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Public Law 93-580
93rd Congress, S. J. Res. 133
January 2, 1975

Joint Resolution

To provide for the establishment of the American Indian Policy Review Commission.

CONGRESSIONAL FINDINGS

The Congress, after careful review of the Federal Government's historical and special legal relationship with American Indian people, finds that—

(a) the policy implementing this relationship has shifted and changed with changing administrations and passing years, without apparent rational design and without a consistent goal to achieve Indian self-sufficiency;

(b) there has been no general comprehensive review of conduct of Indian affairs by the United States nor a coherent investigation of the many problems and issues involved in the conduct of Indian affairs since the 1928 Meriam Report conducted by the Institute for Government Research; and

(c) in carrying out its responsibilities under its plenary power over Indian affairs, it is imperative that the Congress now cause such a comprehensive review of Indian affairs to be conducted.

DECLARATION OF PURPOSE

Congress declares that it is timely and essential to conduct a comprehensive review of the historical and legal developments underlying the Indians' unique relationship with the Federal Government in order to determine the nature and scope of necessary revisions in the formulation of policies and programs for the benefit of Indians.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) In order to carry out the purposes described in the preamble hereof and as further set out herein, there is hereby created the American Indian Policy Review Commission, hereinafter referred to as the "Commission".

(b) The Commission shall be composed of eleven members, as follows:

(1) three Members of the Senate appointed by the President pro tempore of the Senate, two from the majority party and one from the minority party;

(2) three Members of the House of Representatives appointed by the Speaker of the House of Representatives, two from the majority party and one from the minority party; and

(3) five Indian members as provided in subsection (c) of this section.

(c) At its organization meeting, the members of the Commission appointed pursuant to section (b) (1) and (b) (2) of this section shall elect from among their members a Chairman and a Vice Chairman. Immediately thereafter, such members shall select, by majority vote, five Indian members of the Commission from the Indian community, as follows:

(1) three members shall be selected from Indian tribes that are recognized by the Federal Government;

(2) one member shall be selected to represent urban Indians; and

(3) one member shall be selected who is a member of an Indian group not recognized by the Federal Government.

25 USC 174
note.

American Indian Policy Review Commission.
Establishment
25 USC 174
note.
Membership.

88 STAT. 1910.
88 STAT. 1911



None of the Indian members shall be employees of the Federal Government concurrently with their term of service on the Commission nor shall there be more than one member from any one Indian tribe.

Vacancies.

(d) Vacancies in the membership of the Commission shall not affect the power of the remaining members to execute the functions of the Commission and shall be filled in the same manner as in the case of the original appointment.

(e) Six members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings: *Provided*, That at least one congressional member must be present at any Commission hearing.

(f) Members of the Congress who are members of the Commission shall serve without any compensation other than that received for their services as Members of Congress, but they may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Commission.

(g) The Indian members of the Commission shall receive compensation for each day such members are engaged in the actual performance of duties vested in the Commission at a daily rate not to exceed the daily equivalent of the maximum annual compensation that may be paid to employees of the United States Senate generally. Each such member may be reimbursed for travel expenses, including per diem in lieu of subsistence.

Investigation
and study.
25 USC 174
note.

Sec. 2. It shall be the duty of the Commission to make a comprehensive investigation and study of Indian affairs and the scope of such duty shall include, but shall not be limited to—

(1) a study and analysis of the Constitution, treaties, statutes, judicial interpretations, and Executive orders to determine the attributes of the unique relationship between the Federal Government and Indian tribes and the land and other resources they possess;

(2) a review of the policies, practices, and structure of the Federal agencies charged with protecting Indian resources and providing services to Indians: *Provided*, That such review shall include a management study of the Bureau of Indian Affairs utilizing experts from the public and private sector;

(3) an examination of the statutes and procedures for granting Federal recognition and extending services to Indian communities and individuals;

(4) the collection and compilation of data necessary to understand the extent of Indian needs which presently exist or will exist in the near future;

(5) an exploration of the feasibility of alternative elective bodies which could fully represent Indians at the national level of Government to provide Indians with maximum participation in policy formation and program development;

88 STAT. 1911
88 STAT. 1912

(6) a consideration of alternative methods to strengthen tribal government so that the tribes might fully represent their members and, at the same time, guarantee the fundamental rights of individual Indians; and

(7) the recommendation of such modification of existing laws, procedures, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy and declaration of purposes as set out above.

POWERS OF THE COMMISSION

SEC. 3. (a) The Commission or, on authorization of the Commission, any committee of two or more members is authorized, for the purposes of carrying out the provisions of this resolution, to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Commission may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Commission unless a majority of the Commission assent. Upon the authorization of the Commission subpoenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or the Commission, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Commission or any member thereof may administer oaths or affirmations to witnesses.

25 USC 174
note.

(b) The provisions of sections 192 through 194, inclusive, of title 2, United States Code, shall apply in the case of any failure of any witness to comply with any subpoena when summoned under this section.

(c) The Commission is authorized to secure from any department, agency, or instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this resolution and each such department, agency, or instrumentality is authorized and directed to furnish such information to the Commission and to conduct such studies and surveys as may be requested by the Chairman or the Vice Chairman when acting as Chairman.

(d) If the Commission requires of any witness or of any Government agency the production of any materials which have theretofore been submitted to a Government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held in confidence by the Commission.

Confidential
materials.

INVESTIGATING TASK FORCES

SEC. 4. (a) As soon as practicable after the organization of the Commission, the Commission shall, for the purpose of gathering facts and other information necessary to carry out its responsibilities pursuant to section 2 of this resolution, appoint investigating task forces to be composed of three persons, a majority of whom shall be of Indian descent. Such task forces shall be appointed and directed to make preliminary investigations and studies in the various areas of Indian affairs, including, but not limited to—

25 USC 174
note.

(1) trust responsibility and Federal-Indian relationship, including treaty review;

(2) tribal government;

(3) Federal administration and structure of Indian affairs;

(4) Federal, State, and tribal jurisdiction;

(5) Indian education;

(6) Indian health;

(7) reservation development;

(8) urban, rural nonreservation, terminated, and nonfederally recognized Indians; and

(9) Indian law revision, consolidation, and codification.

88 STAT. 1912
88 STAT. 1913

(b) (i) Such task forces shall have such powers and authorities, in carrying out their responsibilities, as shall be conferred upon them by the Commission, except that they shall have no power to issue subpoenas or to administer oaths or affirmations: *Provided*, That they may call upon the Commission or any committee thereof, in the Commission's discretion, to assist them in securing any testimony, materials, documents, or other information necessary for their investigation and study.

(ii) The Commission shall require each task force to provide written quarterly reports to the Commission on the progress of the task force and, in the discretion of the Commission, an oral presentation of such report. In order to insure the correlation of data in the final report and recommendations of the Commission, the Director of the Commission shall coordinate the independent efforts of the task force groups.

(c) The Commission may fix the compensation of the members of such task forces at a rate not to exceed the daily equivalent of the highest rate of annual compensation that may be paid to employees of the United States Senate generally.

(d) The Commission shall, pursuant to section 6, insure that the task forces are provided with adequate staff support in addition to that authorized under section 6(a), to carry out the projects assigned to them.

(e) Each task force appointed by the Commission shall, within one year from the date of the appointment of its members, submit to the Commission its final report of investigation and study together with recommendations thereon.

REPORT OF THE COMMISSION

SEC. 5. (a) Upon the report of the task forces made pursuant to section 4 hereof, the Commission shall review and compile such reports, together with its independent findings, into a final report. Within six months after the reports of the investigating task forces, the Commission shall submit its final report, together with recommendations thereon, to the President of the Senate and the Speaker of the House of Representatives. The Commission shall cease to exist six months after submission of said final report but not later than June 30, 1977. All records and papers of the Commission shall thereupon be delivered to the Administrator of the General Services Administration for deposit in the Archives of the United States.

(b) Any recommendation of the Commission involving the enactment of legislation shall be referred by the President of the Senate or the Speaker of the House of Representatives to the appropriate standing committee of the Senate and House of Representatives, respectively, and such committees shall make a report thereon to the respective house within two years of such referral.

COMMISSION STAFF

SEC. 6. (a) The Commission may by record vote of a majority of the Commission members, appoint a Director of the Commission, a General Counsel, one professional staff member, and three clerical assistants. The Commission shall prescribe the duties and responsibilities of such staff members and fix their compensation at per annum gross rates not in excess of the per annum rates of compensation prescribed for employees of standing committees of the Senate.

(b) In carrying out any of its functions under this resolution, the Commission is authorized to utilize the services, information, facili-

ties, and personnel of the Executive departments and agencies of the Government, and to procure the temporary or intermittent services of experts or consultants or organizations thereof by contract at rates of compensation not in excess of the daily equivalent of the highest per annum rate of compensation that may be paid to employees of the Senate generally.

SEC. 7. There is hereby authorized to be appropriated a sum not to exceed \$2,500,000 to carry out the provisions of this resolution. Until such time as funds are appropriated pursuant to this section, salaries and expenses of the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman. To the extent that any payments are made from the contingent fund of the Senate prior to the time appropriation is made, such payments shall be chargeable against the maximum amount authorized herein.

Approved January 2, 1975.

Appropriation.
25 USC 174
note.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1420 accompanying H.J.Res. 1117 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 93-594 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD:

Vol. 119 (1973): Dec. 5, considered and passed Senate.

Vol. 120 (1974): Nov. 19, considered and passed House, amended, in lieu of H.J.Res. 1117.

Dec. 16, Senate concurred in House amendment with an amendment.

Dec. 18, House concurred in Senate amendments to House amendments.

25 USC 174
note.

Report, sub-
mittal to
President
of the
Senate and
Speaker of
the House.

88 STAT. 1913
88 STAT. 1914

25 USC 174
note.

March 15, 1975

Dear Mr. Lovato:

Thank you for your mailgram to President Ford concerning the establishment of the American Indian Policy Review Commission and its staff.

Your communication has been forwarded to the Chairman of the Commission, Senator James G. Abourezk for his consideration and direct reply. He has the responsibility of recommending appointments to the Commission.

Sincerely,

Norman E. Ross, Jr.
Assistant Director
Domestic Council

Mr. Delfin J. Lovato
Chairman
All Indian Pueblo Council, Inc.
Albuquerque, New Mexico

bcc: Honorable James Abourezk

R/p 3-15-75
cc-Wh Files



THE WHITE HOUSE

WASHINGTON

3-14

I talked to some one on Senator Abourezk's staff who informed me that the Indian Policy Review Commission is being staffed right now with some appointments already made -- as indicated in the attached news release.

In view of this, perhaps the attached mailg ram from Lovato, asking that Wendell Chino be appointed to the Board should be forwarded to Abourezk for ~~thex~~ his consideration with an interim reply to Lovato from you.

P/s. Note our interim reply to Lovato.

Good.

Thank you
3/19

pt



NEWS FROM

JIM ABOUREZK

U.S. SENATOR • SOUTH DAKOTA

SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510

FOR INFORMATION CONTACT:
JOHN THORNE (202) 225-5842

FOR IMMEDIATE RELEASE
MARCH 6, 1975

ABOUREZK SELECTED CHAIRMAN OF THE AMERICAN INDIAN POLICY REVIEW COMMISSION

Senator James Abourezk was selected Wednesday afternoon as Chairman of the American Indian Policy Review Commission. Congressman Lloyd Meeds was selected as Vice-Chairman.

The Commission, established by legislation passed late last year, will undertake a sweeping two year review of the Federal-Indian relationship and of government programs and policies affecting American Indian people. "The Commission is designed to find out what went wrong with American Indian Policy and what should be done to correct it", Abourezk said. "The study will be the first of its kind since the Meriam Report of 1928 and will make legislative and orther recommendations to the Congress".

Senator Abourezk, who now serves as Chairman of the Senate's Indian Affairs Subcommittee, was born and raised on the Rosebud Sioux Indian Reservation in South Dakota. Congressman Meeds serves as Chairman of the House Indian Affairs Subcommittee and has played a major role in Indian Affairs for many years.

Senator Abourezk today said he intends to commence the operation of the Commission immediately and warned that the review undertaken by the Commission will thorough and critical. "So far as I am concerned there is a lot wrong with the way America has treated her native citizens. We have wasted money without results, humiliated proud people and have generally put together a sorry record in the area of Indian Affairs", Abourezk said.

The South Dakota Senator said he believes the members of the Indian Policy Review Commission "are exceptionally highly qualified to undertake a tough, fair review which will not hesitate to suggest changes where needed or to commend existing practices where they are doing the job".

Other Members of the Commission are Sen. Lee Metcalf (D-Mont.) Sen. Mark Hatfield (R-Ore.) Cong. Sidney Yates (D-Ill.) Cong. Sam Stiger (R-Ariz.) Ms. Ada Deer, a Menominee from Wisconsin, Jake White Crow a Quapaw from Oklahoma, John Borbridge, Tlingit Indian from Alaska, Louis Burce, a Mohawk-Sioux from New York State (Bruce is a former Commissioner of Indian Affairs), and Adolph Dial a Lumbee Indian from North Carolina.



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NR
PRESIDENT FORD
WHITE HOUSE
WASHINGTON DC 20500

DEAR MR PRESIDENT

THE ALL INDIAN PUEBLO COUNCIL REPRESENTING THE 19 NEW MEXICO TRIBES IS DEEPLY DISAPPOINTED OVER THE PRESENT COMPOSITION OF THE INDIAN POLICY REVIEW BOARD AND ITS STAFF

THE ALL INDIAN PUEBLO COUNCIL AS WELL AS OTHER NATIONAL ORGANIZATION HAS GONE ON RECORD STRONGLY SUPPORTING THE APPOINTMENT OF MR WENDELL CHINO TO THIS BOARD

IN VIEW OF THE VITAL ROLE AND THE IMPACT THAT THIS BOARD WILL HAVE ON INDIAN AFFAIRS, WE STRONGLY FEEL THAT THE PRESENT INDIAN REPRESENTATION ON THE BOARD DOES NOT GIVE ANY REPRESENTATION TO THE INDIANS IN NEW MEXICO AND OTHER SOUTHWEST STATES

THE PRESENT INDIAN MEMBERSHIP IS LARGELY REPRESENTATIVE OF EASTERN INDIANS WHO ARE NEITHER FEDERALLY RECOGNIZED AND WHICH ARE URBAN ORIENTED. THE NEW MEXICO AND OTHER SOUTHWEST TRIBES ARE THE LAST STRONGHOLD OF INDIAN CULTURE AND WILL BE THE FOCAL POINT FOR MANY OF THE SERIOUS ISSUES TO CONFRONT THE INDIAN PEOPLE IN FUTURE YEARS. THESE ISSUES INCLUDE: LAND WATER JURISDICTIONAL PROBLEMS AND ALSO THE DEVELOPMENT OF OTHER NATURAL RESOURCES SUCH AS OIL GAS AND COAL. ENCLOSING WE STRONGLY APPEAL TO YOU IN GETTING MR WENDELL CHINO, PRESIDENT OF THE NATIONAL TRIBAL CHAIRMAN ASSOCIATION APPOINTED TO THE BOARD

NONE OF THE PRESENT INDIANS NAMED TO THIS BOARD REPRESENT THE INTEREST OF THE NEW MEXICO TRIBE

DELFIN J LOVATO, CHAIRMAN
ALL INDIAN PUEBLO COUNCIL INCORPORATED

18:30 EDT

MGMWSHT HSB



April 30, 1975

Dear Mr. Chairman:

On behalf of the President, thank you for your recent letter enclosing a copy of Resolution NP 75-281 concerning the selections and appointments made to the American Indian Policy Review Commission.

Your communication has been forwarded to the Chairman of the Commission, Senator James G. Abourezk, for his attention and consideration.

The President appreciates being made aware of the Nez Perce Tribal concerns, and he is hopeful that attention will be given to the Nez Perce Tribe as stated in the Resolution.

Sincerely,

Norman E. Ross, Jr.
Assistant Director
Domestic Council

Honorable Richard A. Halfmoon
Chairman
Nez Perce Tribal Executive Committee
Box 305
Lapwai, Idaho 83540

bcc: Sen. James Abourezk w/cencom ltr

NROSS/pt 4-29-75

cc: WH files w/cc of incom ltr



April 14, 1975

Dear Mr. Begay:

Thank you for your March 31 letter to the President enclosing a copy of Resolution No. 75-02 concerning the American Indian Policy Review Commission.

Your communication has been forwarded to the Chairman of the Commission, Senator James G. Abourezk for his attention and consideration.

The President appreciates being made aware of your concern and is hopeful that attention will be given to the United Southeastern Tribes as stated in the Resolution.

Sincerely,

Tucker/pt 4-11-75

Norman E. Ross, Jr.
Assistant Director
Domestic Council

Mr. Eugene A. Begay
Executive Director
Office of the Executive Director
1970 Main Street
Sarasota, Florida 33577

bcc: Chairman James Abourezk w/incom corres.
cc: WH files w/cc of incom corres

