Tribal Self-Governance Demonstration Project

SOVEREIGN NATIONS

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Self-Governance and the Clinton Administration
by Joe DeLaCruz, President
Quinault Indian Nation

Nationwide, the tribes were more active in the Bill Clinton campaign than with any other presidential candidacy...ever.

There were many reasons for such a high level of activity by the tribes. We saw the need to have a genuine educational and environmental president, for example. We could see the economic prospects of President Clinton, as well. But we also envisioned him to be a president who would promote policies supportive to tribal sovereignty and self-determination, as well as government-to-government relations and self-governance. Such support would hopefully take the form of White House policy, as well as the policies of those he would appoint to high office.

We didn’t endorse these beliefs blindly. Clinton pledged these things himself...in writing. His pledge, reprinted below, was positive, wise and insightful. And his record strongly indicates that he is a man of his word. I think there is good reason to have confidence in him.

But I also think it is timely for Indian leaders from across the nation to get involved in the effort to support President-elect Clinton’s effort to do the right thing. Cards, calls and letters do have effect. Personal involvement does make a difference.

The primary guidance I can offer to the new Administration, and the people appointed by the Administration, is to be visible and accessible to Indian leadership, be accountable for their actions, and be willing to learn from our thousands of years of experience.

Bill Clinton on Issues of Concern to Native Americans

Bill Clinton believes that mutual respect for past treaties and treaties between the federal government and more than 500 tribal governments is an important prerequisite for improving the lives of Native Americans, both on and off tribal lands.

Republican administrations have given nothing but lip service over the last twelve years to an affirmation of the government-to-government relationship between the federal and tribal governments. A Clinton Administration will give tribal governments more say in the distribution of federal funds, geared toward economic growth, universal access to quality, affordable health care, and improved education.

The Clinton Plan for Native Americans

Guaranteeing Rights
- Support sovereignty and self-determination of Native American Tribal governments.
- Reaffirm the government-to-government relationship between Indian Tribes and the United States by promoting true consultation and increased Tribal authority in the administration of federal funds.
- Authorize and direct the Department of the Interior to ensure that prior treaties and trust obligations are respected and fulfilled.
- Protect Tribal religious and spiritual freedoms: prohibit the desecration of Native American burial sites and protect access to sacred sites.
- Reform and strengthen the Bureau of Indian Affairs and build a close working relationship between the Bureau, the White House and the Office of Intergovernmental Affairs.
- Support the sovereign rights of Indian Tribal governments to resolve local disputes with states in accordance with federal law.
- Reaffirm citizenship of all Native Americans and improve voting access.

Economic Development
- Pursue innovative strategies to develop self-sufficient reservation economies.
- Create public-private partnerships to give low-income entrepreneurs a lift in starting Native American businesses, both on and off reservations.
- Implement a New Enterprise Tax Cut and create community development banks to further assist small businesses.
- Expand the Earned Income Tax Credit to make sure that no one with a family who works full-time has to raise their children in poverty. The credit will also be expanded for part-time workers, giving them a greater incentive to work.
- Repair roads, highways and bridges on and around reservations through public and private investment.

Health Care
- Incorporate goals of the Indian Health Care Improvement Act into Administration plans to provide affordable, quality health care for all Americans.
- Provide a core benefits package for all Americans, including ambulatory physician care, in-patient hospital care, prescription drugs, basic mental health services, and preventive care benefits – including measures to combat and prevent Fetal Alcohol Syndrome and AIDS in Native American communities.
- Keep hospital clinics open longer, particularly in rural areas that are currently under-served.
- Provide incentives for students and mid-career health professionals to serve in primary care professions on reservations and in urban Native American health clinics.
- Center premiums on a community-based rating that does not discriminate because of “pre-existing” health conditions.
- Improve long-term care by expanding Medicare and giving older (Continued on page 6)
Looking into the Future

"Indian Tribes, in their pursuit of self-governance, should expect no less than the right to determine their own destiny as distinct governments, unique and separate within the boundaries of the United States," according to Dale Risling, Sr., Chairman of the Hoopa Valley Tribe of northern California. Speaking to participants at the 1992 Fall Self-Governance Conference, Risling said, "We must pursue an aggressive agenda where Tribes will participate in all decisions affecting us, our people and resources. This simple, straightforward principle of the Tribal governments' right to independent management of their own affairs must be fundamental to future Congressional legislation and federal implementation of Self-Governance."

In his presentation, Risling elaborated:

- **Self-Governance could become a domestic and international model.**

He pointed out that Congress and the last five presidents have affirmed a federal policy of Indian self-determination. "We have begun to change federal policy in principle. It is now time to change the actual practices." He said the principles of the Self-Governance Project could serve as a model for indigenous peoples throughout the world.

- **Future Federal agency role functions should be determined by Tribes.**

Risling noted that the federal bureaucracy was primarily structured for the convenience of the federal government and a paternalistic attitude toward Indian Tribes. "Self-Governance Tribes should not allow this mentality to dictate how Self-Governance will be structured within the federal government and its multitude of agencies and departments that directly affect Tribes."

- **The threat of bureaucratic intrusion and expansions always exist.**

"Clear legislative safeguards need to be adopted to both free Tribes to make their own independent decisions and stop the bureaucratic tentacles from encircling us."

- **Current Self-Governance success in changing Interior/BIA has been limited.**

Risling said key agencies of the federal government continue to exercise control over Tribal operations despite rhetoric to the contrary. "Tribes must not permit incitement to shape their future," he said, in calling for the Tribes to be directly involved in the decision-making process. A streamlined federal regulations waiver process, authorized by the Demonstration Project, continues to be an elusive accomplishment, according to Risling.

- **Tribes must be integrally involved through bi-lateral negotiations for any future Self-Governance regulations or administrative procedures.**

"Independent Tribal management of our own affairs and government-to-government relations must constantly be promoted as the guiding principles in establishing a permanent Self-Governance system. The most insidious control of Indian peoples' lives has been through federal rules and regulations...we should wipe the slate clean." Risling noted that a clear departure from the old pre-conceived consultation process was a necessity.

- **Permanent Self-Governance legislation should express broad policy with safeguards ensuring Tribal influence in implementation.**

"We suggest a clear, broad Congressional policy legislation with specific safeguards to ensure Tribal direct participation and direction in the implementation process."

- **Our collective experience should contribute to the shaping of permanent legislation.**

"Through our collective experiences, we now share the responsibility of shaping permanent legislation that will advance the Self-Governance policies and principles."

In incorporating Self-Governance, Risling recommended the following:

1. **Office of Self-Governance** – This office would be in the Executive Office of the President, and would possess the authority to make decisions on behalf of the United States in working with the Tribes.

2. **Self-Governance Personnel** – The Director of the Office of Self-Governance would be a senior executive level appointment, favored by a majority of participating Self-Governance Tribes. The director would have clearly defined authority to resolve Self-Governance related matters and would supervise four field offices.

3. **Self-Governance Council** – This council would provide policy direction to participating agencies on Self-Governance issues, and would consist of representatives of each agency, as well as participating Tribes.

4. **Self-Governance Policy – Policies of the Office of Self-Governance and the Self-Governance Council shall be generally binding on all agencies in the federal government, subject to an appeal process. This would eliminate the confusion inherent in working with many agencies, and would provide for only one compact of Self-Governance between the participating Tribes and the United States government.**

"The concept of Tribal self-governance is not new," said Risling, pointing out that Tribal governments have always rightfully possessed these powers. What is needed is for the underlying philosophies and principles of the Self-Governance Demonstration Project to be incorporated permanently into all branches of the federal government. Key to this effort, according to Risling, is Tribal involvement in the restructuring of pertinent federal agencies, as well as clear legislative safeguards needed to free Tribes to make their own decisions.

5. **Permanent legislation would initially involve only the Departments of Interior and Health and Human Services. Other departments would be added incrementally to the Self-Governance authorization. To accommodate agency restructuring and avoid negatively affecting other Tribes, there would need to be a limit to the number of Tribes entering Self-Governance each year.**

Anyone wishing to receive a full copy of Risling's comments should contact the Tribal Self-Governance Demonstration Project Communication and Education Program, (206) 647-6223.
A Profile of Quinault and Self-Governance Demonstration Project

Generally stated, the purpose of the Quinault Indian Nation Education Program is to provide culturally relevant education, services, resources and opportunities needed to raise the education level of Tribal members, and members of other Tribes residing there.

With the advent of the Self-Governance Project, an additional goal became getting accustomed to the "new way of doing business." Although the Tribe was determined to ease into the process, so as to minimize interference with current students' educational careers, the Project has already brought major structural change to its Department of Education. The decision of the Quinault Business Committee to shift education programs from the Department of Human Services and to establish the Department of Education emphasized the priority placed on education. All Tribal education programs were combined under this new department, and the education budget was increased by more than 30 percent.

Other signs of progress with the Tribe's education program attributable in part to the Self-Governance Demonstration Project included an increase in post-secondary financial assistance, improvements in overall grade point average and an increase in career counseling sessions. Fifty students have received financial assistance this past year. The overall GPA is at 2.85 and there were 124 counseling sessions in a six-month period. Also, a new scholarship committee has been activated. The real significance of such advancements is becoming very clear at Quinault, with more and more young Tribal members choosing to make the most of their lives through education, and then making the decision to devote their energies to the service of their Tribe.

Other Tribal Programs

Although the increased investment in education by Quinault enabled by Self-Governance is seen as a "top of the heap" priority, there are many other important Tribal programs that also benefit from the Self-Governance Project. Following are some brief assessments of those programs:

Business Finance—This new program is considered a high economic development priority. About 40 Tribal members per year

(Continued on page 8)
Focus on Quinault –
A True Test of Self-Governance

One of the truest tests of Self-Governance on any reservation is what it means to Tribal members themselves.

Numbers and dollars are important, to be sure, in measuring the success of this or any program. At the Quinault Nation, for example, it is impressive to note that the Self-Governance Demonstration Project has resulted in a 4.5 percent increase in the overall Tribal budget for Fiscal Year 1991, a 57 percent increase in the level of Tribal law enforcement dollars, and a 46.2 percent increase in Tribal Court dollars. It is altogether fitting to note the improvements that Self-Governance has helped contribute to the Tribe’s programs in fisheries management, reforestation, environmental protection and land acquisition.

But perhaps the best of all success gauges is in the spirit of the young Tribal members like Fawn Sharp, whose enthusiasm for life inspires those around her and whose education is supported by the increased Tribal investment made possible by Self-Governance.

The Tribe has been able to triple its investment in such education and, for FY 1992, operated with a $314,227 annual Higher Education budget, most of which was directly invested in student scholarships. Today, there are 67 Quinault students pursuing higher education degrees.

Fawn is one of them, and one doesn’t have to look much past the sparkle in her dark eyes to realize the power of such investments.

“She amazes me with the goals she sets for herself,” said Ann Masten, Fawn’s mother. “It seems like all she has to do is say what she wants, and it happens.”

Fawn graduated from high school at the age of 15, and four years later she received a degree in criminal science from Gonzaga University. In the summer of 1989, she did investigation work for the U.S. Central Intelligence Agency in Washington D.C., receiving training in such things as firearms, repelling and escape from burning buildings. She worked for the Washington State Attorney General’s Office for one year and the State Department of Corrections for two years.

In the race of life
We seldom see
The baton that’s handed
To you and me...
The meaning and purpose
Of what’s to be,
The reason we’re born,...Our legacy.

Quinault Chairman Joe DeLaCruz introduced her to the State legislative arena by having her give testimony to the House Fish and Wildlife Committee. While there, she heard an irate sports fisherman deliver anti-tribal rhetoric, and decided to change her career objective from criminal justice for non-Indian government to economic justice for her own Tribe.

She was then selected as one of 28 students to take an intensive eight-week law course in Albuquerque.

“We all came out of there feeling like we could take on the world. We knew our experience there was very meaningful. We were positive. We were progressive. We were the Lawyer Warriors,” she said.

The nickname stuck. Following a six-week stint working for her Tribe (in the Self-Governance Program), she is now pursuing her jurisprudence at the UW. Among other things she is involved in organizing is a graduate student flag football league that plays in Husky Stadium. Her team name? The Lawyer Warriors.

Coaching and participating in sports is one of the loves of her life. She likes them all. Football, Baseball, Basketball, Skiing. Recently she gave up two of her cherished Seahawks tickets and contributed them to a drawing to encourage hard work, good behavior and a positive attitude among tribal students in Taholah High School. She also established a mentor program there to help those choosing to go to college, and to help build school spirit.

This summer, she’s thinking about going to work for a New York law firm so she can accelerate her law education and learn about business principles and economic development in the Big Apple.

“If she decides to go, she’ll get the job,” her mother said. “I have developed great faith in her ability to achieve her goals. Back in 1986, she decided she wanted to participate in a pageant, called Pageant of the States... she’d never been in any pageants... I thought she was crazy. Four weeks later, we were flying on a sponsored trip to Florida to compete.”

“It’s exciting to me to be emerging at this time,” said Fawn. “We’re on the cutting edge, a time when government-to-government relations are becoming more accepted principles and terms like termination and assimilation are being left in the past. It’s exciting to be getting into business law, because the sovereignty that it is the Tribes’ right to have is emerging, through self-governance, into a time when there will be many opportunities... opportunities we will have the initiative to take advantage of.”

The initiative Fawn speaks of is the product of many efforts, not the least of which is Self-Governance.
Americans a choice of home or institutional care, including supporting Tribal nursing homes to give Native American elders choice in kinds of care.

- Support increased research to study and combat health issues of particular concern to Native Americans, including AIDS, drug and alcohol addictions, tuberculosis, and diabetes.
- Intensify education and provide more health care access for children through school-based health clinics.

Education

- Fully fund the Head Start program and support reservation day care facilities as part of a national child care network.
- Set National Standards through a National Examination System that will prepare our children to compete in the global economy.
- Support bilingual and bicultural programs that involve parents, Tribal leaders, and other community figures.
- Establish a National Trust Fund out of which every American can borrow money to go to college, so long as he or she pays it back either as a small percentage of income over time, or with two years of community service.
- Train non college-bound students through a National Apprenticeship program to give these individuals the boost they need to compete in today's economy.
- Increase adult literacy for all who need it, by working with states to make sure that every state has a clear, achievable plan to teach everyone with a job to read, and earn a General Equivalency Diploma.

Environment

- Provide technical assistance to tribal governments to implement sound land, water and mineral use strategies that protect the environment while encouraging economic growth in Native American communities.
- Increase energy efficiency in Native American communities and promote alternative energy sources as part of a national energy strategy.

Housing

- Implement policies that favor home ownership for all Native Americans.
- Increase the Federal Housing Authority mortgage guarantees to 95% to assist first-time home buyers and boost the construction industry.

THE CLINTON RECORD IN ARKANSAS

- Arkansas recently adopted legislation prohibiting the desecration of Native American burials and the commercial trade or display of human remains and sacred objects.
- Bill Clinton appointed three Native Americans to his state steering committees, including the Governor of the Chickasaw Nation and the Chief of the Choctaw Nation.
- As Governor, Clinton named a lifetime voting member of the Indian Inter-Tribal Association of Arkansas to be his liaison for Indian affairs.
- Bill Clinton was endorsed by more than a dozen leaders from New Mexico's Native American communities.

Newsletter Changes, Contributions Welcome

Readers may notice a few changes with this edition of the Self-Governance newsletter, ranging from the newsletter name to modifications in the format, such as more liberal use of photographs and art. You may also note more of a human interest basis in stories about Tribal members who are affected by the Project in their everyday lives.

Hopefully, these changes will help us achieve the purpose of "Sovereign Nations", to expand the level of accurate information about the Self-Governance Demonstration Project. We think this will more likely be the case if you, the reader, feel a certain "ownership" in the newsletter.

We invite your contributions to the newsletter to help accomplish these objectives. Therefore, we encourage you to send us stories, letters, photographs, poetry and art that you feel would be appropriate to publish. Your insights are not only important to us, but also to other readers. While we cannot guarantee to publish everything we might receive, we do promise to try. In an additional note, we are considering publishing a question and answer column, featuring abstracts from letters we receive. So, if you have any questions about Self-Governance, please write.

Send your contributions to Maureen Kinley, Communication & Education Project Coordinator, Tribal Self-Governance, c/o Lummi Indian Business Council, 2616 Kwina Road, Bellingham, WA 98226.
"THE BEST YET"

Fall Conference in Seattle

"This was the best conference yet," said Jamestown S'Klallam Chairman Ron Allen following the Fall Conference of the Self-Governance Demonstration Project held recently in Seattle.

"Both the benefits and the concerns of the Self-Governance Project were identified, and it appears we are progressing toward greater understanding among the participating Tribes as well as between the Tribes and the Federal Government. It's obvious that we really have an opportunity that we have never had in the past," said Allen.

"The key measure is going to be the level of responsibility the Tribes assume, as well as the level of honesty and true support we receive from the United States government. I firmly believe that the discussions at the conference underscore the reality that Self-Governance is going to be around for a long, long time."

The Fall Conference, held November 16-18, 1992, attracted Tribal leaders from across the nation, as well as Canada. It began with a briefing on the Independent Assessment of the Demonstration Project which accentuated the logic of the Self-Determination legislation and its philosophy taken to the next level. It was obvious that there is growing support for Self-Governance among the Tribes, Congress and the Administration. As the agenda progressed, it was clear from reports about Canadian and U.S. Territories' experiences that indigenous peoples in other parts of the world are becoming more intrigued by the concept.

"There's nothing new about Tribal Self-Governance," said Allen. "It's been around for thousands of years. What we're pursuing, though, is an end to paternalism and a new approach to establishing a positive relationship between Indian and non-Indian government based on mutual respect for each other's rights and duties." Sharee Freeman of the Office of the Solicitor of the Department of the Interior spoke about the future of Self-Governance in Canada and Stephen Sander of the DOI's Territorial and International Affairs program addressed experiences with the concept in the U.S. Territories. The U.S. Territories' experience revealed that they have already been implementing many of the funding principles of the Project for many years. "DOIs have been very liberal and accommodating in its requirements from these entities regarding the use of their funds," said Allen.

The future of Self-Governance and Indian health issues were highlighted at the Conference, as were other issues ranging from permanent legislation to recommendations to further Self-Governance operation by the Bureau of Indian Affairs (BIA) and its Quality Improvement Team (QIT). These recommendations covered such areas as: 1. restructuring of the federal government (i.e., BIA operations) to accommodate the implementation of the Self-Governance Project, 2. delegation of authority resulting from that restructuring, 3. reporting requirements and a Self-Governance activity calendar, 4. communications and orientation and 5. compact negotiations and fund distribution policy improvements related to the Project.

"It was a comprehensive agenda and a positive gathering," said Allen. "I felt one of the key areas of progress was increased understanding of the purpose of the budget shortfall problems and needs some Tribes face. When a number of Tribes can get together, get their issues out on the table and concur on approaches to proceed...I don't know what more we could ask for from a conference."

W. Ron Allen, Chairman of the Jamestown S'Klallam Tribe of Washington, has been a hands-on advocate of Tribal Self-Governance from the outset. Along with other Tribal leaders, he took a leading role in laying the groundwork for the process several years ago, believing from the beginning that Self-Governance was the way for the Tribes to cut the paternal bond held over them by the Federal bureaucracy. He has been both tenacious and creative in the process development, and has had the courage to continue pushing forward despite the inherent risks involved. "If you are considered a threat in these types of initiatives, Indian agencies can choose to treat your Tribe in a less favorable way, reducing opportunities for funding or participating in other programs." But he says the chance to take a project like Self-Governance as far as it can be taken can only benefit Indian Tribes everywhere. This is the opportunity for Tribes to truly function as governments, not just contractors. And Allen anticipates that more and more Tribes will become involved with the process. In 10 years, nationwide, he sees more than 150 Tribal governments going the Self-Governance route. "The idea of Tribal governments dealing with other governments on a government-to-government basis, and exercising full control over their own programs and resources, is very exciting and appealing," he said.
are expected to receive financial assistance and counseling through the program.

**Fisheries Enforcement and Other Law Enforcement** – Self-Governance has helped establish more competitive salaries for fisheries enforcement officers, and to establish new positions, including two new forest patrol positions. The Tribe’s Department of Public Safety consists of Law Enforcement, Fisheries Enforcement and Emergency Medical Services. Each department reports increases in enforcement actions by Tribal officers, and numerous Tribal officials have completed or are about to complete Emergency Medical Technician training.

**Tribal Court** – The increased Tribal budget led to the hiring of a court administrator and a court counselor. In part, this reflected a coordinated effort to strengthen law enforcement, Tribal court and social services and provide a comprehensive approach to substance abuse, domestic violence and youth problems. Quinault also provides for both a prosecutor and a public defender.

**Fisheries Management** – Many accomplishments in fisheries management were supported by Self-Governance, in such areas as catch sampling, spawning ground surveys, broodstock programs and other enhancement work (in the fall, 4.2 million eggs were taken and 177,100 fish were tagged). Harvest management and catch recording were other supported programs.

**Tribal Administration** – Budgeting, and internal reporting systems, auditing and monitoring systems have been developed or enhanced as a result of Self-Governance and an office was established to help implement an efficient program in the future. In one six-month period, 17 Tribal administrative staff positions were filled.

**Youth Opportunity Program** – During Fiscal Year 1991, the summer youth program was shifted to Tribal Administration, increasing its priority, the budget, and the number of participants to 105. There have also been many youth recreational developments, such as the construction of new baseball fields.

**Environmental Protection** – Self-Governance increased funding available to support environmental protection programs, which consist primarily of Spotted Owl and Timber-Fish-Wildlife-related ef-

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**Quinault youths learn to plant trees**

forts. The Forestry Program probably experienced the greatest increase in responsibility. Under Self-Governance, the Tribe accepted responsibilities for timber sales on Tribal lands, forest internships, forest marketing, forest protection, forest inventory, plans on Tribal lands and fire pre-suppression. The Forestry Program also became involved in major land acquisition activities, increasing from under 8,000 acres in 1987 to over 48,000 acres in 1992. A Tribal planting crew planted 236,085 tree seedlings in FY ’91 and the Tribe expects that its annual plantings will reach 1.3 million trees in both FY 1992 and 1993.

**Social Services** – Among other things, the Tribe has been able to hire two caseworkers and a new director for the Social Services program, and more efficiency has developed as a result of combining caseloads. “We are generally pleased with our participation in this historic initiative,” said Lynda Jolly, Coordinator of the Quinault Self-Governance Office. “It has been a learning experience, and the transition, at times, has been a struggle. But assuming greater responsibilities and being more accountable has resulted in positive change.”

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**Tribal Self-Governance Demonstration Project**

**SOVEREIGN NATIONS**

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