

TO: DONALD RUMSFIELD, DIRECTOR
OFFICE OF ECONOMIC OPPORTUNITY

UNITED SOUTHEASTERN TRIBES, INC.

RESOLUTION NO. USET 12-13-70

WHEREAS, President Nixon has stated in his July 8, 1970 Message on Indian Legislation that the question now is no longer whether the Federal Government has a responsibility to American Indians, but how that responsibility can best be carried out; and

WHEREAS, President Nixon has expressed confidence in the American Indians' ability to administer his own programs; and

WHEREAS, Indian Community Action Agencies have proven their capability to identify and meet the specific needs of their people; and

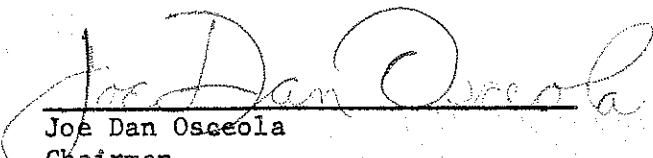
WHEREAS, current funding procedures create a breakdown in program continuity, loss of efficiency and funds, problems of staff and Reservation morale, and limit planning capabilities, now therefore be it

RESOLVED by the United Southeastern Tribes, Inc. that this Resolution is declared and should be accepted as a strong and urgent request to expand the funding cycle to a five-year period; be it further

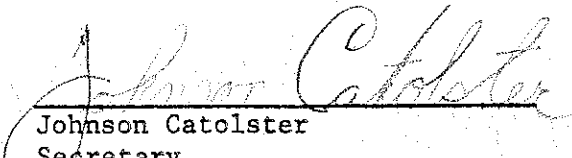
RESOLVED by the United Southeastern Tribes, Inc. that the "Statement by the Southeastern Indian CAP Directors to President Nixon's Statement of July 8, 1970, Outlining a New Federal Policy Toward American Indians, During the Nation CAP Directors" Conference Held in Minneapolis, Minnesota October 5 - 8, 1970", be adopted and attached to this Resolution.

CERTIFICATION

This is to certify that, at the regular quarterly meeting of the Board of Directors of the United Southeastern Tribes, Inc., properly convened and held at the Mississippi Band of Choctaws' Pearl River Reservation, on the sixth day of November, 1970, the above Resolution was duly adopted.



Joe Dan Osceola
Chairman



Johnson Catolster
Secretary

A STATEMENT BY THE UNITED SOUTHEASTERN TRIBES INC. TO PRESIDENT NIXON'S STATEMENT OF JULY 8, 1970, OUTLINING A NEW FEDERAL POLICY TOWARD AMERICAN INDIANS.

Indian CAP Directors have long felt that Indian Community Action projects funded in various reservation areas by the Office of Economic Opportunity offered the most dramatic example of Indian self-determination and pointed the way toward the needed direction for Federal-Indian relationships. We are therefore gratified to find that many aspects of the President's new Indian policy follows the spirit of the Indian Community Action Projects and that the President further indicates the importance of expanding Indian programs, including OEO programs, in influencing the new direction in Federal Indian policy.

We have been engaged for some years in developing exactly the type of orientation of Indian programming that typified the President's new policy. From our experience we feel we are qualified to comment on particular aspects of the President's new policy; moreover, from our experience, we are in a unique position to recognize conflicts between the President's new Indian policy and certain other policy directions established by the current administration. It is the intent of this statement to comment on those aspects of the President's new policy and programs that have proven satisfactory in the past, to indicate weaknesses in the President's new program as it has been presented and finally to point out some potential conflicts which continue to threaten certain key aspects of both past and future Indian programming.

President Nixon sets forth clearly and precisely the two past extremes of Federal Indian policy:

1. Rejection of the special responsibility of the federal government toward the Indian people.
2. Paternalistic administration of Indian programs.

He sets as the goal of his policy to strengthen the Indian autonomy without threatening the existence of the Indian community, or in his words "self-determination without termination".

The methods through which self-determination will be accomplished have proven sound by Indian CAP operations during the past years.

- 1.. Self-development can only be promoted through giving actual program control to the Indian people.
2. The Indian people can best judge and determine the speed, extent, and direction by which the transfer of responsibility for Indian programs can take place.
3. Local control is meaningless without adequate funding for program operation.
4. Continuing federal technical assistance will help insure successful program operation.

The President indicates that following these principles will provide greater flexibility and response to local needs without the expense of an elaborate federal bureaucracy. He again refers to Indian CAP achievements as proof of these anticipated results.

However, if the success of Indian CAP programs indicate the potential benefits from total Indian policy, the weakness of Indian CAP programs

also should be taken into account in establishing a new Indian policy. First, in many instances unnecessarily restrictive legislation prohibits Indian CAPs from responding to existing needs within their communities. Transfer of authority over Indian programs from established bureaucracies to the Indian people will not remedy the problem brought about by restrictive legislation and appropriation. For example, federal matching funds currently available to states for vocational education programs for the disadvantaged cannot be used by the Bureau of Indian Affairs' schools because of a provision that federal money may not be used to match other federal money. Transfer of BIA schools to local Indian communities will not solve this problem which results from the restrictive nature of the basic legislation.

Secondly, one of the major continuing limitations of Indian CAP programs has been the lack of funds for adequate support of vital programs. This problem is not adequately recognized in either the President's message nor in the legislation proposed to date. The level of funding for the Bureau of Indian Affairs has always been inadequate. There are some safeguards in the proposed legislation such as the provision that funding levels will not be reduced after transfer of responsibility. There is no clear commitment, however, to raise funding to adequate levels. Without this commitment, there is the danger that the Indian people will be given the responsibility for Indian programs, but not the means necessary to carry out this responsibility. While as CAP Directors we are accustomed to operating under inadequate budgets, it must be pointed out that

most of our programs were supplemental to established programs maintained by the federal government. We recognize the difficulties we have faced in establishing long-range, efficient programs in view of budgeting limitations and fluctuations. We feel that without a clear-cut commitment by the federal government to provide more adequate funding than in the past, the Indian people may be given the responsibility to manage their own affairs without sufficient finances to carry out these programs. Under these circumstances we can foresee at some future date, an attempt to place on the Indian people the blame for lack of progress which really results from a lack of federal support. We must insist that one of the most frequent justifications of established agencies for program failure in the past has been the Indian himself, whether at the level of an Indian child not succeeding in a poorly planned and under-funded school curriculum or a vocational training project being closed when it was established with no consideration for job development.

In short, it is essential that in addition to providing greater self-determination in Indian programs a new Indian policy must remove restrictive legislation that precludes flexible response to problems, and at the same time the present inadequate funding levels for Indian programs must be removed. It would be a mistake to assume that there is a panacea in the transfer of presently underfunded and administratively and legislatively snarled programs to the Indian people without providing them at the same time the legislation and the funds through which they can achieve a program success.

Turning from a general discussion of the President's new policy to the actual legislation proposed, we only find confirmation for the concern expressed in the previous paragraphs. Senate Bill 4164, providing for transfer of responsibility for Indian programs to Indian tribes and communities, does provide some safeguards against funding reduction; it does not insure the needed increased funding will be forthcoming. Senate Bill 4166 likewise provides for transfer of allocation of Johnson-O'Manney funds to Indian tribes but does not insure increased funding. Only one of the seven bills thus far proposed, Senate Bill 4116, provides for increased funds by increasing the revolving loan fund. While we recognize that reorganization or enabling legislation is separate from appropriation bills which must originate in the House of Representatives, we see little indication that the needed increased funding will occur.

Our own OEO programs clearly demonstrate this. The President's message favorably commented on OEO programs in two places as a forerunner in the new federal Indian policy. Yet the funding of OEO programs in the past two years would seem to indicate that expanded funding even for proven programs may not be forthcoming. For example, while the President indicated OEO budget request Indian-related activities in FY 1971 was up 18% from FY 1969 funding, he neglected to indicate the extent to which a high rate of inflation reduced this 18% to a very small real increase. And we must remember that we are speaking of a FY 1971 budget request. From hard experience we recognize that appropriations do not always equal

budget requests. Even if the budgeted increase occurs, the small increase in real money is insignificant in terms of the great need in Indian communities. It is essential that all programs for Indian communities, especially those OEO programs of proven ability to meet local needs and develop local leadership, be funded at a significantly accelerated rate.

From our experience in Indian CAP operations, we feel that the failure to provide adequate funding for Indian programs results from an inherent conflict between what might be called direct federal funding and the President's concept of the New Federalism whereby increasing amounts of Federal funds are channeled through state and regional agencies. Even where direct funding occurs, state officials are being given increased voice in the operations of federally funded projects within their states.

The current federal policy of allowing state and non-Indian local governments to assume a greater role in decision making and greater control of funding in all federal programs, i.e., welfare, manpower training, OEO programs, tax-sharing proposal, is potentially threatening to the well-being of the Indian people. We feel that in the attempt to decentralize power, the President assumes that by assigning administrative responsibility to the states and localities, control will be delegated to officials in touch with community needs. We question whether state and local officials in the Southeastern United States are in touch with the needs of Indian people.

Unlike Indian people in some parts of the United States, we have had a long history of dealing directly with state governments. Following the removal of the bulk of the Southeastern Indian people to the west of the Mississippi in the early nineteenth century, those Indian people remaining in the Southeast remained for almost one hundred years under the sole control of local and state governments. The suffering of the Indian people during this time is a matter of historical record. Almost without exception, state and local governments failed to provide adequate education, health services, or even protection under the law.

Yet the President's policy of Indian self-determination applies only to services which go directly from the federal government to the Indian community. Services channeled through state and local governments could be turned over to the Indian people only with the consent of these governmental units. While the record of federal Indian policy is not good, it is definitely better than that of all state and local governments. Many of these state and local governments are still denying Indians the basic rights of citizens. It is these state and local governments that will exercise increasing control of federal programs as the present administration's concept of the new federalism is extended. Thus there exists a most basic contradiction between the President's general policy of increased regional and state control and the new Indian policy which recognizes the direct obligation of the federal government to the Indian people.

Of all the legislation currently being considered under the President's new Indian policy, Senate Bill 4166 most clearly recognizes the conflict between state and local governments for the control of funds for Indian programs. This bill provides for the direct allocation of Johnson-O'Malley funds to the Indian tribes, and thus transfers control for federal funds formerly channeled through the individual states directly to the Indian people. We recommend not only that Senate Bill 4164 be passed but that its principles be extended so that wherever federal funds for the Indian people are channeled through the states they may instead be allotted directly to the Indian tribes themselves. By thus giving the Indian tribes direct control over funds they can contract with states or with other agencies to provide the services for which the funds were intended. To assume that in any other manner the states would agree to allow Indian self-determination is absurd, and the necessity of the change in method of allocation of Johnson-O'Malley funds speaks for itself.

We welcome the major direction of the President's new Indian policy and maintain that the record of Indian CAP indicates its feasibility and practicality. At the same time we urge that restrictive legislative regulations that have hampered Indian CAP and other Indian programs must be removed, and the inadequate funding level must be significantly raised.

In closing, what we ask for Indian people is "self-development", with emphasis equally distributed between "self" and "development". We do not want development to be something which is done to us, but

something done by us. We want our own goals, attitudes, and cherished beliefs to be expressed in the way in which we develop. Indeed, all Indian tribes are not alike, and some of our tribes may seek one form of development, while others seek another.

The point is that no program to assist Indian people will work if it ignores the reality of our Indian way of life. As minorities in the states which we inhabit (which once belonged to us) we have reason to doubt that the non-Indian state governments will, in the foreseeable future, respect our right to be Indian.

On the other hand, we as citizens of these United States, have a legal and moral right to look to the federal government for assistance, despite the past mistakes, with hope because federal programs have often provided us with a helping hand which we need in self-development.