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NATIONAL CONGRESS OF AMERICAN INDIANS

CONSTITUTION
AND BY-LAWS*



*As Amended:

September 2, 1955
November 1, 1957
December 10, 1957
November 4, 1965
October 2, 1967
November 17, 1971

NCAI CONSTITUTION

PREAMBLE

We, the members of Indian tribes of the United States of America invoking the Divine guidance of Almighty God in order to secure to ourselves—the Indians of the United States and the Natives of Alaska—and our descendants the rights and benefits to which we are entitled under the laws of the United States, and the several states thereof; to enlighten the public toward the better understanding of the Indian people; to preserve rights under Indian treaties or agreements with the United States; to promote the common welfare of the American Indian and to foster the continued loyalty and allegiance of American Indians to the flag of the United States do establish this organization and adopt the following Constitution and By-laws.

ARTICLE I

The name of this organization shall be the National Congress of American Indians with headquarters in Washington, D.C.

ARTICLE II

MEMBERSHIP

Section 1. Membership shall be of four classes:

a. Individual Membership. Any person of Indian ancestry in the United States or a native of Alaska is eligible for individual membership. For the purpose of this section, an Indian is a person who is recognized as a member by an Indian tribe, or band, or combination of tribes and bands recognized by the U.S. Department of the Interior, the Indian Claims Commission, Court of Claims, or a State.

b. Tribal Membership. Any tribe, band or identifiable group of American Indians, Eskimos and Aleuts shall be eligible for tribal membership provided it shall fulfill all of the following requirements: (1) A substantial number of its members reside upon the same reservation, or (in the absence of a reservation) in the same general locality; (2) It maintains a tribal organization, with regular officers and the means of transacting business and arriving at a reasonably accurate count of its membership; (3) It is not a mere offshoot or fraction of an organized tribe itself eligible for membership; and (4) It is recognized as a tribe, band, or other identifiable group of American Indians by the Department of the Interior, Court of Claims, the Indian Claims Commission, or a State.

c. Individual Associate Membership. Non-Indian applicants may be admitted to non-voting associate

membership upon the payment of annual dues as fixed by the By-laws.

d. Organization Associate Membership. Non-Indian organizations may be admitted to non-voting associate membership upon the payment of annual dues as fixed by the By-laws.

e. No individual or organization with known subversive activities or affiliation shall be admitted to membership, nor shall their contributions be accepted.

Section 2. Resignation. A member not in default in payment of dues may at any time file his or its resignation in writing with the Recording Secretary, and it shall become effective as of the date it is filed.

Section 3. Expulsion and Reinstatement of Members. The Executive Council may suspend or expel any member for cause, after a hearing before such persons and in such manner as the Executive Council shall direct, or may suspend or drop from membership any member for non-payment of dues. Any member suspended or expelled may be reinstated by the affirmative vote of a majority of the members of the Executive Council.

ARTICLE III

ANNUAL CONVENTION

There shall be an annual convention of the organization, the place and time to be determined by the Executive Council before adjournment of the annual meeting of the Executive Council immediately following the annual convention.

ARTICLE IV

NOMINATION, ELECTION AND TERMS OF OFFICERS

Section 1. Nominations. Nominations for President, a First Vice-President, and Recording Secretary shall be made from the floor of the convention, beginning with the office of the President, after which balloting for that office shall be completed, then proceeding to the First Vice-President, after which balloting for that office shall be completed, then proceeding to the Recording Secretary. After the election of the Recording Secretary all of the tribal representatives from each regional area of the Bureau of Indian Affairs shall caucus separately and elect a Vice-President to represent the National Congress of American Indians from that area. Only members in good standing shall qualify for nomination, election, or office.

Section 2. Elections. The President, the Vice-Presidents and the Recording Secretary shall be elected by secret ballot for individuals and for tribal members by a majority vote of all members, individuals and tribal, present and voting. If there shall be a tie vote, or if the candidate with the highest number of votes shall not receive a majority of all votes cast in a particular election, a further ballot shall

be cast listing the two candidates receiving the highest number of votes. In the case of a tie for second place, there shall be a run-off between the tied candidates. The winner of that run-off shall then appear on the next ballot with the candidate originally receiving the highest vote.

Section 3. Votes. Each individual member is entitled to one vote. Each tribal member is entitled to from 100-180 votes, depending upon the enrollment of the tribe. Each tribal member shall vote in accordance with the following table:

<i>Size of Tribe</i>	<i>Number of Votes</i>
to and including 500	100
501 to 1500	110
1501 to 2500	120
2501 to 3500	130
3501 to 4500	140
4501 to 5500	150
5501 to 6500	160
6501 to 7500	170
over 7500	180

Section 4. Terms of Office. The regular terms of elected officers shall be from the adjournment of the convention at which they are elected until adjournment of the next convention, except that the President shall be elected for a term of two years. No elected officer may hold office continuously for more than four years.

ARTICLE V

EXECUTIVE COUNCIL

Section 1. Membership. The Executive Council shall consist of one duly certified representative of each tribe which is a member-tribe, in addition to the President, the First Vice-President, the ten Vice Presidents, the Recording Secretary and the Treasurer each of whom shall hold office until his successor is certified or elected and qualified. Each member shall have one vote.

Section 2. Tribal Representatives. Each member tribe shall designate its official representative from individuals eligible for voting membership in this organization, and may designate an alternate who may, in the absence of the representative, exercise all the rights of the regular representative. Each member tribe shall certify such choice to the Recording Secretary prior to the convening of the annual convention. Each representative shall continue as such until a successor is certified by the member-tribe.

Section 3. Meetings. The Executive Council shall meet during the annual convention immediately following the election of the President, the First Vice-President, and the Recording Secretary, to elect the Treasurer; to fix the time and place of the next convention; to adopt a budget for the next calendar year; to determine upon professional services and field representatives; to dispose of other administrative

and policy matters; and its annual meeting shall be held within the first quarter of each year in Washington, D.C. It shall meet on such other occasions as shall be determined upon by majority vote of the Executive Council, or in case of emergency, at the call of the Executive Director if approved by the President or the First Vice-President.

Section 4. Powers. The control, administration and determination of policy of the organization shall be vested in the Executive Council with authority to delegate specific duties and responsibilities to the Executive Committee, the Executive Director and other officers; provided however, that such administrative policy shall not be in conflict with action taken by the organization in duly called, noticed, and convened convention assembled. It shall, without limitation, have the following specific powers;

a. To organize for business and regulate its own procedure, and to adopt and from time to time amend By-laws for administration of affairs of the organization not inconsistent with this Constitution.

b. To elect by secret ballot a Treasurer and to provide for the employment of the Executive Director, each of whom must be a member in good standing.

c. To fix dues payable by members.

d. To fix salaries of officers and employees.

e. To accept gifts, bequests, and contributions from any sources except known subversive organizations or individuals.

f. To appropriate, allocate and budget funds to effectuate the purposes of the organization.

g. To fill the vacancies of officers for the balance of unexpired terms, except that upon the death, resignation or disability of the President his office shall be filled by the First Vice-President; in the event of the death, resignation or disability of the President and the First Vice-President, the Executive Council shall elect a successor from among the ten Vice-Presidents.

h. To adopt and determine upon policies on behalf of the organization taking fully into account any relevant action of the annual convention; provided, that no action taken by the Executive Council shall be in conflict with the terms provided herein.

i. To retain and agree upon compensation for such professional assistance as may be required.

j. To constitute committees for such purposes as it deems necessary.

k. To affiliate with such other organizations or to permit their affiliation with NCAI, as will support the purposes of the organization.

l. In general to carry out the purposes and mission of the NCAI as proclaimed by this Constitution and its By-laws.

Section 5. Quorum. One-third (1/3) of the membership shall constitute a quorum.

Section 6. Special Action. The Executive Council may act by mail ballot upon any matter within its power at any time between annual conventions upon request of the Executive Committee, or upon petition stating the matter to be voted upon signed by twenty per cent of the membership of the Executive Council or upon request of the President or the Executive Director.

ARTICLE VI

EXECUTIVE COMMITTEE

Section 1. Membership. The Executive Committee shall consist of the President, the First Vice-President, the Recording Secretary, the Treasurer, and the ten Vice-Presidents, with the President serving as Chairman.

Section 2. Powers. During the interval between meetings of the Executive Council, the executive Committee shall have full authority to act for the Executive Council in any way in which the Executive Council would be authorized to act, except that it is not authorized to amend this Constitution, nor to reverse any action taken by the Executive Council. The Executive Committee shall meet at the call of the Executive Director subject to approval by the President or First Vice-President of the NCAI. Any action taken by the Executive Committee shall be immediately reported by mail by the Executive Director to the Executive Council; provided, that no action of the Executive Committee shall be contrary to this Constitution and By-laws.

Section 3. Quorum. Eight members of the Executive Committee including either the President or First Vice-President shall constitute a quorum.

ARTICLE VII

MEMBERSHIP DUES

Minimum annual membership dues shall be payable as prescribed in the By-laws.

ARTICLE VIII

SERVICES

Section 1. Individual members paying minimum dues shall be entitled to receive the NCAI *Bulletin*.

Section 2. Member tribes shall be entitled to receive all NCAI publications. Within the budgetary limitations of the organization, or upon special arrangement and/or reimbursement, they shall also be entitled to such special legislative, research, public relations and other services as the organization is able to and may lawfully provide.

ARTICLE IX

POLITICAL ACTIVITY

The National Congress of American Indians shall not engage in nor lend itself to partisan political activity.

ARTICLE X

AMENDMENTS TO CONSTITUTION

This Constitution may be amended by not less than two-thirds of the total votes cast at the annual convention. Tribal votes shall be taken into account. Any member of the organization may submit proposed amendments by forwarding them to the national office not later than three months prior to the annual convention. All proposed amendments shall be submitted by the national office to the membership not later than two months prior to the annual convention. Amendment of the Constitution shall be considered and acted upon during the first half of the annual convention.

CERTIFICATE OF ADOPTION

The foregoing Constitution was unanimously adopted on November 17, 1971, at the 28th annual convention of the National Congress of American Indians, Reno, Nevada.

Earl Old Person
President

Veronica Murdock
Recording Secretary

Leo Vocu
Executive Director

Attest:

James Cox, *Chairman*
Constitutional Revisions
Committee, 28th Annual
Convention, NCAI

As Amended:

September 2, 1955
November 1, 1957
December 10, 1957
November 4, 1965
October 2, 1967
November 17, 1971

NCAI BY-LAWS

As Amended at the
Executive Council Meetings
April 2, 1960
October 2, 1967

ARTICLE I

Section 1. Duties of Officers:

a. The President shall preside at all conventions of the organization and meetings of the Executive Council and shall exercise other duties delegated to him by the Executive Council.

b. The First Vice-President shall assume the responsibilities of the President in the absence or incapacity of the President, and shall carry on such other duties as are assigned by the Executive Council.

c. The ten Vice-Presidents shall be responsible for coordination of National Congress of American Indians activities in their areas, shall take the lead in fund raising and membership activities in their areas, shall act as liaison between the tribal and individual members in their areas and the officers and other members of the Executive Council, and shall carry out other duties as directed by the Executive Council and suggested by the Executive Director.

d. The Recording Secretary shall perform the duties set forth in the Constitution usually performed by a secretary, and such additional duties as shall be prescribed by the Executive Council.

e. The treasurer shall have custody of and be responsible for all funds of the organization. He shall be bonded by a surety company approved by the Executive Director in such amount as it shall designate. He shall make an annual written report, and his accounts shall be audited annually by a certified public accountant.

f. The Executive Director shall be the administrative operating head of the organization subject to directives and policy established by the Executive Council. He may be dismissed for cause by the Executive Council.

ARTICLE II

SCHEDULING AND CONDUCT OF MEETINGS

Section 1. The time and place of the next succeeding annual convention shall be determined by the Executive Council during its annual meeting immediately following the annual convention. It shall be called at least six months prior to the date set.

Section 2. All meetings of the convention and Executive Council, except as otherwise provided in this Constitution,

shall be conducted in accordance with Roberts Rules of Order.

ARTICLE III

DUES AND SUBSCRIPTIONS

Section 1. Dues. Annual membership dues shall be due and payable January 1 of each year for the calendar year at the following rates:

- a. Individual Indian Voting Membership, Effective January 1, 1960
 - \$5.00 for an individual (one vote, one mailing)
 - \$6.00 for joint membership, man and wife (two votes, one mailing)
 - \$3.00 for student membership—grade school, high school, college, or special school (no vote, one mailing; may convert to voting membership by paying \$2 additional)
 - \$100.00 for life membership
- b. Tribal Membership—in accordance with the following table:

MEMBERSHIP BASED ON TRIBAL INCOME:

Size of Tribe	Amount of Dues
\$1,000,000 or over	\$1,000.00
500,000—1,000,000	750.00
250,000— 500,000	500.00
100,000— 250,000	300.00

UNDER \$100,000 A YEAR INCOME:

Size of Tribe	Amount of Dues
Up to and including 2,500	\$ 25 plus 5 cents per member
From 2,501 to 25,000	\$125 plus 1 cent per member
Over 25,000	\$250 plus ½ cent per member

c. Individual Associate Membership—\$10.00 per person. This class of membership is reserved for individuals not qualifying for membership for lack of Indian ancestry. Such membership carries all the rights of individual membership save the right to vote.

d. Organization Associate Membership—\$25.00 per organization. Such memberships shall carry such rights and privileges as are accorded to individual associate members.

e. Members are urged voluntarily to increase their membership fees according to their ability to pay. Where increased membership dues amount to \$40.00 or more the member shall be entitled to all publications produced by the organization.

Section 2. Subscriptions. All individual (including individual associate) members shall be entitled to receive the *Bulletin*. Organization associate members shall be entitled to receive the *Bulletin* and other published materials produced by the organization. All tribal members

shall be entitled to receive the Bulletin, Newsletters, legislative information and all other publications produced by the organization. Non-members may subscribe to publications of the organization at the following rates: *Bulletin*—\$10.00 per year; information letters—\$10.00 per year; legislative information—\$25.00 per year. A non-member subscription of \$40.00 per year shall entitle the subscriber to all publications produced by the organization.

ARTICLE IV

ADMISSION OF MEMBERS

The Executive Director shall be empowered to accept applications for membership and to admit to membership such applicants as are eligible for membership, subject to review by the Executive Council.

ARTICLE V

AMENDMENT OF BY-LAWS

These By-Laws may be amended at any meeting of the Executive Council by a majority vote of the Executive Council members present, or upon referral on majority vote of the membership of the Executive Council by not less than two-thirds of the members present and voting at the Annual Convention.

The foregoing By-Laws were unanimously adopted on April 2, 1960, at the annual meeting of the Executive Council of the National Congress of American Indians, Roosevelt Hotel, Washington, D.C.

Clarence Wesley
President
Helen L. Peterson
Executive Director

Attest:
Paschal Sherman, *Chairman*
Fiscal and Administrative
Sub-committee

(Recording Secretary not present)

CERTIFICATE OF ADOPTION

The foregoing By-Laws were unanimously adopted on April 2, 1960, at the annual meeting of the Executive Council of the National Congress of American Indians, Roosevelt Hotel, Washington, D.C.

Clarence Wesley
President
Helen L. Peterson
Executive Director

Attest:
Paschal Sherman, *Chairman*
Fiscal and Administrative
Sub-committee

(Recording Secretary
not present)



NATIONAL
CONGRESS
OF
AMERICAN
INDIANS

THE SENTINEL

Bulletin

WASHINGTON, D.C.

JULY-AUGUST, 1974

*From the
President:*

By Mel Tonasket

BLUESPRUCE TO HEAD ONAP



Dr. George Bluespruce

Dr. George Blue Spruce Jr., a San Juan-Laguna Pueblo Indian, has been named the new director of the Office of Native American Programs (ONAP) here following the death of ONAP's late director Robert E. Howard July 14.

Prior to this appointment, Blue Spruce, 42, had been with the Bureau of Health Manpower Education in HEW's National Institutes of Health in Bethesda, Md., working toward the recruitment of Indians into the health professions since 1971. Blue Spruce is the nation's only full-blooded Indian dentist.

Blue Spruce's new administrative responsibilities at ONAP will include overseeing an annual budget of nearly \$33 million which provides funding for about 200 Indian tribes and organizations across the country. Said Blue Spruce of his new appointment:

"Personally I am extremely gratified that I have been selected for the position,

since most of my professional life has been involved with Indian concerns. I recognize that we have reached the point in time when Indian self-determination is truly the only course to pursue. I feel that the missions and goals of this Office of Native American Programs will provide the initiative and impact for this to be accomplished. I look forward to the support of all Indian people in making this a reality.

"The office (of ONAP) is going to have a new purpose. Indian people seem to relate to the old system of the old OEO (before mid-1973 when it was dismantled by the Nixon administration). "I envision the office within HEW as coordinating all resources that will affect all Indian people."

Entering the U.S. Public Health Service in 1958, Blue Spruce served as a dental officer with the Indian Health Service (IHS) in Taos, N.M. In 1967 and 1968 he developed and tested a mobile dental clinic for Indian children in Nevada. He has visited most of the countries in South America as a consultant in dental health, where he gave instruction in the use of dental auxiliaries and in making simplified dentistry equipment for use in remote areas.

Blue Spruce has become prominent nationwide in recent years for his interest in the recruitment of Indian students into the health professions. He is a member of the National Congress of American Indians (NCAI), the National Indian Education Association (NIEA) and the American Indian Society of Washington, D.C. He is also a member of the American Dental Association, the American Association of Dental Schools, and the New Mexico State Dental Society. He holds a doctoral degree in dental science and a masters degree in public health.

This year, at our 31st annual convention, we find ourselves in a very unique "zero base" situation that may be of great importance to Indian Tribes for the coming decade.

We find ourselves "in between" the 93rd and 94th Congresses with a clean legislative slate. We find ourselves with important precedents on the judicial side with the recent Boldt decision in U.S. v. Washington, and with the Supreme Court ruling on the Mancari case. On the Administrative side, we have held our own on the questions of regionalization and realignment and we have opened up some new avenues for Tribal involvement with the Office of Management and Budget.

On the Indian side of the fence, we are digging deeply into Treaties and into the Indian Reorganization Act and finding some revealing facts. We are finding that paternalism is not only undesirable but, in many instances, is fully against the law.

Truly we are in a position to set our priorities and programs, both legislatively and administratively. We are in a position of building on that zero base and not just modifying plans and programs designed for us by somebody else. But this is going to take a lot of work and dedication.

I have instructed our Director and staff that this year's convention is going to be a working convention. There will be no talk of legislative numbers, because we won't be talking about some else's legislation. Instead, we will be building the legislation that we need and want.

We will not be faced with panel after panel on someone else's policy, because we will be devising our own policy based on the law and based on efficient and adequate services.

We will NOT have panel after panel and speech after speech. We WILL have working sessions, planning and strategizing with Indian ideas and Indian expertise.

We have an excellent opportunity to design our own future without the impediments of the past. We invite you to join us in San Diego to do just that.

COMMENTARY: THE DECLINE AND FALL OF NCIO

The National Council on Indian Opportunity (NCIO) has gone out of existence as of July 1, 1974. Its files have been turned over to the National Archives where they are available for public scrutiny.

The immediate cause of NCIO's demise was Vice President Ford's rejection of the chairmanship of the Council and his proposal for an alternate concept within the President's Domestic Council. The fact that NCIO's legislative authority was due to expire in a few months, and the likelihood that Congress would not reauthorize its continuation may have had considerable bearing on the Vice President's decision to decline association with NCIO.

NCIO was established in the waning months of the Johnson Administration in 1968. With full lobbying support from the National Congress of American Indians, NCIO received full Congressional sanction and funding in 1969. At its inception, the NCIO was looked upon as a mechanism whereby broadly representative national Indian leadership could engage in eyeball-to-eyeball discussion with those Cabinet officers responsible for the administration of programs serving Indians. Its early years showed great promise for the Tribes and Indian people responded warmly. NCIO was included routinely in nearly all Indian organizational gatherings and its director and staff were accorded treatment reserved for true advocates.

NCIO initially developed a laudible track record, claiming major credit for the Alaska Native Land Claims settlement, the return of Blue Lake to the Taos Pueblo, and the return of Mount Adams to the Yakima Nation. Its major claim to fame, however, was the *President's Indian Message to Congress in 1970*. Although there are many who discredit the significance of NCIO's role in these historic achievements (legions of individuals in the nation's capital claim sole responsibility for the *President's Indian Message to Congress*), the National Council on Indian Opportunity deserves considerable credit.

But NCIO fell into disfavor with such a large segment of the national Indian community that even its death caused

little notice in Indian affairs. Last ditch attempts by its Executive Director, Robert Robertson, to rally support for its survival garnered only token response from even its staunchest allies of the past.

With plans in the making for the creation of an Indian Committee in the Domestic Council, the Administration would do well to fully investigate the reasons for the decline and fall of NCIO before embarking on another venture to provide Indian input and participation into the Executive branch. And the Administration would do well to start with the attitudes of the director and staff of NCIO. An article in the November 1972 edition of *Legislative Review*, published by the Indian Legal Information Development Service (ILIDS), best describes the attitudinal development of NCIO which led to its demise:

"During (Robertson's) first several months, two mutually exclusive and competing concepts of the functions of the NCIO staff battled for preeminence. The first concept suggested that the NCIO staff was subordinate to the presidentially-appointed Council, and particularly to its Indian membership, in its visualized role as 'ombudsman' on behalf of the national Indian community.

"The second concept, brought in by Robertson, was that the NCIO staff was simply an extension of the Vice President's personal staff, and that the role of the NCIO was to secure favorable publicity for the White House and the Vice President in the area of Indian affairs by performing those tasks within its mandate which did not conflict with existing Administration policy.

"By the time of the House hearings on the (Trail of Broken Treaties) Caravan seizure, Robertson had no doubts as to where his loyalties lay. 'I work for the Vice President,' he told the Subcommittee."

Robertson was certain who his leadership was, and he set out to determine who comprised "Indian leadership." The circle of Indians that NCIO recognized as valid leadership became more constricted as Robertson's attitudes hardened. At first, NCIO's leadership circle excluded only "radicals" and "urban militants." Then it excluded all but "elected" tribal leadership although there were some elected leaders who were not "in" with NCIO because of their criticism of the Administration. These were placed, along

with "non-elected" leaders in a category known as "splinters."

Nor was Robertson able to differentiate between himself and Indian leaders. Any criticism of him or NCIO was a direct criticism of "elected" Indian leaders. Immediately after NCIA's Director testified before the Senate Subcommittee on Indian Affairs regarding "sinister" activities of NCIO, Robertson telephoned him to inform him that, "The battle isn't between you and me, Trimble, it's between you and the elected Indian leadership, and I'm going to let them know that."

NCIO was not above political reprisal. In April 1973, Robertson dispatched an Indian staff member to help OEO director Howard Phillips dismantle the Indian section of that agency. Principal among his targets for dismantling was NCIA's OEO-sponsored economic development program. To add insult to injury, Robertson proposed that NCIA's program be terminated and that the funds be transferred to the National Tribal Chairman's Association.

Outside the political picture, an Administration investigation of NCIO's past would find a complete failure to follow up on actions on behalf of Indians if those actions were embarrassing to the Administration. As Ernie Stevens, NCIA Vice President, put it, "It seems like NCIO's job was to find government skeletons in closets and then bury them." These search and destroy missions were in form of hearings, of which NCIO conducted many covering all aspects of Indian life.

In 1970, to the delight of many off-reservation Indian people, NCIO conducted a series of hearings on the "Urban Indian situation." These hearings implied a new advocacy role on behalf of urban-Indian people, but urban Indians were subsequently abandoned and then condemned as "militants" by NCIO.

In 1971, NCIO commissioned a special Subcommittee on Indian Education, comprised of Indian educators and Indian youth, to study the Indian education picture and present a report with recommendations to the White House and the Indian people. That report, compiled at great expense, was shelved for months to the chagrine of the Subcommittee members. Only after the report was leaked to Sen. Edward Kennedy, and he began to read the report into the Congressional Record, did NCIO consent to release the report (The report is still as difficult to obtain as White House tapes).

(Next Page)

NCAI SIGNS AGREEMENT WITH CANADIAN INDIANS

The National Congress of American Indians and the National Indian Brotherhood of Canada have entered into a joint agreement to exchange staff members in an attempt to develop mutual understanding between the native peoples of both countries.

The National Indian Brotherhood is NCIA's counterpart in Canada, representing all Tribes and bands in that country. Recently, NIB achieved recognition in the United Nations as a non-governmental organization.

The joint agreement reads as follows:

This constitutes a joint agreement between the National Congress of American Indians, an organization of Indian people of the United States, and the National Indian Brotherhood, and organization of Indian people of Canada, subject to ratification by the Executive Committee of NCIA and the Executive Council of NIB.

Whereas, knowledge and understanding of the common problems affecting the Indian peoples of the United States

and Canada will enhance the possibilities of devising solutions to those problems, to wit:

- Water and land rights problems, particularly those affecting Indians near the Canadian-American border
- The Jay Treaty affecting commerce and communication between Indians in the United States and Canada
- The Migratory Birds Convention Act affecting hunting rights of Indians in Canada
- The relationship between the Indians and the State and Federal Governments in the U.S., and the relationship between Indian Bands and Provincial/Territorial and Federal Governments of Canada,
- And any other matters that may arise;

Whereas, in view of the proposed International Conference of Aboriginal Peoples (tentatively scheduled for 1974), it would be beneficial to the Indian people of both countries to develop better understanding of their common situations;

Therefore, it is agreed that, to begin the communication and coordination toward this effort for such common understanding, the National Congress of American Indians and the National Indian Brotherhood agrees to an exchange of staff personnel and exchange visits of executive officers as can be mutually agreed upon and suitably arranged.

It is further agreed that efforts will be made by both organizations for a joint meeting of the Executive Committee of NCIA and the Executive Council of NIB, if possible, in 1974.

s/s Mel Tonasket, President

National Congress of American Indians

s/s George Manuel, President

National Indian Brotherhood

The agreement was ratified by NCIA's Executive Committee and NIB's Executive Council, and visits have been exchanged between Executive officers of both organizations.

The joint meeting of the Executive Committee of NCIA and the Executive Council of NIB is tentatively scheduled to be held in late September.

The National Indian Brotherhood represents every Band of Indians in Canada and is representative on a Provincial/Territorial Basis as well as by

bands. It is similar to NCIA's representation on a Tribal basis as well as on a (BIA) area basis.

With a staff of approximately 30, and salaried Executive officers, the NIB is considerably more sophisticated than national organizations in the United States. The organization is substantially funded by the Canadian government without apparent compromise to their advocate/adversary status.

The organization's headquarters occupies nearly an entire floor in a modern building three blocks from the Parliament in Ottawa. In addition, they have a substantial library and information center containing a great U.S. documentation relating to Indians.

Their "funded but not bought" relationship with the Canadian government stems largely from their own confidence that their Bands are a valid part of the government and deserve governmental support without political strings attached. Recently, the NIB achieved *Non-governmental Organization* status in the United Nations, based on the association in NIB of "domestic Indian nations." The NGO status is similar to that of the World Council of Churches and International Unions.

BOB HOWARD, ONAP DIRECTOR IS DEAD

Robert E. Howard, 48, director of the Office of Native American Programs (ONAP) in the Department of Health, Education and Welfare (HEW), died here of a heart attack at his home July 14 and was buried July 19 in the town of Dillon, Mont.

One of the top Indian officials in the nation's capital, Howard, a Blackfoot Indian, came to Washington on Nov. 21, 1971 to accept an appointment as director of the Indian Division of the Office of Economic Opportunity (OEO). In mid-1973 when the Nixon administration decided to kill the anti-poverty OEO operation, Howard became director of ONAP at HEW which became the new parent agency for most of the old OEO's Indian programs.

Howard left behind a widow, the former Carmen Roland, four daughters and three sons.

TRIBAL GOV'T STUDIES PROGRAM: PROGRESS REPORT

by Jana McKeag

NCAI received \$32 thousand from the Office of Education (DHEW) and officially commenced activity of the American Indian Tribal Government Studies Program. This funding represents the first installment of \$95 thousand awarded NCAI under Title IV of the Indian Education Act.

The Tribal Government Studies Program is designed to develop a course in Tribal Government for Indian schools and public schools with high Indian student enrollment. The program will develop curriculum, text books and related aids, and a teacher training program.

Prior to the commencement of the program, a survey was conducted by NCAI of all Indian schools and public schools receiving JOM funding to determine the availability of any Tribal government civics courses, the quality of the course where available, and the desirability of such a course where unavailable. The replies (76 out of 350 schools) indicated an acute need for such a course. In only four of the replies did the administration of the school feel that such a course was not needed: "Any person of the United States that is a citizen should have one government and not a series of small governments."

In nearly all instances, school administrators indicated lack of materials as the principal obstacle. Others urged the development of the program as soon as possible, and several even volunteered their schools for participation in pilot projects to test the course design.

One disturbing fact revealed in the survey was that of student attitudes. When questioned about the attitudes of the Indian students toward their Tribal governments, almost without exception the answer was either "apathetic" or "hostile."

An ad hoc advisory panel, comprised of Indian academicians, educators, and experts in the field of Tribal government, has been formed to provide basic direction and insight in to the development of the course and to evaluate the progress of the program on an ongoing basis. This panel will meet initially on August 20 in Santa Fe.

Members of that advisory panel are: Robert Bennett, past Commissioner of Indian Affairs; D'Arcy McNickle, noted Indian author; Wendell Chino, Chairman of the Mescalero Tribe; Lionel Bordeaux,

President of Cinte Gleska College in Rosebud; David Warren, staff member of the Institute of American Indian Arts in Santa Fe; Roger Buffalohead, University of Minnesota; Sam Deloria, University of New Mexico Law Center; F. Browning Pipestem, attorney; Alan Parker, American Indian Lawyer Training Program; and Delfino Lovato, President of All Indian Pueblo Council.

'FEATHERS' CASE COMPLETED

The fourteen Oklahoma Indian defendants charged with "selling or offering for sale feathered ornaments with feathers of protected birds," went to trial June 21 in the U.S. District for the Western District of Oklahoma in Oklahoma City finishing five days later, resulting in a dismissal for two of the defendants and a two year probation for the other twelve, according to one Indian lawyer for the defense Vincent Knight.

The lawyers for the defense are Vincent Knight, (Ponca); Browning Pipestem, (Otoe) and Frank A. Jarmath.

The two defendants who had their cases dismissed were Lura Jones, (Kiowa) and Sam Buffalo, (Ponca). Ms. Lura Jones fought her case on the grounds that the feathers sold were not protected under law until 1972 and she had possession prior to the law.

Sam Buffalo won his case because he never made an offer to sell nor did he sell any feathers.

The twelve Indians, six are Kiowa, who received probation are: Charlotte Doxator (Kiowa), Milton Noel (Kiowa), Henry Bushyhead (Cheyenne), Si Hall (Kiowa), Daisy McLaughlin (Cheyenne), Dennis Tooahimpah (Comanche), Shalah Rich Rowlan (Shawnee), Charles Rowell (Kiowa), Marvin Saddle Blanket (Kiowa), Joe Rush (Ponca), James Clark (Ponca-Otoe), and Lucius Aitson (Kiowa).

The U.S. Fish and Wildlife Service charges that the Indians had been involved in a large scale slaughter of migratory birds and had come to the conclusion after a six month undercover investigation.

One of the issues in the case, at least to Indians, was the right to have free religious expression apparently it had no bearing in court.

NCAI SPONSORS NATIONAL INDIAN ENERGY RESOURCES CONFERENCE

1974 is a year of national introspective. Congress and the Administration are concentrating more and more on land use planning and the development of natural resources. Shaken by the effects of the energy crisis brought on by the embargo imposed by the Arab States, the Administration has declared a policy of "National Independence," accelerating efforts for self-sufficiency for the nation.

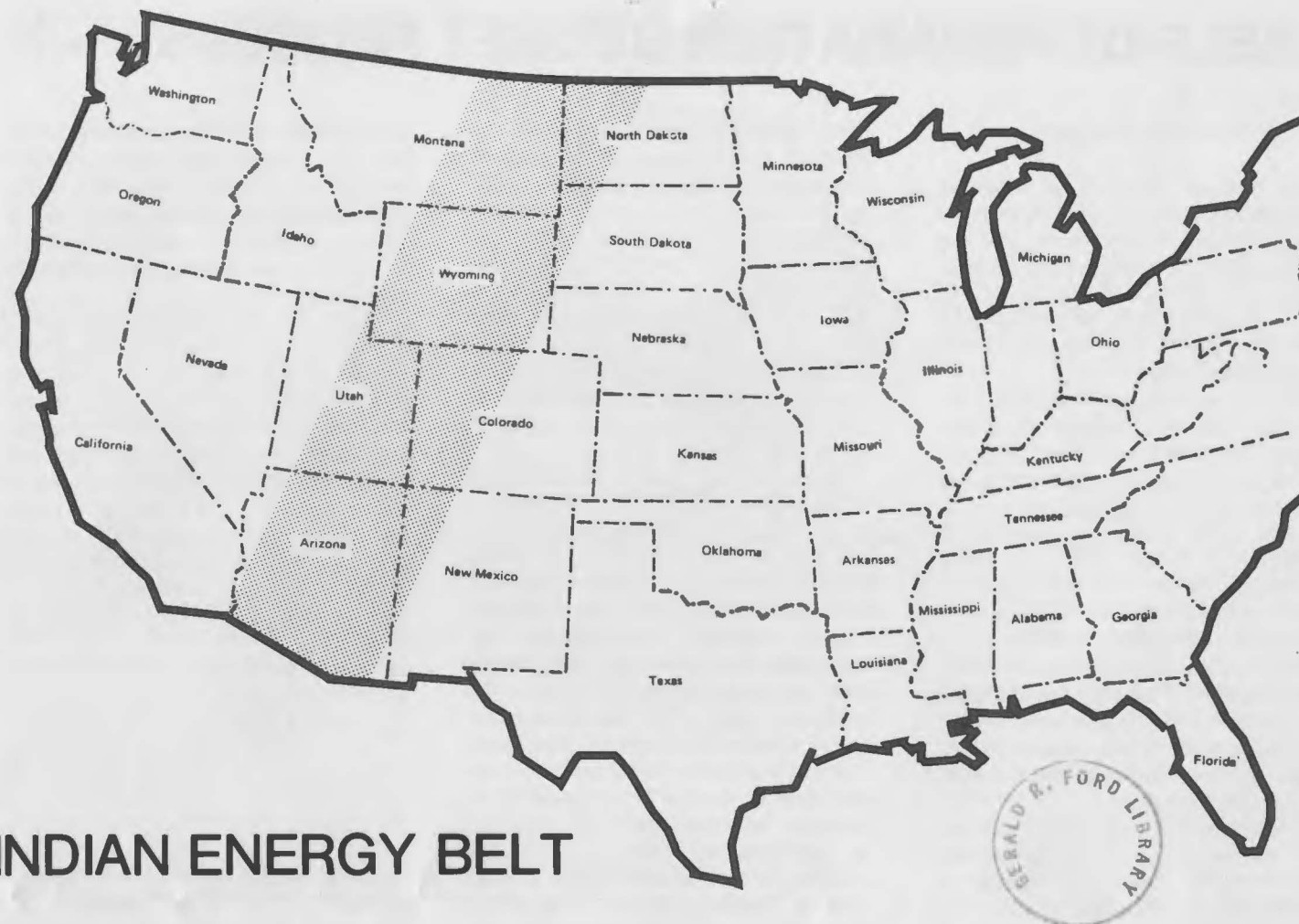
This national concern for internal development offers great opportunity for the development of Indian Tribal potential as well, but it also poses threats of unprecedented exploitation of Tribal resources without significant returns to the Tribes.

Tribes must look increasingly to the development of their own natural resources. Greater accessibility to capital through the new *Indian Financing Act* and the establishment of the American Indian National Bank enhance the potential for Tribal resources development in the coming decade.

But Tribes must first protect these resources in order to develop them.

One of the Tribal resources of growing importance is energy. Diagonally across the Western States there exists an "energy belt" in which all Indian Tribes possess energy resources which will be of immense value in coming decades. These include coal, oil, gas, uranium, and geothermal resources. In addition, rapidly-developing solar energy processes require massive "fields" of sun-drenched arid lands which Southwestern Tribes possess in abundance.

In order to develop these resources for



INDIAN ENERGY BELT

the greatest benefit to the people, the Tribes must be fully aware of what they have, and they must be fully aware of the value of what they have, now and in the future. And they must have planned strategy for development, just as the major oil and coal companies have long-range plans for development.

Towards these goals, NCAI is sponsoring a special seminar on "Indian Tribes and Energy Resources," in Billings, Montana, August 28-29, 1974.

The seminar will provide discussion and workshop sessions on Tribal energy resources development:

Developing Tribal Management Capability: Discussions on ways in which resource-owning Tribes can establish tribal structures and systems which will maximize the tribe's ability to manage its resources, allowing it to effectively utilize outside expertise, develop its own expertise, and responsibly communicate with and deal with non-Indian developers.

Existing Prospecting and Leasing Processes: Before turning the attention of the conference to new ways in which tribes can manage their development, it is important to gain a knowledge of the existing rules and regulations and the pattern of mismanagement and irresponsibility

which the BIA has undertaken with respect to development.

Negotiating Leases: Discussions on preparations for negotiations, development of specific cost analyses with respect to the Tribes particular resources, mining costs, advantages and disadvantages which a Tribe as the owner of energy reserves has in dealing with large non-Indian business entities.

Joint Venturing: One potentially important form of development is joint ownership of mining development between Indian coal owners and a coal operator. Discussions will include possible joint venture forms which are available to a tribe and possibilities of joint venturing with both major utility customers and traditional coal developers. Discussions should focus on specific management requirements coal owning tribes must contribute to a joint venture as well as the financial contributions.

Reclamation Aspects: Discussion will focus on reclamation concerns of importance to Tribes whose lands will be involved in major coal development. Discussion will include changes in reclamation brought about by new legislation and increasing awareness regarding ecology by the public.

Impact on Tribal Life and Social Institutions: This panel will discuss the economic, social and cultural impact which large-scale coal development could have on Tribal institutions and on the Indian way of life.

Joint Efforts Between Resource-owning Tribes: Discussion will concentrate on the desirability of Tribes developing a close coordination and working relationship in order to maximize the information and resources available to resource-owning Tribes.

In addition, workshop sessions will be held on certain substantive areas such as Taxation as it relates to resources development; competing interests of the mineral owner versus the surface owner where there is a severance of ownership; the role of water in coal development; and many other topics.

The bulk of the discussion will center around coal development, but the discussions, tactics, and plans can be easily adapted to concerns of other resources.

The meeting will be held at the Ramada Inn in Billings, Montana. There will be a \$10 registration fee to help defray incidental expenses.

For further information, call Stuart Jamieson, NCAI's Director of Programs.

A SELF-DETERMINATION BUDGET PROCESS

by Ernest Stevens

The National Congress of American Indians is continuing discussions with the Office of Management Budget and the BIA regarding the tribal budget process. Additionally, NCAI will address itself to tribal input in the entire federal program and budget process as it relates to federally recognized tribes.

NCAI is determined to improve the efficiency of the Bureau of Indian Affairs. The time is long past when the BIA can shield itself from the criticism of Indian people by suggesting that any attack is a threat to the very existence of the Bureau of Indian Affairs. It is also past the time when even the most uninformed Indian can be convinced that an attack on the administration of the BIA is an attack on the trust responsibility. Tribal leaders know that tribal people themselves are the most effective protectors of the trust. In short, NCAI is dedicated to a stronger and more efficient Indian administration under the trust.

To put the BIA into proper perspective as trustee, in regard to performance in that capacity, it is only necessary to note that from 1900 to 1973 the total amount of Indian acres held in trust had decreased from 78,400,000 to 50,500,000 acres for a net loss of 27,900,000, which represents a loss of approximately 36% of the Indian land base in 73 years. One shudders to think what might have happened to us if we didn't have the BIA protecting our land. With those kind of friends.

An acceleration of interest on the part of tribes has taken place since the National Indian Policy Conferences were convened by NCAI in April and June in the nations capital. The interest has increased even more with the disclosure by NCAI's national budget committee that provisions for budget consultation with Tribes is required by law.

The substance of the law is contained in the *Wheeler-Howard Act* (48 Stat. 984, 985 June 18, 1934), also known as the *Indian Reorganization Act*. Sec. 16 of P.L. 73-383 requires that "The Secretary of the Interior shall advise the Tribes of all appropriation estimates or federal projects for the benefit of the tribes prior to the submission of such estimates to the Bureau of the Budget and the Congress."

In response to a queries of Sen. Abourezk on June 3, 1974, the American Law Division of the Library of Congress stated: "We are unaware of any subse-

quent legislation which has relieved the Secretary of the Interior of the duty described in 25 USC 476 and the section has been carried over into the 1974 supplement to the United States Code Annotated. We are also aware of no case law specifically dealing with that portion of 25 USC 476. Therefore it would seem that the advisory duties of the Secretary of the Interior regarding budget estimates remain since they can be changed only by subsequent Congressional action modifying 25 USC 476 (P.L. 73-383)."

Since the June policy conference the NCAI budget committee further researched into the law and discovered that the law had a double interlocking device. Three Tribal constitutions selected at random (Blackfeet, Laguna, and Oneida) all contain protective clauses to assure that this consultation take place. Undoubtedly there are many more tribes with this proviso. A copy of the Oneida Constitution in Article IV *Powers of the General Tribal Council* under Section ID, Enumerated Powers, reads "To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Oneida Tribe of Wisconsin prior to submission of such estimates to the Bureau of the Budget and Congress."

If the aforementioned section of the constitution of the Oneida Tribe is not enough then consider the certification by Harold L. Ickes, Secretary of the Interior as signator on December 21, 1936. The Certification of adoption reads "I, Harold L. Ickes, the Secretary of the Interior. . . . by virtue of the authority granted me by the act of June 18, 1934, as amended, do hereby approve all rules and regulations heretofore (emphasis added) promulgated by the Interior Department or by the Office of Indian Affairs; so far as they may be incompatible with any of the provisions of the said constitution and By-laws are hereby declared inapplicable to the Oneida Tribe of Indians of Wisconsin."

The ratification by the tribe and approval by the Secretary sealed the contract. My advice to every tribe in the United States is to read their Constitution now. All IRA tribes probably have protective provisions related to budget consultation rights.

John Collier provided an explanation of the Wheeler-Howard Bill as modified, amended and passed by Congress. In reference to the powers of tribes he said, "It (the tribe) will have a right to ask the

Commissioner how he proposes to expend the appropriations made by Congress for the benefit of the tribe before the Commissioner submits his budget to Congress, and the tribe may ask Congress, in advance, to change the appropriations."

There are two things which I would like to leave as closing thoughts. First of all, the law is quite clear in relation to program and budget consultation. It must be done specifically and individually with each tribe. And I might personally add; No federal agency, including BIA, has the right to contract that consultation out to any group. Not even the National Congress of American Indians or the National Tribal Chairman's Association. It goes without saying BIA Area Directors are even less fit. Indian tribes — do not delegate your legal and sovereign rights to any group except your own membership and its governing body.

Secondly, in considering the planning, programming, and budget process, we must finally address the very nature of the delivery itself. It is time I think to consider the fundamental intent of the resolution passed on March 10, 1971 in Kansas City. This was the last time that tribes were assembled in force. 134 reservations sent chairmen, Alaska and other tribes sent an addition 100 delegates. Add to that, 100 delegates from off-reservation and urban groups were in attendance. The resolution speaks for itself:

"Now Therefore Be It Resolved, that the Indian delegation of this National Conference on Indian Self-Determination, held in Kansas City, Missouri, on this 10th day of March 1971, do hereby resolve and recommend that the Administration of Indian Affairs be given full Executive Secretarial status independent of any other Department of the United States Government," and

"Be It Further Resolved, that to assure the consultation of all concerned in the development and establishment of the Department of Native Affairs, the National Congress of American Indians name seven members, with the President naming seven members and a Chairman to a Presidential Commission on Reorganization of Native Affairs, within sixty days."

Well, its long past sixty days and I personally recommend that NCAI appoint itself to get the job done.

NCAI SUFFERS 'CUSTER DAY' DEFEAT:

On June 17, 1974, the Executive Director of NCAI issued a challenge to Morris Thompson, BIA commissioner, for a softball game between the two agencies. The game would be played in honor of the Indian victory over Gen. Custer nearly 100 years ago. Thompson replied one day later (the quickest NCAI has ever gotten a response from him), accepting the challenge with the provision that, if NCAI lost, the Director would have to draw and publish a cartoon showing the Burro of Indian Affairs kicking Chuck Trimble on the backside. Indians keep their promise, unlike some agencies of the Federal government, as shown by the cartoon (right). The following is the historic correspondence of that event:

June 17, 1974

Dear Commissioner Thompson:

Our staff historian has notified us that, on this very day ninety eight years ago, General George Armstrong Custer, with his 7th Cavalry Regiment, was ardently seeking out Native people of the Sioux, Cheyenne, and Arapahoe Tribes, who had left their reservations in search of better hunting grounds. The General's mission was to search and destroy — taking no prisoners and teaching "those pesky redskins" a lesson they would not forget.

As you may know, from reports of the local area director of that year, General Custer was not highly successful in that mission. On June 25, 1876, General Custer's command was virtually annihilated at the Little Big Horn River in Montana, within shooting distance of the Billings area office.

We are sponsoring a "field day" on June 23, 1974, at Field #22 in West Potomac Park, commemorating the Custer Battle.

For the Executive Committee of NCAI, I hereby challenge the Bureau of Indian Affairs to a softball game, and various and sundry other games at that field day. The following are the conditions of the challenge:

1. The NCAI Team will be comprised of Indians from the various Indian organizations in the Nation's capital, (including members of the Washington Redskins NFL Team).
2. The BIA may enlist players from the Indian Health Service, HUD, EDA and other federal agencies including NCIO.
3. Full consideration must be given by



both teams to such things as women's rights, in the composition of the teams.

4. NCAI will make up the rules of the game and will notify the Federal team no later than the fourth inning of the softball game of such regulations and rules.

We look upon this event as an historical one, with the honor of the organization and all Indian people at stake.

We also look forward to one helluva good time.

Sincerely yours,

/s/Charles E. Trimble, Oglala Sioux
Executive Director

June 18, 1974

Dear Mr. Trimble:

On behalf of the employees of the Bureau of Indian Affairs (BIA) and the descendants of General George Armstrong Custer, I accept the challenge laid down by the National Congress of American Indians to compete for high honors in softball "and various and sundry other games" at the appointed hour in the appointed place.

I firmly insist, however, that since the "skins" will be allowed and in all probability, need, the technical assistance of the Washington Redskins, we "bureaucrats" should also have our choice of "seconds."

Thus, I am forwarding today a notice to the Department of Defense that all extant former and present members of the 7th Cavalry Regiment are invited to stand with us on the fated day.

In accordance with the Civil Rights Act of 1964 and the Equal Employment Opportunity Act of 1972, women will of course be given full consideration for positions on the team—except that of

pitcher and raw egg thrower (let's face it, Chuck; women throw crooked).

We will accede to condition number four despite that fact that in our rule-making procedures we must publish proposed rules in the Federal Register during which Indian people have 30 days in which to make comments and recommendations. That is, we accept #4 if we can change condition #5 for the following reasons:

1. The "bureaucrats" will beat the "skins"; we have historical inevitability on our side;
2. We doubt that any "skin" knows a good quality beer;
3. In all fair play we should get to name our own reward.

Thus, we will "play ball" only if our reward is a cartoon in the next NCAI *Bulletin* drawn by yourself depicting one fat and sassy "Burro of Indian Affairs" kicking one Charles E. Trimble, Oglala Sioux, in the backside. Other details of the cartoon will be supplied by members of my personal staff: Ducheneaux, Taylor, Edwards, and Hawkins.

Since we must plan for every contingency, such as the possibility that the "bureaucrats" would lose because the umpires were bought off, we must also insist that NCAI sign a waiver which states that in the great "settling up," the "bureaucrats" are not supplying firewater to the "skins" with ulterior motives. Copies of the waiver should be sent to syndicated columnist Jack Anderson and the National Council of Churches.

If these terms are accepted, the "bureaucrats" stand ready to do a "Custer" on you.

/s/ Morris Thompson, Bureaucrat
Commissioner of Indian Affairs



31st Annual Convention of NCAI

October 20-25, 1974

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