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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20511

DATE: April 19, 1976

REPLY TO
ATTN OF: NR/Interior Branch

SUBJECT: Organization for Indian Affairs

Mr. Mitchell

Confidential

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We believe that the selection of an appropriate structure and composition for a focal point for the conduct of Federal Indian programs should follow rather than precede the selection of a strategy for Federal Indian policy. This paper will describe two alternative strategies and the elements of a focal point which appear most appropriate to each. These two strategies are (1) Long-Range Social Problem-Solving and (2) Incrementalism.

*Incrementalism
has done
nothing for*

of Yurko & Tost
Long-Range Social Problem-Solving

This strategy involves the prescription of some future end-state or goal toward which Federal intervention is directed. Generally, it entails the definition of a "gap" between an extant set of conditions and a desired set of conditions, a gap which is presumed to be susceptible to permanent closure through the application of resources. Frequently, it is assumed that the agency addressing this gap ought to be "working itself out of a job."

In Indian affairs, this gap is described in terms of the current condition of many Indian people as (relatively) ill-housed, uneducated, unhealthy, and un-or-under-employed. It assumes that when these gaps are closed through Federal programming, the Federal Government can get out of special Indian programs. The perceived need is for the Federal Government to be more efficient in closing this gap, hence hastening the day when special Federal programs will no longer be "needed".

This approach or strategy, which is the most familiar (and comfortable) one for EXOP officials, has basically four problems:



- (1) The gap is relative; the reference group typically used, the average American family, is constantly changing.
- (2) "Working the Federally Government out of the Indian business" is not consonant with the prevailing Indian view of a perpetual special Federal Indian relationship.
- (3) As such; this approach is not consonant with self-determination as is now being implemented. Self-determination (local goal-setting, resource allocation, program design, and program management) will only lead to the eventual cessation of special Federal Indian programs as a very unintended effect of the execution of the current policy.
- (4) Most social interventionist policies assume that, once properly prepared, clients will avail themselves fully of non-Federal opportunities created. If people are trained, they will take available jobs. If people are brought up to a health standard and are taught hygiene, they will keep themselves healthy and avail themselves of other public and private health resources. It is simply not obvious that this is the case with the reservation Indian population.

Problem (1) above is not unique to Indian programs, but the other three problems warrant additional consideration. First, Indians do not view their degree of relative disadvantage as the basis for special Federal programs. Indian leaders, with the possible exception of Alaskan Natives, would disavow any connection with a Federal policy directed toward an eventual end-state which did not include all of the following features:

- Perpetual Federal trusteeship (including non-taxability) for Indian resources.
- Perpetual Federal recognition of tribes as sovereign governments.



Call to the

R



Tribal Government of Indian Council

Perpetual entitlement to special Federal program benefits on the basis of treaty agreements. (Note: at a recent meeting on BIA scholarships, we were informed that one tribe interpreted the treaty provision in the 1800's concerning education to mean free Indian education to whatever level of education, including multiple Ph D.'s an Indian wanted to attain.)

Perpetual Federal buffering of tribes from States including special, direct Federal-tribal, set-asides in all Federal intergovernmental programs.

The result of all this is that Federal Indian programs are not needs-tested. Scholarships (over and above D/HEW programs) can go to children of GS-16's and people have been known to go back to reservations for health care. This is antithetical to the typical social-problem-solving approach taken to most Federal programs, but some Indians see themselves as receiving services because they are Indians and foresee no future set of conditions as supplying the rationale for a phasing out of these programs.

Secondly, the self-determination policy is by no means as ambiguous as it is frequently termed. That there is no clear Federal end-state goal being pursued is a function of the fact that this policy is process, not end-state in orientation. Its main components are

- Maximizing local choice of programs consonant with the constraints of
 - . Finite availability of funds
 - . Federal accountability for the use of tax resources.
 - . Federal accountability for the use and protection of Indian resources.

Comment on this



- Improving the abilities of tribal governments to select goals for themselves and apply resources in an efficient manner toward the attainment of those goals.
- Improving the administration of those programs which, by Federal or tribal choice, remain under the direct management of the Federal Government.
- Removing the threat of eventual termination from the decisionmaking environment of tribes.

It is this latter point which creates substantive as well as procedural barriers to the social problem-solving strategy alternative.

The point is that this "social engineering" strategy or model would require a reversal of at least the trend in which the current policy is leading if not actually a reversal of currently codified specific policy decisions. More, not less, Federal control over the uses of resources would be required, and serious consideration would have to be given to the following sub-strategies.

- (1) Identifying reservations where the resource base cannot support the projected population at an income level commensurate with U.S. non-Indian income.
- (2) Either investing funds to develop industries on those reservations or encouraging people to leave.
- (3) Providing job training and education to an individual according to the decision as to whether he or she is to stay or leave.
- (4) Develop a plan whereby special Federal programs will cease on certain future dates when reservation economies achieve certain levels of self-sufficiency.
- (5) Putting individual needs-tests on all Federal programs.
- (6) Encouraging States to take over basic community services which States supply to non-Indian communities, such as police, schools, public health, and the like.
- (7) Not recognizing (bring back into dependence) any more tribes.



- (8) Encouraging tribes to divide up assets among individuals so that persons who are ready to enter the mainstream can cash in their assets and trade them for new assets (education, houses, etc.).
- (9) Redirecting on-reservation education systems to acculturation to mainstream norms.
- (10) Encouraging the arts through establishing museums and the like, so persons do not feel that their culture is disappearing.

The fact is that these things have been tried and are perceived to have failed. Each one of these, except for encouragement of the arts, finds its converse in current Federal policy. It would be pointless to enlist the assistance of Indian leaders -- if they in fact ascribe to the views attributed to them on pages 2 and 3 above -- in the pursuit of this strategy. Furthermore, it would also be pointless to involve the Bureau of Indian Affairs and other "Indian" agency leadership in this effort. What would be required is the establishment of a permanent entity of 50-100 social science professionals, lawyers, and administrators to plan and impose these policies on the Indian community and its current supporters.

Incrementalist Strategy

The fundamental assumption of this strategy is that things will not go to hell in a handbasket even if no radical policy shifts are made. In this instance, it would have the following components:

- (1) The recognition that the objects of social change policy are not inert. Call it participation, involvement, self-determination, or what have you, the perceptions and motives of the Indian people will be the major determinant of their futures.
- (2) Perceptions and motives change and can be influenced to change.
- (3) We have not yet reached the point where the general objectives of the Indian community in the management of Federal resources differ substantially from the objectives of federally-managed programs: improved health, educational, and economic status. The needs in these areas are still too great to cause tribes to divert substantial resources from these to other objectives.

Not true.
 Many objectives
 Indians is
 aware of their
 political & economic



If basic policy is set, there is no need to evaluate it. What takes evaluation is execution of the policy.

(4) Policies should not and need not be uncorrectable. In fact, correctability (evaluation) should be built into them.

(5) Self-Determination per se is not an inadequate policy framework unless it is too narrowly defined. If it means not only community (tribal) choice but also individual choice, there remains a major Federal role in altering socio-economic conditions at the local level.

Maybe, but regardless of effort should be taken.
Problems abuses seen previous policy shifts.

(6) Precedents are useful but not obligatory.

(7) Dichotomies (as opposed to continuums) are harmful. It is not useful to say

- A tribe is either sovereign or non-existent.
- A resource is in trust or not in trust.
- A tribe is recognized or not recognized.
- A program is tribally-controlled or federally controlled.

(8) Future policies should meet future needs, not simply institute actions in the future which should have been but were not, taken in the past. Self-Determination, taken this way, speaks to the future; it neither denies nor affirms the efficacy of past policies in the past.

Actions taken under this strategy are tentative, experimental, and correctable. Promises are modest, delivery is evaluated. The level of commitment is essentially rational and conditional, not emotional or moral. Issues of sovereignty and entitlement are viewed as reference points insofar as they are perceived to be valid concepts by some participants, but they are not viewed as "basic" or unconditional principles.





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

July 14, 1976

MEMORANDUM TO TED MARRS

Subject: President's Speech for July 18, 1976

Attached is an article that appeared in the Northwestern Indian newspaper containing a memorandum that evidently came from OMB setting forth a strategy for terminating Federal involvement in Indian affairs. In light of this article it may be important for the President and the Secretary to emphasize that notwithstanding the private views of a small minority of non-policy making persons, there is no intent or policy to terminate or negatively alter the special Federal relationship with Indian tribes.

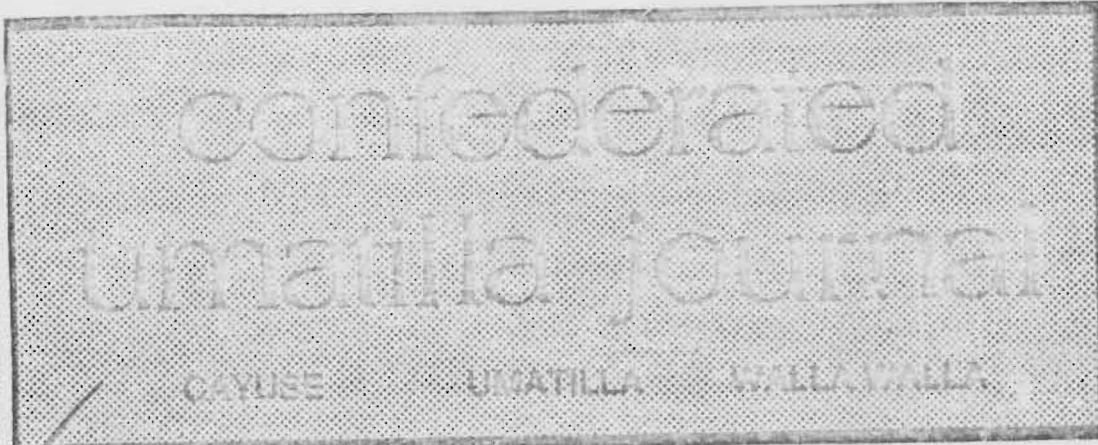
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Enclosure



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JULY 1976

site

Covert White House plan sees tribal termination

BY RICHARD LA COURSE

A "confidential" plan from the Ford White House Office of Management and Budget (OMB) spells out in fine detail a careful plan to reorganize the entire structure of federal-Indian affairs, and to "work the federal government out of the Indian business."

The six-page memorandum, written by Interior Branch Budget Official Harold Borgstrom of OMB, is entitled "Organization for Indian Affairs." It was given restricted White House circulation Apr. 16.

(The full text of the Borgstrom memorandum appears on Page 5 of this issue.)

The Borgstrom plan outlines two separate approaches to phasing out the federal government in its relationships with Indian tribes under the federal trust relationship. One option, called "Long Range Social Problem Solving," explores steps taken to assist Indian tribes in

the past and present, and finds specific faults in the current approach.

The section option, labelled "incrementalism," spells out an approach which would force tribal members to accept the liquidation of their common trust and financial assets, destroying the present status of the reservation land base, and to use such revenues for services they are presently receiving under the existing federal structure.

The aim of "incrementalism" is to prompt the Indian populations to assimilate themselves into the "mainstream" of American society and gradually to yield their distinct identities and protected land areas.

The Borgstrom plan declares that specific political responses to this plan would inevitably follow:

(Continued on Page 3)

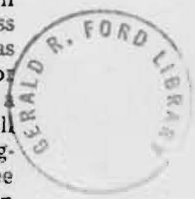
Jurisdiction legislation

WASHINGTON—The staff of Sen. Mark Hatfield, R-Ore., has completed and sent for review a draft of a bill to return criminal and civil jurisdiction to the Confederated Tribes of the Umatilla Reservation in his own state.

Review of the draft bill by the Tribal Fish Committee and the Board of Trustees is expected to be completed by July 6. Early

action is expected on the bill.

A new nationwide jurisdiction return bill, meanwhile, has been sent to both houses of Congress for preliminary review. It was jointly authored by the Interior and Justice Departments as a substitute for S.2010, a bill written by the National Congress of American Indians. (See text of Interior-Justice bill on Page 9.)



Alongside the present location of the winter village sacred burial site courtesy East Oregonian

Des tangle over fishing issues

ns, the unresolved issue of fishermen sailing off the Pacific Coast moved the year high boil.

es of Warm Springs, Umatilla, Yakima and Nez Perce, who under federal court order are entitled to 30 percent of the total Columbia catch.

Oregon and Washington on June 14, however, filed a petition asking Belloni to "go back to the beginning" and decide again what actual Indian fishing

have sold whatever special commercial fishing rights they possessed. They also contend that Indians have rights to catch fish for "subsistence" and "ceremonial purposes" but all commercial

Indian commercial fishery to provide the necessities of life." At the same time, said Lezak: "Our office expects the injunction of the federal court to be obeyed."

Ignoring the Belloni order, commercial troll fishermen from Washington state were casting for salmon in coastal waters from June 17 and continued into early July. A show-cause hearing was set by Belloni for July 1. Belloni turned aside the argument by the Washington asst. attorney general that the state high court has declared the Washington Dept. of Fisheries has no legal authority to order the closure. Belloni said Indian treaties represent the "supreme law of the land" and a state cannot pass a law in conflict with a treaty. How states respond to that declaration weeks soon will tell.

reservation?

11. What are the dates this year of the Pendleton Round-Up and Happy Canyon?

12. Where is the tribal Summer Youth Camp being held?

ANSWERS: 1. Jan. 1, 1881. 2. Linguist Bruce Riggsby. 3. Eighteen. 4. Umatilla, Ore. 5. Oregon Fish and Wildlife Commission. 6. December 1949. 7. Don Kautman of Pendleton. 8. Isaac "Tater" Parr. 9. William D. Bailey, William W. Lorentino and Harold Burton. 10. End of July or early August. 11. Sept. 15-18. 12. Indian Lake.

White House

(Continued from Page 1)

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—A team of between 50 and 100 "social science professionals, lawyers and administrators" would have to be formed "to plan and impose these policies on the Indian community and its supporters";

—Bureau of Indian Affairs (BIA) personnel countrywide, some of whom support current wide policy objectives of Indians, would have to be kept outside the process of unveiling the steps of this plan because they might attempt to subvert its success;

—All Indian leaders and tribes would be expected to oppose the overt shape of the plan, with the possible exception of the 80,000 Alaska Natives in a state where there has not been the experience of reserved land areas.

The Borgstrom memo uses incendiary phrases such as "social engineering" and "social interventionism" to describe its projected methods with Indians on the stated rule that "perceptions and motives change and can be influenced to change."

The memo also states: "Working the federal government out of the Indian business' is not consonant [sic] with the prevailing Indian view of a perpetual special federal Indian relationship."

The memo describes the most fundamental and widespread legal anchors of tribes as "perpetual federal trusteeship, including

non-taxability, for Indian resources," "perpetual federal recognition of tribes as sovereign governments," "perpetual entitlement to special federal program benefits on the basis of treaty agreements," and finally "perpetual federal buffering of tribes from states."

The ultimate objective of the Ford White House planning is an "end-state" in which these fundamental presuppositions of Indians have disappeared through "social engineering."

Differing slightly from the Republican Indian policies of the 1950s which resulted in the liquidation of 63 tribes as legal entities, the Ford policy does not use the discredited phrase "termination"; rather, it employs the phrase "end-state," and depicts all the conditions subtly by which Indians themselves can be persuaded to arrive at this state.

The response to the Borgstrom memorandum will doubtless constitute a significant portion of political actions by national Indian organizations in the coming weeks, as the memo itself was given modest circulation from the White House.

Regional Indian intertribal associations are also reported ready to respond strongly to the Ford proposals, although the White House will be very unlikely to issue them as a declaration of a new public policy.

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The Borgstrom memo

'Problem solving' and 'incrementalism'

NEW EFFORTS under the Ford White House in its mood of fiscal conservativeness to lessen its involvement—and its expenditures—for Indian people in line with federal obligations are solidly behind this memorandum prepared within the White House Office of Management and Budget (OMB). The cost-reduction objectives and the legal changes of view necessary to meet the Ford objectives are spelled out below in basic strategies and sub-strategies. It's cumbersome but essential reading before November.

THE WHITE HOUSE
Executive Office of the President
Office of Management and Budget
Washington, D.C.

DATE: April 19, 1976
TO: Mr. Mitchell
FROM: Harold Borgstrom **CONFIDENTIAL**
SUBJECT: Organization for Indian Affairs

We believe that the selection of an appropriate structure and composition for a focal point for the conduct of federal Indian programs should follow rather than precede the selection of a strategy for federal Indian policy. This paper will describe two alternative strategies and the elements of a focal point which appear most appropriate to each. These two strategies are (1) Long-Range Social Problem Solving and (2) Incrementalism.

Long-Range Social Problem Solving

This strategy involves the prescription of some future end-state or goal toward which federal intervention is directed. Generally, it entails the definition of a "gap" between an extant [sic] set of conditions and a desired set of conditions, a gap which is presumed to be susceptible to permanent closure through the application of resources. Frequently it is assumed that the agency addressing this gap ought to be working itself out of a job.

In Indian affairs, this gap is described in terms of the current condition of many Indian people as (relatively) ill-housed, uneducated, unhealthy, and un-or-under employed. It assumes that when these gaps are closed through federal programming, the federal government can get out of special Indian programs. The perceived need is for the federal government to be more efficient

—Perpetual federal buffering of tribes from states including special, direct federal-tribal, set-asides in all federal intergovernmental programs.

The result of all this is that federal Indian programs are not needs-tested. Scholarships (over and above D/HEW programs) can go to children of GS-16's and people have been known to go back to reservations for health care. This is antithetical to the typical social-problem-solving approach taken to most federal programs, but some Indians see themselves as receiving services because they are Indians and foresee no future set of conditions as supplying the rationale for a phasing out of these programs.

Secondly, the self-determination policy is by no means as ambiguous as it is frequently termed. That there is no clear federal end-state goal being pursued is a function of the fact that this policy is progress, not end-state in orientation. Its main components are:

—Maximizing local choice of programs consonant [sic] with the constraints of: finite availability of funds; federal accountability for the use of tax resources; federal accountability for the use and protection of Indian resources;

—Improving the abilities of tribal governments to select goals for themselves and apply resources in an efficient manner toward the attainment of those goals;

—Improving the administration of those programs which, by federal or tribal choice, remain under the direct management of the federal government;

—Removing the threat of eventual termination from the decision-making environment of tribes.

Furthermore, it would also be pointless to involve the Bureau of Indian Affairs and other "Indian" agency leadership in this effort. What would be required is the establishment of a permanent entity of 50-100 social science professionals, lawyers, and administrators to plan and impose these policies on the Indian community and its current supporters.

Incrementalist Strategy

The fundamental assumption of this strategy is that things will not go to hell in a handbasket even if no radical policy shifts are made. In this instance, it would have the following components:

(1) The recognition that the objects of social change are not inert. Call it participation, involvement, self-determination, or what have you, the perceptions and motives of the Indian people will be the major determinant of their futures;

(2) Perceptions and motives change and can be influenced to change;

(3) We have not yet reached the point where the general objectives of the Indian community in the management of federal resources differ substantially from the objectives of federally-managed programs: improved health, educational, and economic status. The needs in these areas are still too great to cause tribes to divert substantial resources from these to other objectives;

(4) Policies should not and need not be uncorrectable. In fact, correctability (evaluation) should be built into them;

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This approach or strategy, which is the most familiar (and comfortable) one for [Executive Office of the President] officials has basically four problems.

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Problem (1) above is not unique to Indian programs, but the other three problems warrant additional consideration. First, Indians do not view their degree of relative disadvantage as the basis for special federal programs. Indian leaders, with the possible exception of Alaskan Natives, would disavow any connection with a federal policy directed toward an eventual end-state which did not include the following features:

—Perpetual federal trusteeship (including non-taxability) for Indian resources;

—Perpetual federal recognition of tribes as sovereign governments;

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Reburial

(Continued from Page 2)

Dr. Rice told both Pond and this newspaper in a subsequent interview that "there is no rush" in reburying the ancestral remains. An early July date, he said, was set only for storage reasons, and that he would like to see the reburial occur "some time in the fall" when most people will have more time.

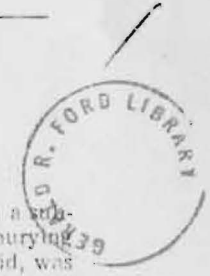
Rice said he felt the project is "something too important to rush into." Rice reiterated that a burial monument was already available and only needed an inscription engraved upon it. (The General Council decided to leave the wording of the inscription up to the Washut Drummers who will participate in the reburial ceremonies.)

The day that all this will take place has already been declared a Tribal Memorial Day by the General Council. After the reburial ceremonies will follow a memorial dinner—the same as when any tribal member passes away.

—What should become of the catalogs, photographs and research papers done during the excavation of the old Umatilla townsite where the 1,500-year-old graves were unearthed alongside the Columbia River?

The General Council asked Pond if he would request a copy of "any and all materials and information acquired" and that the tribe have a copyright to all information received.

—What other actions are being taken on other ancestral reburials here in the Northwest? The Yakimas recently chose to bury all fragmented artifacts at a recent West Richland reburial, according to Pond's conversation with Dr. Rice and decided to keep all the displayable artifacts for their soon-to-be-built cultural heritage complex.



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DATE: April 19, 1976

REPLY TO

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The result of all this is that Federal Indian programs are not needs-tested. Scholarships (over and above D/HEW programs) can go to children of GS-16's and people have been known to go back to reservations for health care. This is antithetical to the typical social-problem-solving approach taken to most Federal programs, but some Indians see themselves as receiving services because they are Indians and foresee no future set of conditions as supplying the rationale for a phasing out of these programs.

Secondly, the self-determination policy is by no means as ambiguous as it is frequently termed. That there is no clear Federal end-state goal being pursued is a function of the fact that this policy is process, not end-state in orientation. Its main components are

- Maximizing local choice of programs consonant with the constraints of
 - . Finite availability of funds
 - . Federal accountability for the use of tax resources.
 - . Federal accountability for the use and protection of Indian resources.



- Improving the abilities of tribal governments to select goals for themselves and apply resources in an efficient manner toward the attainment of those goals.
- Improving the administration of those programs which, by Federal or tribal choice, remain under the direct management of the Federal Government.
- Removing the threat of eventual termination from the decisionmaking environment of tribes.

It is this latter point which creates substantive as well as procedural barriers to the social problem-solving strategy alternative.

The point is that this "social engineering" strategy or model would require a reversal of at least the trend in which the current policy is leading if not actually a reversal of currently codified specific policy decisions. More, not less, Federal control over the uses of resources would be required, and serious consideration would have to be given to the following sub-strategies.

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- (5) Putting individual needs-tests on all Federal programs.
- (6) Encouraging States to take over basic community services which States supply to non-Indian communities, such as police, schools, public health, and the like.
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The fact is that these things have been tried and are perceived to have failed. Each one of these, except for encouragement of the arts, finds its converse in current Federal policy. It would be pointless to enlist the assistance of Indian leaders -- if they in fact ascribe to the views attributed to them on pages 2 and 3 above -- in the pursuit of this strategy. Furthermore, it would also be pointless to involve the Bureau of Indian Affairs and other "Indian" agency leadership in this effort. What would be required is the establishment of a permanent entity of 50-100 social science professionals, lawyers, and administrators to plan and impose these policies on the Indian community and its current supporters.

Incrementalist Strategy

The fundamental assumption of this strategy is that things will not go to hell in a handbasket even if no radical policy shifts are made. In this instance, it would have the following components:

- (1) The recognition that the objects of social change policy are not inert. Call it participation, involvement, self-determination, or what have you, the perceptions and motives of the Indian people will be the major determinant of their futures.
- (2) Perceptions and motives change and can be influenced to change.
- (3) We have not yet reached the point where the general objectives of the Indian community in the management of Federal resources differ substantially from the objectives of federally-managed programs: improved health, educational, and economic status. The needs in these areas are still too great to cause tribes to divert substantial resources from these to other objectives.

- (4) Policies should not and need not be uncorrectable. In fact, correctability (evaluation) should be built into them.
- (5) Self-Determination per se is not an inadequate policy framework unless it is too narrowly defined. If it means not only community (tribal) choice but also individual choice, there remains a major Federal role in altering socio-economic conditions at the local level.
- (6) Precedents are useful but not obligatory.
- (7) Dichotomies (as opposed to continuums) are harmful. It is not useful to say
 - . A tribe is either sovereign or non-existent.
 - . A resource is in trust or not in trust.
 - . A tribe is recognized or not recognized.
 - . A program is tribally-controlled or federally controlled.
- (8) Future policies should meet future needs, not simply institute actions in the future which should have been but were not, taken in the past. Self-Determination, taken this way, speaks to the future; it neither denies nor affirms the efficacy of past policies in the past.

Actions taken under this strategy are tentative, experimental, and correctable. Promises are modest, delivery is evaluated. The level of commitment is essentially rational and conditional, not emotional or moral. Issues of sovereignty and entitlement are viewed as reference points insofar as they are perceived to be valid concepts by some participants, but they are not viewed as "basic" or unconditional principles.



August 3, 1976

MEMORANDUM FOR: PAUL O'NEILL
FROM: MILT MITLER

Paul, can someone in OMB prepare an answer to the attached from Jake L. Whitecrow which references an OMB Memorandum concerning "Organization for Indian Affairs".

Thanks for your help.

MEM/cj

2cc: Sandy Drake

Attachment (Letter from Jake L. Whitecrow)



JAMES ABGUREZK, D-S. DAK., CHAIRMAN
LLOYD MEEDS, D-WASH., VICE CHAIRMAN
LEE RETCOFF, D-MONT.
MARK O. HATFIELD, R-OREG.
SIDNEY YATES, D-ILL.
SAM STEIGER, R-Ariz.

AMERICAN INDIAN POLICY REVIEW COMMISSION

CONGRESS OF THE UNITED STATES

HOUSE OFFICE BUILDING ANNEX No. 2
2D AND D STREETS, SW.

WASHINGTON, D.C. 20515

PHONE: 202-225-1284

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MAX I. RICHTMAN, PROFESSIONAL STAFF MEMBER

July 22, 1976

President Gerald R. Ford
United States of America
The White House
Washington, D.C.

Dear Mr. President:

I am enclosing a copy of what is called the "Borgstrom Memorandum" which was initiated in the Office of Management and Budget.

This memorandum disturbs me inasmuch as I am currently serving on the American Indian Policy Review Commission. This Congressional Commission, as you know, is reviewing and investigating the past and present relationships that the Federal Government has had with the various Indian Tribes in these United States. We shall be completing our work in a few months and will be making our reports to the Congress, hopefully in January 1977.

We are not sure, at this time, what our recommendations will be. However, when I hear you make those excellent and well accepted statements such as you made to those of us in attendance at the White House on Friday, July 16, 1976, and then view a memorandum from one of your offices such as the one attached, it does make me apprehensive about where we are going in the field of Indian affairs.

I have been involved actively in Indian affairs since 1953 and have viewed the many policies and their results. I must say that right now I feel the constant change of strategies is still with us. I am certain that you do not condone either of the two strategies as exemplified in the attached memorandum. I would, however, appreciate your response in order that I may assist in bringing the truth to our Indian citizens.

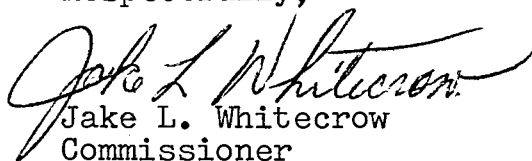


President Gerald R. Ford
Page 2
July 22, 1976

I have disseminated this memo in our locality of Eastern Oklahoma. Therefore, I feel certain that you will be receiving numerous letters regarding it.

Thanking you for your attention to this matter, I remain

Respectfully,



Jake L. Whitecrow
Commissioner
American Indian Policy
Review Commission
P.O. Box 1308
Miami, OK 74354

JLW/ca

cc: Senator James Abourezk
Senator Mark Hatfield
Senator Lee Metcalf
Congressman Lloyd Meeds
Congressman Sam R. Steiger
Congressman Sidney Yates
Commissioner John Borbridge, Jr.
Commissioner Ada Deere
Commissioner Louis Bruce
Commissioner Adolph Dial
Mr. Ernie Stevens, Director, AIPRC
Mr. Kirk Kickingbird, General Counsel, AIPRC
The New Special Assistant to the President for Indian Affairs



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 19, 1976

NR/Interior Branch

Organization for Indian Affairs

Mr. Mitchell

We believe that the selection of an appropriate structure and composition for a focal point for the conduct of Federal Indian programs should follow rather than precede the selection of a strategy for Federal Indian policy. This paper will describe two alternative strategies and the elements of a focal point which appear most appropriate to each. These two strategies are (1) Long-Range Social Problem-Solving and (2) Incrementalism.

Long-Range Social Problem-Solving

This strategy involves the prescription of some future end-state or goal toward which Federal intervention is directed. Generally, it entails the definition of a "gap" between an extant set of conditions and a desired set of conditions, a gap which is presumed to be susceptible to permanent closure through the application of resources. Frequently, it is assumed that the agency addressing this gap ought to be "working itself out of a job."

In Indian affairs, this gap is described in terms of the current condition of many Indian people as (relatively) ill-housed, uneducated, unhealthy, and un-or-under-employed. It assumes that when these gaps are closed through Federal programming, the Federal Government can get out of special Indian programs. The perceived need is for the Federal Government to be more efficient in closing this gap, hence hastening the day when special Federal programs will no longer be "needed".

This approach or strategy, which is the most familiar (and comfortable) one for EXOP officials, has basically four problems:



- (1) The gap is relative; the reference group typically used, the average American family, is constantly changing.
- (2) "Working the Federally Government out of the Indian business" is not consonent with the prevailing Indian view of a perpetual special Federal Indian relationship.
- (3) As such; this approach is not consonent with self-determination as is now being implemented. Self-determination (local goal-setting, resource allocation, program design, and program management) will only lead to the eventual cessation of special Federal Indian programs as a very unintended effect of the execution of the current policy.
- (4) Most social interventionist policies assume that, once properly prepared, clients will avail themselves fully of non-Federal opportunities created. If people are trained, they will take available jobs. If people are brought up to a health standard and are taught hygiene, they will keep themselves healthy and avail themselves of other public and private health resources. It is simply not obvious that this is the case with the reservati Indian population.

Problem (1) above is not unique to Indian programs, but the other three problems warrant additional consideration. First, Indians do not view their degree of relative disadvantage as the basis for special Federal programs. Indian leaders, with the possible exception of Alaskan Natives, would disavow any connection with a Federal policy directed toward an eventual end-sate which did not include all of the following features.

- Perpetual Federal trusteeship (including non-taxability) for Indian resources.
- Perpetual Federal recognition of tribes as sovereign governments.



- Perpetual entitlement to special Federal program benefits on the basis of treaty agreements. (Note: at a recent meeting on BIA scholarships, we were informed that one tribe interpreted the treaty provision in the 1800's concerning education to mean free Indian education to whatever level of education, including multiple Ph D. 's an Indian wanted to attain.)
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