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MEMORANDUM

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FROM: JOE TALLAKSON

DATE: March 30, 1988
SUBJECT: SELF-GOVERNANCE DEMONSTRATION PROJECT "OBSTACLES
             REPORT," DATA COLLECTION AND CONSOLIDATION.
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     On December 22, 1987 the U.S. Congress established the Self-
Governance Demonstration Project (SGDP). It appropriated
$1,000,000 to support the first years' planning process and
directed that Indian governments participating in the planning
processes will submit a consolidated report describing obstacles
experienced during the process, and suggested remedies. In
compliance with this requirement, Indian governments
participating in the Self-Governance Demonstration Project are
obliged to establish internal procedures to monitor obstacles
experienced during the course of the planning process. The
findings resulting from monitoring procedures are expected to be
consolidated into a single report to the U.S. House Interior
Appropriations Committee by September 1, 1988.

     While participating governments conduct monitoring
procedures, a *joint process obstacles monitoring procedure* was
authorized by a decision of the Self-Governance Heads of
Government meeting in Albuquerque, NM and Washington, DC in
January 1988.

     Though each government will likely conduct "Process
Monitoring Procedures" according to prevailing local conditions,
the obligation to produce a report demands that minimal standards
for data collection be met - particularly to meet the goal of a
consolidated report. Accordingly, the following suggestions are
made to meet minimal standards.

PROCESS OBSTACLE MONITORING SCOPE:

     The Planning Phase of the Self-Governance Demonstration
Project must be viewed in a context separate from the actual
execution of the Self-Governance Demonstration Project itself.
Within a one to two year period, individual Indian governments
will conduct planning, research and organizational activities to
form the basis of a later decision whether to negotiate a Self-
Governance agreement with the United States government or not.
During this period, Indian governments may encounter
bureaucratic, legislative, legal and/or political obstacles which
obstruct their planning progress, their ability to make decisions
and/or their overall ability to achieve self-governance goals.

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Identification of these obstacles is essential to the
determination of how or whether Indian Nations can achieve an
acceptable level of self-governance. Understanding these
obstacles is also important to future decisions by Indian
Governments and the United States Congress. After identifying
and understanding obstacles to Self-Governance Planning, it is
important to determine the possible remedies which may remove
obstacles in the future.

OVERVIEW & DEFINITIONS

The Self-Governance Demonstration Project, by its very
existence as a consequence of decisions by the U.S. government
and ten Indian governments, constitutes a basic departure from
patterns of relationships that have evolved over decades. The
basic premise of SGDP is that Indian governments may assume
direct control over funds and functions now performed by the U.S.
Department of the Interior, and, implicitly the powers associated
with such control. Such a possibility threatens the bureaucratic
foundations of U.S. governmental agencies which provide funding
to Indian Nations, or administer services to Indian people.
Political figures and private individuals who depend on the cur-
rent relationship between Indian Nations and the U.S. bureaucracy
for their livelihood may perceive the possibility of new Indian
government controls and powers as a threat. Organizations, bus-
inesses and associations which depend on the existing relation-
ship may also perceive an implicit threat to their interests if
there is a shift of control and power. To the extent that U.S.
agency personnel, political officials, private individuals, bus-
inesses and organizations perceive a threat to their interests,
there may be formal or informal efforts to obstruct Indian gov-
ernment planning. Their may also be a tendency to obstruct the
actual implementation of the Self-Governance Demonstration
Project for those Indian governments which successfully negotiate
a Self-Governance Agreement with the United States Government.

In addition to the possibility of intentional bureaucratic,
legal, political and legislative obstacles, there is the
possibility of institutional obstacles which are unintentional.
These might include provisions in a Tribal constitution, a
treaty, Tribal laws, regulations or policies, and/or U.S.
constitutional, treaty, legal, regulatory or policy obstacles.
In other words, there may be internal or external, intentional or
unintentional obstacles to achieving Self-Governance.

An obstacle, therefore, may be defined as *Any intentional or
unintentional action by an individual, group, organization, ins-
titution or government internal or external to an Indian Nation
which tends to hinder or obstruct Indian government Self-
Governance planning, negotiations or implementation.*

METHODOLOGY

The U.S. Congress expressed in its appropriations language
establishing the Self-Governance Demonstration Project its desire
for Indian governments to suggest possible remedies to obstacles
encountered during the planning period. To comply with this

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request, obstacles encountered during the planning process must
first be documented, then evaluated. Based on systematic evalu-
ation and analysis, each Indian government may suggest specific
remedies to remove obstructions to the self-governance process.

TRIBAL GOVERNMENT LEVEL MONITORING

Each participating Indian government will assign a single
individual responsible for gathering and documenting "process
obstacles information." When an obstacle is said to be identi-
fied by appropriate tribal officials, the person in charge of
gathering and documenting "process obstacles information" will
prepare a written report using a standardized "Obstacles Report."
If the identified obstacle is already in written form, the person
in charge will complete the "Obstacles Report" and attach copies
of the documents.

When an obstacle is identified which does not have support-
ive documentation, an "Obstacles Report" will be completed with
an expanded "description" section.

The completed "Obstacles Report" and its associated docu-
mentation will be duplicated and sent to the Chairman of the
PROCESS OBSTACLES WORKING GROUP, and the original documentation
will be maintained in a filing system at the tribal offices. If
a particular Indian government chooses, it may then further codi-
fy information contained in the "Obstacles Report" on a computer-
ized database (**Self-Governance Demonstration Project Process
Obstacles Database SGDP-PODB**) which will be designed for this
purpose using DBase II (Ashton Tate) database format. (Note Data-
base description in supplemental memorandum.)

JOINT COUNTRY-WIDE LEVEL MONITORING

When each Indian government concludes obstacle monitoring,
documentation, evaluation and suggested remedies, a report must
be drafted. Each *tribal specific report* will then be included in
a "consolidated report" prepared by the jointly established
PROCESS OBSTACLES WORKING GROUP.

While each Indian government conducts its obstacles monitor-
ing and documentation process, the jointly established **PROCESS
OBSTACLES WORKING GROUP** will also be gathering information which
cuts across all Indian Nations participating in the Self-
Governance Demonstration Planning process. The working group
will document and record data in the same way as each tribal
government. This documentation will be compiled and included
with the "tribal specific reports" in the consolidated report.

The Working Group will include each Indian government's
"Process Obstacles Report" unaltered in the consolidated report.
Computerized data recorded by participating Indian governments
will be combined with the computerized data recorded by the
Working Group in a single database. This combined (*tribal spec-
ific* and *cross tribal*) database will then be used to perform an
overall evaluation, analysis and interpretation. Inter-tribal
and cross-tribal patterns of obstruction will be identified and
evaluated. This will assist in the process of determining
whether an obstacle is actually tribal specific or chronically

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cross-tribal. Furthermore, such cross-referencing will aid in
making the determination of whether an obstacle is actually ins-
titutional or motivated by special interests or a function of
special interests bending institutional norms to become
obstacles.
      When all individual tribal reports are finally combined into
a "consolidated report" with country-wide analysis, a final draft
report will be submitted to each Indian government for final
review. After editorial adjustments, a "Consolidated Indian
Self-Governance Planning Process Obstacles Report" will be sub-
mitted to the U.S. House Interior Appropriations Committee on
September 1, 1988.
      For those Indian governments which will continue the Self-
Governance Planning process after September 1, 1988, the "Process
Obstacles Monitoring" will continue, and accumulated information
will be collated as before.

OBSTACLES REPORT DESIGN

      While the actual process of identifying an obstacle is sub-
jective, it is presumed that the following definition of an obs-
tacle will serve as a general guide: *Any intentional or unintent-
ional action by an individual, group, organization, institution
or government internal or external to an Indian Nation which
tends to hinder or obstruct Indian government Self-Governance
planning, negotiations or implementation.* When an obstacle is
determined to exist and is clearly identified, an "Obstacles
Report" will be completed.
      After reports have been completed and documented, these are
the questions which will be answered by the "Obstacles Report"
after analysis:

1.   When was the obstacle first identified?
2.   When did the obstacle actually begin to have an effect?
3.   What is the source of information about the obstacle?
4.   How was the obstacle discovered?
5.   What kind of obstacle is it (bureaucratic, legal,
      legislative, political)?
6.   What (organization, institution, group, individual) is
      the primary originator of the obstacle, location and
      name?
7.   How is the identified obstacle obstructing the self-
      governance process?
8.   What impact does the obstacle have on the
      self-governance process?
9.   How does the obstacle impact the Indian government's
      decisions?
10.   What descriptive remarks might further explain the
      nature of the obstacle?
11.   Is there documentation to further describe the
      obstacle?
12.   Why in the Tribe's opinion was the obstacle created?
13.   Was this particular obstacle encountered before? When?
14.   Is this a recurring obstacle for the Indian government,
      or is it solely associated with the Self-Governance

            process?
15. How might this obstacle be overcome?
16. Who should take the initiative to remove this obstacle?
17. Has this obstacle been overcome?
18. Describe how the obstacle was overcome?
19. How would this obstacle be categorized: 1. Irritant
    2. Minor Problem 3. Major Problem 4. Destructive

The "Obstacles Report" contains about 60% *closed questions* (multiple answer possibilities) and the remaining 40% will be *open questions* which require written responses. If this approach is used, the vast number of responses can be standardized, and thus statistically evaluated. The open questions will provide sufficient deviation to allow for variable analysis conditioned on local prevailing circumstances.

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