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REPLY
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Mr. Mitchell Confidential

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 consistently changing.
- (2) "Working the Federal 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 consistent with self-determination as is now being implemented. Self-determination (local goal-setting, resource allocation, program designed, 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.
- 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 need-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 decision-making 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 recongizing (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 -he 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.