

Commentary

Slowly, we're working BIA out of a job

by Kadashan

It's been suggested that General Custer became the first Indian Agent. "Don't do anything until I get back," he said, before leading his troops to the *battle of Little Big Horn*.

Then the Bureau of Indian Affairs was created by the federal government. The original intent was for the bureau to "work itself out of a job" and eventually fade away when it achieved the goal of assisting Native Americans back to self-sufficiency.

We are familiar with the myriad of policies the federal government has imposed upon tribes through the

years, from extermination to termination, from Indian Reorganization to Self-Determination. Since 1988, Self-Governance has been the new driving force in Indian Country across the nation.

At the onset, Self Governance proved successful as a demonstration project. Then it became permanent through an act of Congress in 1994. Because Self-Governance was a tribally-driven initiative, strong resistance from the Bureau of Indian Affairs stifled progress. Many bureaucrats in the agency felt threatened by the renewed goal which was: to work the agency out of a job. When the

people in the bureau realized Self-Governance was not going to go away, it started the process of restructuring – a downsizing that would turn most programs over to the tribes.

Now the Indian Health Service (IHS) has entered into a demonstration project and is compacting with tribes for health services on reservations and in tribal communities.

Last spring, a Self-Governance Conference was held in San Diego, California to address how the IHS can get involved in compacting with tribal governments. Reuben Howard, deputy director of Indian Health Ser-

Page 9, please

We're working BIA out of a job . . .

Continued from page 2

vice, and Douglas Black, IHS associate director are both Native Americans. They came to the conference with a set of policies transferred to them by the upper management people with IHS with the intent of instructing tribes on how we can enter into annual funding agreements for health services in our communities.

Joe DeLaCruz from the Quinault Indian Nation in Washington State arose and instructed these people that it wasn't their place to tell tribes what they had to do to assume health concerns for their people.

"Self-governance is a tribally-driven initiative," he said. "We decide how we want to administer our health care, and you from IHS will structure your programs to administer us." They were challenged to return to Washington, D.C. with that message to upper management and, like the BIA had to do, restructure themselves to become administrators of government contracts rather than service providers. The IHS is having difficulty with that restructuring.

On April 28, 1994, President Clinton invited tribal leaders to Washington where he signed a directive instruction all Federal agencies

to begin working with recognized tribal authorities on a real government-to-government relationship. This was a major step forward because what it did was obligate the federal agencies under the Department of Interior to cooperate with tribal governments.

For the past year, tribes have been developing guidelines in preparation to assume programs, functions, activities and services in their areas. Tribes will be able to negotiate and enter into annual funding agreements with any non-BIA program that has any geographical, cultural or historical significance to tribes. What this means is that if a tribe recognizes a program in any of those agencies under the Department of Interior, it would like to assume, all that tribe needs to do is write a letter of intent to enter pre-negotiations with that agency. If the negotiation is successful, the funding that would normally be given to that agency to operate the program would be transferred to the tribal government for implementation.

Tribal leaders met in Denver, Colorado on three separate occasions as a working group to develop guidelines which set the stage for tribes to enter into negotiations with non-BIA

programs. February 2-3, 1995 was the last meeting at which guidelines were finalized and submitted to Interior Secretary Babbitt. In March, Assistant Secretary Ada Deere announced the implementation of contracting for non-BIA programs. Several tribes are in the process of writing letters of intent. The Sitka Tribe, for example, is applying to enter into negotiation to assume management of the Sitka National Historical Park in Sitka. Another example is some tribes are interested in assuming control of fish hatcheries run by the U.S. Fish and Wildlife Service.

There are a couple of concerns that could seriously affect the progress of self-governance with non-BIA programs, however. First is the Office of Self-Governance position in the Interior Department. Presently, it is in Assistant Secretary Ada Deere's office. It was placed there deliberately to preside over the BIA, which is on the same level of the other agencies in the DOI.

"With this situation, the Office of Self-Governance has no clout with the non-BIA programs," says Bill Sinclair.

A recommendation by tribes to elevate the Office of Self-Governance directly under Secretary

Babbitt's office has been ignored.

Another issue was the hiring of a permanent Director of Self-Governance. William LaVell, longtime friend of Indian people, directed the program as a demonstration project, but he retired two years ago. Bill Sinclair, who served under LaVell as deputy director and is considered by tribal leaders as a Washington bureaucrat, has been serving as the acting director. Last year, self-governance tribes submitted names of individuals they felt would be sympathetic to Native American concerns for consideration. The Department of Interior reduced the list of applicants to three finalists, including Sinclair, but not including any of the tribal names. At a recent self-governance meeting in Scottsdale, Arizona, tribes refused to endorse any of the applicants and instructed the Department of Interior to re-advertise the position and allow tribal representatives to interview the inlay applicants. Tribes will again submit their own nominations and ask that the position be filled by late summer.

Well, notwithstanding the many problems tribes experience in dealing with the bureaucracy of the federal government, the concept of self-governance for Native Americans is

continually gaining momentum. When the demonstration project was begun in 1988, seven tribes participated in the process. Each year, new tribes are allowed to enter into self-governance compacting. As of this year, 29 tribes have taken on the responsibility of determining their own destinies; twenty new tribes will be accepted into self-governance compacting this year. As they do so, they are taking on more from the federal government in programs, services, activities and functions and bringing responsibilities back to the local level.

The words of G.I. James, a tribal leader from the Lumbee Tribe in Washington State (one of the seven original tribes in the demonstration project) are timely statement. He said, "We have crossed the bridge, and instead of burning the bridges behind us, we are asking other tribes to cross the bridge with us. Those of us who have gone through the process will help smaller and weaker tribes become true benefactors of the self-governance concept."

Well, we've come a long way since General Custer; perhaps we can create a timely statement of our own:

As Indian tribes cross that bridge, we invite true, patriotic Americans to cross the bridge with us, as well.