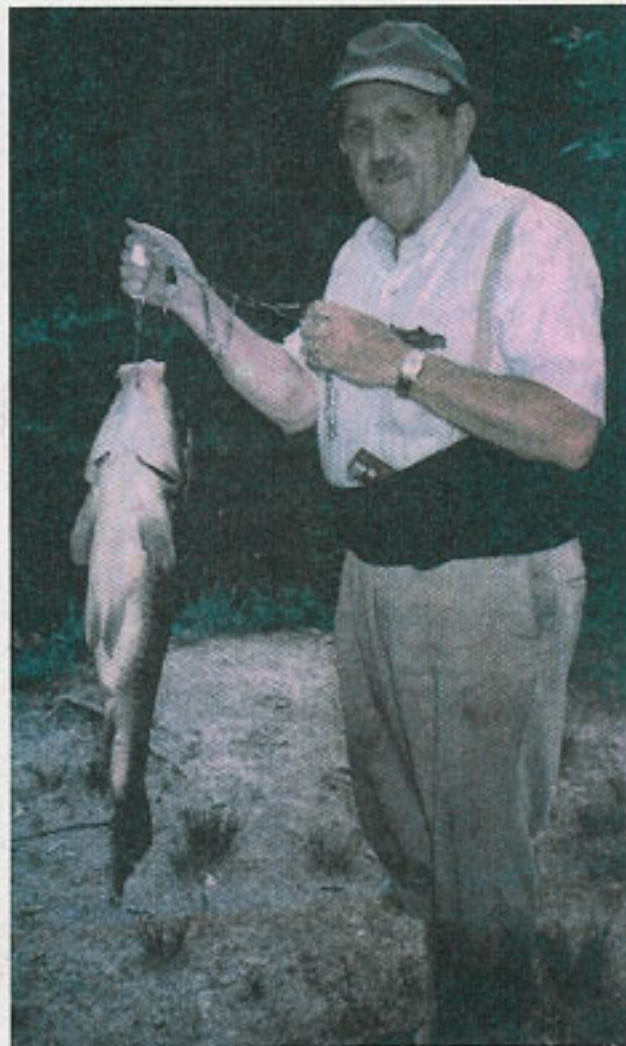


Photo by Joan Lavell

Bill Lavell proudly displays a 36" 25-pound carp he caught near White's Ferry on the Potomac River in Maryland. Lavell was spin casting with 8-pound line and a #6 hook baited with a night crawler.



Tribal Self-Governance Demonstration Project

Sovereign Nations

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