

Alliance of Amer. Ind Leaders

FUTURE TRIBAL/UNITED STATES RELATIONS PROJECT

Developing Tribal Government Recommendations to Restructure Federal Administration of Indian Affairs

A Proposal
to the
House Interior Appropriations Subcommittee

by the
Alliance of American Indian Leaders

November 3, 1987

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INTRODUCTION

For 200 years, American Indian Tribes and the United States have co-existed on the North American continent. Their basic relations were established officially by treaties, executive orders, and acts of Congress. Although Tribes entered into these agreements as sovereign governments, since the treaty-making period the United States has unilaterally defined the relations between itself and Indian Nations. The current Indian Affairs bureaucracy consumes a majority of the federal dollars targeted for Indian Country and has become ineffectual and counter-productive. The Alliance of American Indian Leaders urges the full participation of Tribes in the development of recommendations to effect material change in the administration of federal Indian Affairs. This is in recognition of the wide spread consensus among Indian Tribes of their Treaty rights and sovereignty. Accordingly, the Alliance proposes to initiate a country-wide process involving all Indian Nations, including Alaskan Native Villages. The purpose of this process is to develop specific options more responsive to individual Indian Tribes that reflect their defined government to government relationships with the United States.

BACKGROUND

The Bureau of Indian Affairs (B.I.A.) is the oldest agency of the United States. From the start, it has been the subject of pointed criticisms for its persistent mismanagement. In recent decades, the number of federal Indian programs designed to benefit Indians has increased. This has resulted in their diffusion among nearly all of the executive departments. Notably, the Indian Health Service (I.H.S.) was removed from the B.I.A. in 1955. Now buried in the Department of Health and Human Services, the I.H.S. is the object of serious mismanagement criticisms. At least nine cabinet-level departments and ten individual agencies have programs specifically affecting Indians. These programs are characterized by substantial overlap, duplication, lack of coordination, and inefficient management.

Program fragmentation, combined with the rigidly ineffective and multi-layered bureaucratic structures of the B.I.A. and I.H.S., has worked to deny meaningful tribal involvement in the decision-making process. There is a vital need for improving federal program management and coordination. Such improvements must support Indian Nations' self-determination, and promote the highest degree of care, efficiency and diligence by the United States in carrying out its trust responsibilities to Indian Tribes and Alaskan Natives.

There have been scores of studies of the federal government's mismanagement of Indian programs. From 1951 to 1980, at least 77 studies were commissioned to determine how to manage and re-structure the B.I.A. Nearly all of their conclusions focused narrowly on management, physical facilities, natural resources, and financing policies. Those who studied the B.I.A. gave limited or no attention to involving Tribes in identifying the problems and developing alternative solutions. They ignored thousands of tribal statements, position papers, resolutions and proposals to the United States on how the B.I.A. and I.H.S. should function.

For more than a century, several sources generated proposals to establish a separate executive department or independent agency for Indian Affairs. The Commissioner of Indian Affairs made such a proposal in his report to Congress in 1868. In 1961, the American Indian Chicago Conference issued a comprehensive position on what the proper character and structure of the United States-Indian government-to-government administration of programs should be. For example, the Conference urged abolishing B.I.A.'s Area Offices.

In 1977, the American Indian Policy Review Commission strongly recommended the consolidation of all federal Indian programs into a new independent agency or department. The Commission further urged a drastic streamlining of the multi-layered bureaucracy, and creating service centers to support and strengthen Indian tribal control. As the Commission recognized, establishment of a new independent agency or department has always been conditioned on the full participation of Tribes in its planning and development. To guarantee a new independent agency or department's effectiveness, its fundamental design must ensure that Tribal governments have appropriate, permanent influence over appointments, policies, budgeting, and other critical functions. Otherwise, the new agency or department would be just another B.I.A. or I.H.S.

There is a common thread joining the thousands of tribal statements, resolutions and petitions sent to the United States. Tribes insist upon the right to participate in the decisions that affect their welfare. The American Indian Policy Review Commission's report noted: "The primary mechanisms of Indian people is [sic] tribal government. From the bureaucrat's view it may be cumbersome to deal with 300-plus tribal entities; but it is essential to do so. There is national Indian consensus on the

fundamental issues of jurisdiction and sovereignty, but on specific issues, interests and positions will vary from tribe to tribe. The federal government, merely for the sake of administrative convenience, must not avoid its responsibility to deal individually with all tribal governments ... on these issues.... Any substantive proposal requiring congressional action [must] come from the Indian Tribes." (AIPRC Final Report, 1977: 557, 559).

In December 1986, elected tribal leaders formed an Alliance "to secure the right of Indian Tribes to exist as Tribes in perpetuity, exercising tribal sovereignty ... seek elimination of arbitrary unilateral decision-making of the federal government -- effective tribal access to the constitutional political system [of the United States], ... [and affirm that] Tribes should have an effective voice, as governments, in all matters affecting their affairs." The goal of the Alliance of American Indian Leaders is "to obtain tribal recommendations on how best to solve the crisis existing in the Federal/Indian relationship."

In principle at least, the United States and the Indian Nations agree on the need for Indian Nations to participate fully in the process of formulating the future shape of the United States and Indian Tribes' relationships. It is to this end that we urge congressional support for a country-wide, three-year process to develop tribal government recommendations to restructure federal administration of Indian Affairs.

ALLIANCE BACKGROUND

The Alliance of American Indian Leaders formed in December, 1986 in direct response to the deteriorating Federal-Tribal relationship and the U.S. Constitution bicentennial celebration. The ten founding tribal leaders resolved to initiate a process to analyze the fundamental constitutional relationship between Indian Tribes and the United States. The Alliance members intend to convert their findings into a course of action which will reinforce government-to-government relations. The Alliance represents a coalition of tribal leaders and support staff who function by collective decision-making. Guided by the principle that each Tribe is unique, the Alliance task is to develop a fundamental framework for Tribal-Federal inter-governmental relations allowing for the greatest possible exercise of tribal self-government. This may be the only way Tribes can exist into perpetuity.

In this first year of the Alliance, it joined efforts with the Indian Rights Association (the nation's oldest organization to support the rights of Indians) and the Native American Rights Fund (NARF) (the first Indian-initiated legal defense fund) to achieve its objectives. In October, 1987 the Alliance and the Indian Rights Association sponsored an international symposium, "In Search of a More Perfect Union: American Indian Tribes and the United States Constitution." During this three day seminar, distinguished Indian Leaders, legal scholars, knowledgeable

historians, and social scientists discussed the fundamental aspects of tribal relationships with the United States. The Alliance and Indian Rights Association made an audio record of the Symposium. We plan to transcribe these enlightening presentations and develop educational materials for the general public.

The Alliance conceptualized the substance of Senate Concurrent Resolution 76 introduced by Senator Daniel Inouye and 16 co-sponsors on September 16, 1987. The Resolution reaffirms the U.S. Congress' commitment to the government-to-government relationship.

STATEMENT OF PROJECT PURPOSE

In 1988, the Alliance will concentrate on evaluating the arbitrary and unilateral decision-making process of the federal government regarding Indian Affairs. If Congress funds this proposal, the Alliance will design and execute a strategy of research, public education, and tribal consultation to document existing conditions and individual tribal perspectives. Basically, this first year of the project will advance the following goals:

- 1) Strengthen the established communications network among Tribes;
- 2) Promote public and tribal education activities including the preparation of briefing packets;
- 3) Conduct briefings throughout Indian Country in regional meetings of tribal leaders;
- 4) Sponsor an end-of-year meeting of Regional Tribal Representatives. Compile the results of the Regional meetings, synthesize and develop into discussion documents to be shared with Congress and Tribal Leaders. From this final meeting will come a unified plan for direction and action for the next phase of the project.

METHODOLOGY

To advance Goal 1, the Alliance, in continued collaboration with the Indian Rights Association, will strengthen communications within Indian Country. This will be supplemented by the regional meetings identified in Goal 3. The Alliance will continue its established practice of including Congress in this process of tribal consultation.

In promoting Goal 2 of public education, the Alliance will publish proceedings of the October, 1987 symposium and the NARF study which provide a comprehensive historical and legal analysis documenting the original government-to-government relationship framed in the United States Constitution. In addition to the audio and print records of the symposium, we will edit video

records of the Alliance meetings and tribal leaders' perspectives on their individual exercise of self-government for printing and distribution. Briefing packets will include print, audio and video media.

In preparation for the regional meetings of Goal 3, the Alliance will compile briefing packets synthesizing existing studies and media. Research on current or potential federal structures and recommendations of the American Indian Policy Review Commission will form the core educational materials. These materials will guide regional discussions. They will also help refine tribal opinions on the most effective framework for government-to-government relations accommodating the range of individual Tribes' needs. The regional conferences, sensitive to the diversity among Tribes, will produce a range of tribally identified problems and recommendations. These will be compiled into manageable information formats. We will transcribe conference discussions into summaries for later review by participants in an end-of-year meeting of Regional Tribal Representatives. To reduce project costs, the two-day regional conferences will be conducted with other tribal meetings in the thirteen B.I.A. regions.

The Goal 4 end-of-year meeting will culminate the first year's activities involving representatives of Tribes. The year-end meeting will involve participation of at least 10 Tribal Leaders from each Regional Session and Alliance. Selection of Regional members will ensure representation of the full range of tribal situations and perspectives. Project research results and regional conference data will be disseminated in advance and reviewed at the forum. We expect a manageable series of tribal recommendations will result. These recommendations will serve as a comprehensive guide in a second project phase. This project phase will explore ideas for a Tribal-Federal framework to achieve the Alliance's goal of effective government-to-government relationships reflective of the Trust Responsibility.

The project's first three months will concentrate on the preparation of briefing packets. Professional staff, led by the Alliance Leaders, will research the issues, synthesize the existing studies, edit audio and video tapes, and produce the briefing materials. In the next six months, the regional conferences will be held with Alliance Leaders sharing leadership responsibility. The last three months will focus on compiling and distributing regional conference findings, conducting the year-end meeting, and documenting tribal recommendations.

PROJECT ADMINISTRATIVE MANAGEMENT

The Alliance plans to continue use its affiliation with the Indian Rights Association to manage administrative and financial affairs for this project. The Association, having served in an independent, advocacy role for the last 105 years, is experienced in administering funds used for advancing Indian rights. The Alliance will perform policy oversight and provide direction for the Association on this project.

MULTI-YEAR PLAN

This proposal outlines the first year of the Alliance's emerging multi-year plan. Considering the diversity of Tribal views, we planned this first year for information gathering and trust building. The second project year will involve a second round of regional meetings to explore potential options for Indian Nation/U.S. relationships. The second year will require further research and dissemination of educational information, culminating in a National meeting of all tribal leaders to determine feasible recommendations. By 1990, we hope to identify reforms in the current tribal-federal system. This will include suggestions for Congressional action as well as further work with tribes on implementing mechanisms to exercise sovereign powers. Precisely because all Tribes' needs are not the same, a variety of approaches must be explored and tested to prove to Tribes and the United States that tribal sovereignty is indeed an achievable and mutually beneficial reality.

BUDGET SUMMARY

The first year of this project is anticipated to require \$643,784 in appropriations from the U.S. Congress. Personnel costs will be \$65,750, Consultants are budgeted at \$200,000, Travel and Per Diem is expected to cost \$156,850 and general and administrative expenses are anticipated to be \$221,784.

The Alliance developed this budget to expedite successful coordination and participation of tribal leadership to create tribal trust in the process. We plan for a core staff of three people to manage project activities from the Indian Rights Association. A portion of the funds are budgeted to use regionally strategic people with expert knowledge in key areas, to assure professional results. We anticipate the need for temporary clerical staff; and support expenses will be required to address the extensive dialogue documentation at the meetings. This will ensure careful and accurate concise transcription spoken tribal views and recommendations.

This project also anticipates a considerable amount of communications about project progress through correspondence, newsletters and formal documents. Thus, a significant portion of this budget, (i.e., expenses, media, technical and education expertise) is necessary to complete education and communication components. The travel budget is essential to encourage full tribal participation, and eliminate the financial barriers that restricts involvement of tribal leaders from small tribes. The administrative and office expenses include a comptroller, audit, and normal operation costs.

ALLIANCE OF AMERICAN INDIAN LEADERSFUTURE TRIBAL/UNITED STATES RELATIONS PROJECT

TWELVE MONTH BUDGET

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* CATEGORY *	* DETAIL *	* SUBTOTAL *	TO		
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PERSONNEL:	1 Full-time Administrator, 1 half-time AA, & 1 Full-time Secretary	55,720			
FRINGE:	18% S&W: FICA, FUTA	10,030			
TOTAL PERSONNEL & FRINGE ----->		65,750		65,750	
CONSULTANTS:					
Advisory Staff	8 Research/Analysts	100,000			
Advisory Firms	Expertise: Legal, Media, Technical and Education	100,000			
TOTAL CONSULTANTS ----->		200,000		200,000	
TRAVEL & PER DIEM:					
Tribal Meetings	13 Briefing & 1 Evaluation	142,160			
Staff	18 trips	14,690			
TOTAL TRAVEL & PER DIEM ----->		156,850		156,850	
EXPENSES:					
Space Rental		6,200			
Printing copy/duplication		65,000			
Telephone		8,520			
Postage		36,344			
Supply/Books/Publications		12,900			
Contractual Services		48,120			
Administrative Costs		44,100			
TOTAL EXPENSES ----->		221,184		221,184	
12 MONTH BUDGET TOTAL:				=====	
				\$643,750	