

Stronger federal role in Indian education

by Bruce Bishop

"Indian education is not a trust responsibility which the federal government owes to Indian tribes and their members." With words to this effect earlier this year, Assistant Secretary of Interior for Indian Affairs Ken Smith announced the Reagan administration's position on the United States' obligation to provide education services to Indians. Since then, the statement has generated strong opposition from Indian tribes throughout the United States and from members of Congress.

The Confederated Tribes, with support from its Standing Committee on Education Issues, has been instrumental in refuting the administration's position and in urging the federal government to both maintain and improve its Indian education assistance. According to Rudy Clements, chairman of the standing committee. "The battle is by no means won yet, but we are beginning to see positive signs that the federal government is rethinking its position and is recognizing the important role which it must carry out in Indian education."

In late February, Clements led a tribal delegation that included Tribal Council vice-chairman Zane Jackson, Council members Nelson Wallulatum and Mike Clements, education director Jody Calica, and education committee chairman Sal Sahme to Washington, D.C. The delegation met with key federal officials to learn what changes were under way in federal Indian education policies and programs. Based on these discussions, the standing committee identified several significant issues affecting Indian education nationally and locally.

According to Rudy Clements, these issues include the federal trust responsibility for Indian education, the effects of proposed federal budget cutbacks and staff reorganizations in Indian education programs, the

proposed closure of BIA off-reservation boarding schools, and the proposed transfer of Title IV Indian Education Act programs from the Department of Education to the Bureau of Indian Affairs. To meet these issues head-on and to analyze their implications at Warm Springs, the standing committee spent several months conducting background research and developing position papers for the Tribal Council. In late April, the Tribal Council reviewed the standing committee's work and adopted the committee's positions on the these education issues. In doing so, the Council also authorized the committee to continue its efforts by informing the Congress and appropriate federal officials, as well as other Indian tribes, of these tribal positions.

On May 18, the Confederated Tribes were represented at a hearing before the U.S. Senate Select Committee on Indian Affairs by Rudy Clements, Zane Jackson, and Nelson Wallulatum. These tribal delegates were the first witnesses to testify at the Select Committee's oversight hearings on Indian education, and they were joined by representatives from the all-Indian Pueblo Council and the Papago Tribe on the panel. Throughout its two days of hearings, the Senate Committee heard virtually unanimous tribal endorsements of the Warm Springs' positions. In his testimony, Clements set out the following tribal positions:

1. The federal government's trust responsibilities include the obligation to provide our Tribes with sufficient educational opportunities to assure our existence as a distinct and autonomous tribal community forever.
2. The Congress should halt the BIA's plans to reorganize Indian education responsibilities until such time as the BIA gives Indian tribal government and communities a meaningful opportunity to review and comment on the proposed actions.
3. The Congress should

require that the BIA justify its budget reduction and reorganization recommendations by specifying the administrative and programmatic effects of such changes on tribal governments and Indian statements.

4. Until such time as a comprehensive study and analysis of the proposal to transfer Title IV to the BIA has occurred within the BIA and the Department of Education and with tribal and congressional consultation, the Office of Indian Education should remain in the Department of Education.

5. The Bureau of Indian Affairs should abandon its plan to close boarding schools until further study of the matter has been made and specific plans have been developed to assure adequate educational opportunities for the students displaced by such closures.

According to Clements, these statements were supported in detail in the over 60 pages of positions papers developed by the standing committee. Copies of these papers are available to interested tribal members from Clements or from education director Calica.

The delegation also presented these positions to members of the Oregon congressional delegation, to staff of the House of Representatives, and to officials of the BIA and the Department of Education.

These education positions were also presented at the Mid-year Conference of the NCAI in San Diego. According to

Clements, this Warm Springs effort was rewarded by the conference's adoption of a strong resolution recognizing that education is a federal trust responsibility which is owed to Indian tribes, and their members.

Among the positive signs the standing committee has seen in the federal government's analysis of its obligation to provide education services to Indians, Clements said, are recent statements by Ken Smith. At the Mid-year NCAI conference, for example, Smith told the delegates:

"Let me assure you that I strongly believe because of the political relationship—the government-to-government relationship that the Federal government has a responsibility to provide education programs for Indian students. Because I do not choose to include it in my definition of trust responsibilities does not mean—and I emphasize—does not mean that I consider it any less important. I firmly believe that the Federal government has a legal and moral responsibility to assure that education services are properly provided to Indian people...I do not mean for any of my actions to give anyone the impression that I will give up that responsibility."

In addition, Clements said, the standing committee is encouraged by Smith's suggestion that he intends to establish an Education Advisory Council in the BIA. As he told the NCAI conference:

"We need a long term plan

that looks at—five years, 10 years, 20 years—down the road. Right now we don't know where we want to be in education in the future and I think we ought to. I know it's not an easy job, so we will have to do it together."

Clements said that the standing committee supports the need for an education advisory council within the BIA which will allow tribal governments to take an active role in shaping federal policies. Clements said that Warm Springs should take an active role in helping the BIA to organize such an advisory forum.

Although he believes that a strong foundation has been laid, Clements said that much work remains to be done in monitoring federal education policies and in translating these policies into effective programs and services to Indian students. According to Clements: "The federal government has a unique responsibility to provide education assistance to our Tribes and members. While we cannot let those in Washington, D.C. ignore this responsibility, neither can we ignore what is happening closer to home in Oregon and in Jefferson County. Somehow, we must find a way to better use the federal, state, and local education resources available to us and to make sure that all these programs satisfy our community's education needs and goals."

Bruce Bishop was a policy consultant to the standing committee and assisted the committee in drafting the preceding statement.

Toe Ness

A house wife telling her husband that she was thinking of writing a cook book. "Good, sounds like a great idea!" Wife, "you mean you don't object?" Husband, "why should I suffer alone." YIKES

SS SS SS

There was this little boy who came home one day and asked his parents, "Why is it that I'm the only kid on the block that has the same mother and father that I started out with...?" YIKES

SS SS SS

CONFUCIUS SAY: "Girl who wear dress that show everything should be sure she have something to show!" YIKES

SS SS SS

There were these two guys sitting in the bar and drinking, telling each other their problems. One said, "You know my wife really doesn't appreciate me, does yours?" His friend said, "I don't know, she never does mention your name." YIKES

SS SS SS

A guy asked his friend, "I wonder how come my wife always remembers our anniversary and I don't?" His friend said, "Do you remember when you caught your first largest fish?" "Naturally," the first guy said. The other guy, "Do you think the fish remembers?" YIKES

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Funds to be distributed

Washington—The Senate Thursday passed the bill for the distribution of several judgement funds totalling \$12,623,307, which were awarded the Blackfeet tribe and the Gros Ventre and Assiniboine tribes of the Fort Belknap community.

The judgements were awarded in 1980 by the U.S. Court of Claims and were the result of claims against the federal government, including the taking of Indian land and the mismanagement of Indian monies.

The Congress appropriated the funds in 1981 but they have

remained in the U.S. Treasury drawing interest until the distribution agreement was reached.

The distribution plan was delayed several months due to disagreement among the Gros Ventre over who was eligible to share in the Gros Ventre portion of the award.

"After consulting extensively with the Gros Ventre and their attorneys, I believe we have arrived at a distribution formula which is fair and equitable," Melcher said. "I became convinced that a small percentage of Gros Ventre

numbering less than 100 should be included, which still would protect the tribe's identity and right to manage the 20 percent of the funds that will be invested by the tribe.

As passed, the bill makes it clear that nothing in the legislation increases, diminishes or in any way affects the right of the Gros Ventre tribe to determine its membership. Melcher said.

The bill now goes to the House for action. Of the total funds, \$400,000 goes to the Blackfeet, \$2,170,013 to the Assiniboine and the remainder to the Gros Ventre.

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