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MOTION #13 — Mary Alice Muncey moved to approve out-of-state travel for Alta Courville and Delores Pigsley to attend the Health Board Meeting in Fort Hall, Idaho, on January 13-15, 1987. Seconded by Douglas Brown. YES: Mary Alice Muncey, Frank Simmons, Bud Lane, Douglas Brown, Dolly Fisher, Art Bensell. NO: None.

ABSTAIN: Delores Pigsley, Alta Courville. Motion approved, 8-0-0. Art Bensell requested travel to Pendleton, Oregon to attend the OIEA Board Meeting. It will be a 3-day meeting.

MOTION #14 — Dolly Fisher moved to approve out-of-area travel for Art Bensell to attend the Indian Education Meeting in Pendleton, Oregon in January. Seconded by Frank Simmons. YES: Delores Pigsley, Dolly Fisher, Alta Courville, Bud Lane, Douglas Brown, Frank Simmons. NO: None. **ABSTAIN:** Art Bensell, Mary Alice Muncey. Motion approved, 6-0-2.

ANNOUNCEMENTS — All Council timesheets need to be to Tina before December 30th. Alta read a letter from Zeke Townner suggesting Pauline Ricks be designated as Tribal Whipwoman. Discussion as held on sweatlodges. Art said they were a family activity, not a tribal activity. Council asked that Cindy Viles, Tribal Historian, check into a sweat lodge. Dee suggested the Council bestow the honor of Whipwoman on Pauline and a ceremony could be held at the Pow-Wow.

MOTION #15 — Dolly Fisher moved to designate Pauline Ricks as permanent Whipwoman. Seconded by Alta Courville. Motion approved, 8-0-0.

A discussion was held on the Historian's position. The Historian is not clear on what the Council would like her to do. Dee noted she had a work plan and objectives already. Language was one priority. Dee stated this is a new position and the council isn't always aware of what she is doing. She gave a report to the Council previously. Alta asked Phil to send a letter to the Springfield CHR letting him know they have not abolished that position.

Meeting adjourned, 5:20 p.m.

Mary Alice Muncey
Council Secretary

News Statement From National Congress of American Indians

National Congress of American Indians Executive Director Suzan Shown Harjo today charged that the Administration's Bureau of Indian Affairs FY1988 budget "reflects a lack of commitment at the top of the BIA to the federal-tribal government-to-government policy and is, in some aspects, a blueprint for termination."

Documents from the BIA and the Office of Management and Budget confirm that several onerous budget proposals — including plans to transfer BIA schools to states, to wipe out money to strengthen Indian governments and to impose a 15% flat indirect cost rate on Indian operation of BIA programs — originated in the office of the head of the BIA, Interior Assistant Secretary Ross O. Swimmer, and were agreed to but not imposed by OMB.

For instance, an OMB passback document on the BIA's proposal to institute the 15% flat fee says, "BIA is encouraged to continue implementing a flat 15% administrative fee in lieu of negotiated indirect cost payments on tribal contracts." Regarding another BIA proposal to reduce general welfare assistance to Indian people and impose a "workfare" system, OMB simply replied, "The initiative is approved."

The BIA/OMB budget development documents, which span the period from September 2 to December 8, also confirm that the BIA "failed to consult with Indian peoples, as required by treaty and statutory law and as promised by the President in his Indian Policy Statement," said Harjo.

The schools-transfer plan was developed by the BIA sometime after the span of documents and outside the normal Administration budget process. The plan was brought to light in mid-December by Rep. Dale Kildee (D-Mich.) after learning of Swimmer's efforts to promote the transfer with incoming Republican state governors. "The BIA now is preparing an incentive numbers run for some states to encourage their support," said Harjo.

While details of the plan have been shared with states, they have been kept secret from tribes. Swimmer informed Hill staffers in a January 7 briefing that he wanted to "talk philosophy, not specifics," and that no budget details for any BIA proposal would be available until January 20, when he will submit the BIA's budget justification book to Congress.

The draft BIA budget justification book opens with the statement that its FY1988 proposal "reflects two important initiatives: increased input by tribal governments in budget formulation and increased use of private resources in BIA operations." The draft also claims that Swimmer, prior to submitting his request to OMB in early September, "formally solicited recommendations from tribal leaders on what they saw as national priorities" and that the final budget "will be based on tribal recommendations."

These claims are not borne out by early reaction of tribal leaders to the BIA plans. On December 23, Oglala Sioux Tribal Vice President Paul Iron Cloud wrote to Swimmer that the Tribe had just heard about the schools-

transfer plan and "will use every means to oppose this plan" to "turn over to certain states (BIA's) remaining education responsibilities." Iron Cloud pointed to the President's pledge that tribes would be involved and would participate in "any proposal affecting any of the Indian Tribes." He also reminded Swimmer of his own pledge at the June ceremonies of the unveiling of the Red Cloud Peace Pipe "to uphold the 1868 Treaty obligations in education and health."

Iron Cloud also said, "We demand an immediate repudiation of this effort and reassurances of adherence to stated policies." The Tribe, whose Pine Ridge Reservation borders South Dakota and Nebraska, also stated that "previous treaty violations by the United States have resulted in statistics that reflect an 85% unemployment rate," the lowest per capita income nationwide and BIA education funding "inadequate to provide a quality education" for Oglala students.

Swimmer's mid-December schools-transfer plan targeted three states — Arizona, New Mexico and South Dakota — and proposed \$100 million in FY1988 for the states to take over Indian education responsibilities, unless tribes wanted to contract for the BIA schools. "Since the BIA also is trying to impose the 15% flat administrative fee on tribal contracts, which would prove prohibitive for most, the assumption must be that the schools would be turned over to the states," said Harjo. "This is a dramatic shift in policy and portends a return to the discredited federal termination policy of the 1950s to end federal obligations and turn over Indian matters to the states. That policy was rightly repudiated by Congress and every President since that time, including this President. As with states in the 1950s and 1960s, states in the 1980s would soon realize the federally-appropriated funds are insufficient to meet Indian education responsibilities, and there would follow a renewed attempt by states to tax and control Indian lands and resources. If the Administration gets away with this, there is little doubt that it would stop at education."

In yesterday's Hill briefing, Swimmer maintained that the education initiative would increase local control of education. Through BIA education reform laws of the 1970s, Indian parents and educators now are beginning to control BIA schools, and the education system improvements have been widely recognized and documented. Those laws require consultation prior to BIA policy changes. When asked what legal authority would be used to transfer schools to states, Swimmer responded that his attorneys are "looking at it," but that he would likely "go the procurement contract route," which could allow BIA to circumvent the education reform mandate.

Swimmer also claimed that the cultural values of Indian students would be protected by the BIA through monitoring state performance. At the same time, he maintained that the BIA does such a poor job in the education area that the states could not do worse. In August of last year, the Affiliated Tribes of Northwest Indians called for Swimmer's resignation on the basis of his insensitivity to Indian cultural and traditional matters. In September of last year, a majority of Indian and Native governmental members of NCAI, the oldest and largest national Indian organization, called for Swimmer's removal for numerous reasons, among them his efforts to turn Indian programs and responsibilities over to the states and his failure to consult with Indian governments.

The current schools-transfer plan is to use 1987 as the planning year and 1988 as the implementation year. Swimmer has hired Linda Richardson, who handled Indian appropriations for the Republican-controlled Senate and who negotiated the recent transfer of Alaska Native Schools to state control, to oversee the BIA budget in this office. Richardson will work with Nancy Garrett, who was just named to direct BIA administration, to fine-tune and carry out the plan. Garrett's removal from her previous BIA education deputy post was called for by many tribes and Swimmer's promise to Sen. John Melcher (D-Mont.) to do so was key to Dr. Henrietta Whiteman's late 1985 acceptance of the BIA education director job. Garrett's promotion to Swimmer's office was announced in December after Whiteman resigned, reportedly because she could not support Swimmer's education budget and policy changes.

During the January 7 briefing, Swimmer told Hill staffers that he would oversee the education initiative and that tribes would oppose it only if they wanted to "keep abusing children" by continuing to create "mental cripples" in BIA schools. Harjo called the characterization "grotesque" and said that "this plan, like the 15% flat fee scheme, is a plan in the nature of a notion. This may be the most ill-conceived and least considered proposal of all, although one runs out of superlatives in reviewing these bizarre budget designs."

Indian leaders also have reacted sharply to Swimmer's plan to eliminate self-determination planning grants and transfer some of its funds to a program with two initiatives, one called "small tribes general revenue sharing" and the other called "troubled tribes." The "small tribes" initiative would provide \$5.9 million to nearly 400 tribes with 1,500 or fewer citizens to partially compensate

for the loss of funds under the 15% administrative fee plan. The "troubled tribes" initiative would provide \$900,000 to help three to seven tribes to overcome audit difficulties and bankruptcy conditions, most of which are brought about by poor management by the BIA itself. The "small tribes" plan is generally recognized as a political move to gain some support for the 15% flat fee plan and as an amount of money they would otherwise have gotten under the self-determination grants, which are proposed for \$7.7 million defunding, and the small tribes program, which is proposed for a \$2.8 million reclassification. The "troubled tribes" plan is generally viewed as less than substantive, given the small amount of funding proposed, with potential for divisive competition and BIA favoritism.

On December 28, Mississippi Band of Choctaw Indians Chief Phillip Martin wrote to Swimmer concerning the "dismantling of the Self-Determination grants program," which would be "lethal to continued progress in our governmental institutions." Martin said that the mid-1970s' self-determination and education assistance law provided in the section 104(a) grants "a new mechanism for the strengthening of tribal governments" and "although great progress has been made over the last decade, (tribes) are still in need of strengthening." He said that his Tribe has used the 104 grants to bolster the Choctaw Legislative Branch, "paying the costs of the Tribal Council's standing committees having responsibility for oversight and monitoring of tribal administration of federal grants and contracts." He said the Choctaws "do not have a tax base to support this critical need," that the cognizant federal agency will not allow "any legislative expenses in the administrative costs pool" and that the 104 grants are the "only source of support."

The Choctaw Chief also pointed to "a series of initiatives" from Swimmer's tenure as Co-Chairman of the Presidential Commission on Indian Reservation Economies to his subsequent selection as BIA head "which, in sum total, appear as a coordinated effort to undermine tribal governments. While paying lip service to the government-to-government relationship, the Bureau has sought to deprive tribal governments of their indirect costs, to absorb Gramm-Rudman social services cuts in the single program in that category designed for tribal government administration, and to deny economic development assistance to tribal governments closely involved in economic enterprises on their own reservations. Now an effort to close down the program designed to strengthen those tribal governments is underway. Martin said that the BIA is "terribly close, if not already over the line, to undermining both tribal governments and Congressional intent."

Indian leaders in the Northwest and Southwest have called the BIA plan to cut in half the forestry budget among the worst proposals in the BIA FY1988 budget. The Administration contends that this would be partially offset by the collection of current timber sales administrative fees, a proposal which Indian leaders say should be carefully scrutinized to determine whether it is merely a reduction from sales fees already going to Indian governments.

Blackfeet and Salish-Kootenai leaders in Montana have called for immediate Congressional oversight regarding the Swimmer initiative called "improving trusteeship." Part of this plan began in 1986 when Swimmer, without consulting with Indian governments, entered into a contract with the Mellon Bank to manage \$1.7 billion in Indian trust monies. The Tribes maintain that this Indian property right should not have been contracted by the BIA because the self-determination law prohibits contracting a trust duty. BIA briefing documents refer to this kind of activity as an effort to "raise the quality and standard of trust responsibility" which will "increase internal modernization of trust programs and systems and acquire private sector services that enhance the (BIA) trustee capabilities." Tribal leaders ask if the next step will be to contract with a large timber conglomerate to oversee Indian forestry management.

Concerns also are being expressed about the plan to cut 50% of the faculty of the institute for American Indian Arts in Santa Fe and to cut operating funds for BIA post-secondary on the assumption that Indian students will pay 10% of the tuition costs. Swimmer maintains that the students will be able to get the 10% cost through other federal education programs in the Department of Education. However, these programs are being reduced or eliminated, as well.

The BIA's "self-assistance" or "workfare" initiative is also raising concerns. Swimmer says the program "will required able-bodied recipients of BIA general assistance payments to work or train in order to receive their grants." Harjo called the plan "simplistic and troublesome," in that it "does not address the realities of the lack of jobs in Indian country, transportation pro-

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