

Undated: Indian Affairs Committee Speeches (2 of 3): Statement before annual Washington impact week of the United South and Eastern Tribes

Senator Daniel K. Inouye Papers
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STATEMENT OF SENATOR DANIEL K. INOUE
VICE-CHAIRMAN
U.S. SENATE COMMITTEE ON INDIAN AFFAIRS
BEFORE THE
ANNUAL WASHINGTON IMPACT WEEK
OF THE
UNITED SOUTH AND EASTERN TRIBES
WEDNESDAY, FEBRUARY 22, 1995

RESPECTED CLAN MOTHERS OF THE ONEIDA NATION, REVERED ELDERS, AND TRIBAL LEADERS, I GREET YOU TODAY FOR THE FIRST TIME IN MY NEW CAPACITY AS VICE-CHAIRMAN OF THE SENATE COMMITTEE ON INDIAN AFFAIRS.

ON BEHALF OF ALL OF THE SEVENTEEN MEMBERS OF THE COMMITTEE, I WELCOME YOU TO WASHINGTON.

THIS YEAR, YOUR ANNUAL WASHINGTON IMPACT WEEK, COMES AT A CRITICAL JUNCTURE IN THE NATIONAL DEBATE ON THE RESTRUCTURING OF THE LEGAL RELATIONSHIPS BETWEEN THE FEDERAL GOVERNMENT AND THE STATE GOVERNMENTS.

THUS FAR, WE HAVE HEARD VERY LITTLE IN THIS DEBATE ABOUT THE STATUS OF TRIBAL GOVERNMENTS, AND WHETHER THE MUCH TALKED-ABOUT "CONTRACT WITH AMERICA" HAS AS ONE OF ITS OBJECTIVES, A CHANGE IN THE RELATIONSHIP BETWEEN THE UNITED STATES AND INDIAN NATIONS.

WE DO KNOW THIS. LONG BEFORE THE 1994 ELECTIONS, THERE WAS A CONTRACT WITH AMERICA.

IT WAS A CONTRACT WITH THE FIRST CITIZENS OF AMERICA.

THE TERMS OF THAT CONTRACT WERE SPELLED OUT IN TREATIES, AND LATER IN PRESIDENTIAL EXECUTIVE ORDERS AND LAWS ENACTED BY THE CONGRESS.

BUT WHILE THE RESPONSIBILITIES AND OBLIGATIONS OF THE SO-CALLED "GREAT WHITE FATHER" WERE CLEARLY DELINEATED, FEW IF ANY OF THESE COMMITMENTS HAVE BEEN FULFILLED IN THE MANNER IN WHICH THEY WERE ORIGINALLY ENVISIONED.

THIS IS THE PART OF OUR HISTORY THAT THOSE OF YOU GATHERED IN THIS ROOM TODAY KNOW ONLY TOO WELL.

OUR CHALLENGE IN THE DAYS AND WEEKS TO COME WILL BE TO MAKE CERTAIN THAT ALL OF THE NEW MEMBERS OF THE CONGRESS ARE EQUIPPED WITH AN UNDERSTANDING OF THIS HISTORY --

HOW AND WHEN IT WAS THAT YOUR SOVEREIGNTY AS NATIONS WAS FIRST RECOGNIZED --

AND THE GOVERNMENTAL STATUS OF RELATIONS WITH THE FEDERAL AND STATE GOVERNMENTS THAT FLOWS FROM THAT STATUS.

THE NEW MEMBERS OF THE CONGRESS MAY NOT REALIZE THAT THE FEDERAL-INDIAN RELATIONSHIP HAS ITS ORIGINS IN THE CONSTITUTION, AND THAT IT WAS AFTER MUCH THOUGHT AND DEBATE, THAT OUR FOUNDING FATHERS VESTED THE AUTHORITY TO CONDUCT COMMERCE WITH THE INDIAN NATIONS, NOT IN THE STATES, BUT IN THE NATIONAL GOVERNMENT.

THESE NEW MEMBERS MAY NOT EVEN KNOW THAT ALMOST EVERY LAW AFFECTING INDIAN COUNTRY THAT HAS BEEN ENACTED, FROM THE EARLIEST DAYS OF OUR HISTORY, IS PREMISED UPON THIS CONSTITUTIONAL RELATIONSHIP.

AND SO, WHEN DISCUSSION AND DEBATE IS HAD IN TODAY'S CONGRESS ON THE RELATIVE AUTHORITIES AND RESPONSIBILITIES OF THE FEDERAL AND STATE GOVERNMENTS, IT IS CRITICAL THAT THE STATUS AND AUTHORITIES AND RESPONSIBILITIES OF INDIAN TRIBAL GOVERNMENTS UNDER OUR CONSTITUTIONAL FRAMEWORK NOT BE OVERLOOKED.

WHILE THERE ARE SOME OF US IN THE CONGRESS WHO KNOW YOUR HISTORY, THE SOVEREIGNTY OF YOUR GOVERNMENTS, WE WILL NOT BE ABLE TO EDUCATE THE NEWER MEMBERS OF THE CONGRESS WITHOUT YOUR HELP.

IN THE SAME VEIN, AS HAS BEEN OUR PRACTICE IN THE PAST, WE WILL NOT PRESUME TO MAKE DECISIONS FOR YOU, AND WE WILL AWAIT YOUR GUIDANCE.

FOR INSTANCE, IN THIS MOVEMENT TO BLOCK GRANT PROGRAMS AND THE RESPONSIBILITY FOR PROGRAM ADMINISTRATION TO THE STATES, WE WILL FOLLOW YOUR INSTRUCTION.

YET WE KNOW THAT YOU CANNOT MAKE THE NECESSARY DECISIONS WITHOUT INFORMATION UPON WHICH TO BASE THE GUIDANCE THAT I HOPE YOU WILL GIVE TO US.

SO, WE ARE WORKING WITH THE VARIOUS ENTITIES THAT PROVIDE SUPPORT TO THE CONGRESS, SUCH AS THE CONGRESSIONAL RESEARCH SERVICE AND THE GENERAL ACCOUNTING OFFICE, TO DEVELOP A BETTER PICTURE OF HOW EXISTING STATE BLOCK GRANT PROGRAMS WORK, OR DON'T WORK, WHEN IT COMES TO ALLOCATING MONIES AND PROVIDING SERVICES TO INDIAN COMMUNITIES.

BUT EVEN BEFORE THIS DATA IS AVAILABLE, I WOULD HOPE THAT YOU WOULD TAKE SOME TIME WHILE YOU ARE HERE THIS WEEK TO MEET WITH THE MEMBERS OF YOUR RESPECTIVE CONGRESSIONAL DELEGATIONS AND THEIR STAFFS -- AND THAT YOU WILL IMPRESS UPON THEM THE NEED TO HAVE THE ADMINISTRATION OF FEDERAL PROGRAMS BY TRIBAL GOVERNMENTS ADDRESSED SEPARATELY FROM THE BLOCK GRANT OF FUNDS AND PROGRAMS TO THE STATES.

FEW NEW MEMBERS OF THE CONGRESS, I SUSPECT, KNOW OF SELF-DETERMINATION CONTRACTS OR SELF-GOVERNANCE COMPACTS.

BUT I WOULD THINK THAT THESE ARE THE MODELS OF FEDERAL-INDIAN PROGRAM ADMINISTRATION THAT WE WOULD WANT TO HAVE THEM CONSIDER.

IN OTHER WORDS, THERE ARE MECHANISMS IN PLACE.

THE FEDERAL GOVERNMENT HAS HAD TWENTY YEARS OF EXPERIENCE WITH THE ADMINISTRATION OF FEDERAL PROGRAMS BY TRIBAL GOVERNMENTS.

THERE IS A TRACK RECORD OF A RELATIONSHIP THAT HAS, FOR THE MOST PART, PROVEN TO BE BOTH EFFICIENT AND EFFECTIVE.

THE FUNDS THAT WOULD OTHERWISE GO TO THE STATES, UNDER THE BLOCK GRANT APPROACH, TO SERVE TRIBAL COMMUNITIES, OUGHT

TO BE MADE AVAILABLE DIRECTLY TO TRIBAL GOVERNMENTS.

WE CAN DETERMINE WHETHER SET-ASIDES, PERCENTAGE ALLOCATIONS, SPECIAL SECRETARIAL FUNDS, FORMULAS, OR SOME OTHER MANNER OF IDENTIFYING FUNDS FOR INDIAN COUNTRY IS THE BEST APPROACH ON A PROGRAM-BY-PROGRAM BASIS.

BUT LET US NOT STRIP TRIBAL GOVERNMENTS OF ONE OF THE FUNDAMENTAL ASPECTS OF THEIR SOVEREIGNTY -- THE ABILITY TO PROVIDE BASIC GOVERNMENTAL PROGRAMS AND SERVICES TO THEIR CITIZENS AND TO OTHER RESIDENTS OF RESERVATION COMMUNITIES.

WE MAY NOT BE ABLE TO ACHIEVE THIS FOR EVERY PROGRAM.

SOME PROGRAM FUNDS, AS YOU KNOW, ARE DISTRIBUTED ON THE BASIS OF A FORMULA.

OFTEN, THE FORMULA IS BASED UPON POPULATION, AND INDIAN PEOPLE ARE COUNTED FOR PURPOSES OF SUBMITTING A TOTAL SERVICE POPULATION FIGURE.

THE STATES RECEIVE THE FUNDING ON THE BASIS OF THAT TOTAL POPULATION FIGURE THAT THEY SUBMIT TO THE FEDERAL GOVERNMENT, SUCH AS THE FUNDING FOR THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM.

WHAT WE MUST ASSURE IS ACCOUNTABILITY FOR THAT PORTION OF THE FUNDING THAT IS SUPPOSED TO PROVIDE ASSISTANCE TO ELIGIBLE INDIAN PEOPLE.

IF THERE IS A PATTERN OF DISCRIMINATION IN THE ALLOCATION OF FUNDS TO INDIAN COMMUNITIES, WE MUST DOCUMENT IT.

THERE IS ANOTHER IMPORTANT POINT THAT SIMPLY CANNOT BE LOST IN THIS DEBATE.

INDIAN PEOPLE MAY REPRESENT APPROXIMATELY ONE PERCENT OF THE TOTAL UNITED STATES POPULATION, BUT WHEN IT COMES TO PROGRAMS THAT ARE BASED UPON NEED, INDIAN PEOPLE MAY REPRESENT A FAR GREATER PERCENTAGE OF THE POPULATION THAT IS SERVED BY A PARTICULAR PROGRAM.

WE CANNOT ALLOW INDIAN COUNTRY TO BE LOST IN A GAME OF NUMBERS AND FORMULAS, WITHOUT LOOKING AT EACH PROGRAM AND THOSE IT WAS DESIGNED TO SERVE.

FOR INSTANCE, TIME AND AGAIN, WE HAVE BEEN TOLD THAT THE INDIAN POPULATION IS THE FASTEST GROWING POPULATION IN THE UNITED STATES, AND THAT OVER FIFTY PERCENT OF THE INDIAN POPULATION IS UNDER THE AGE OF EIGHTEEN.

IF THAT IS SO, THEN INDIAN YOUTH WILL MAKE UP A LARGER PROPORTION OF THE ELIGIBLE POPULATION FOR PROGRAMS THAT ARE DESIGNED TO ADDRESS THE NEEDS OF YOUNG PEOPLE.

ANOTHER UNIQUE ASPECT OF INDIAN COUNTRY WILL NEED TO BE CONSIDERED AS PROPOSALS FOR REINVENTING AND STREAM-LINING THE FEDERAL GOVERNMENT ARE ADVANCED.

THIS IS THE RE-SHAPING OF FEDERAL AGENCIES BASED UPON SELF-DETERMINATION CONTRACTING AND SELF-GOVERNANCE COMPACTS.

TWENTY YEARS AGO, WHEN THE INDIAN SELF-DETERMINATION ACT WAS ENACTED, IT WAS PROJECTED THAT THE FEDERAL AGENCIES THAT ADMINISTERED INDIAN PROGRAMS WOULD SHRINK DRAMATICALLY IN SIZE.

OF COURSE, HISTORY HAS PROVEN THIS PROJECTION WRONG.

BUT IN 1995, I THINK IT IS CLEAR, THAT THE LEADERS OF TRIBAL GOVERNMENTS AS WELL AS THE CITIZENS OF INDIAN NATIONS WANT TO HAVE A DECISIVE ROLE IN RE-SHAPING THE AGENCIES WITH WHICH THEY DO BUSINESS -- EVEN IF IT ENTAILS DOWN-SIZING AND A REDUCTION IN THE NUMBERS OF FEDERAL EMPLOYEES.

YOU HAVE MADE CLEAR YOUR DESIRE FOR SOMETHING MORE THAN CONSULTATION WHEN IT COMES TO RE-VAMPING THE BUREAU OF INDIAN AFFAIRS, AND I KNOW THAT I SPEAK FOR CHAIRMAN McCAIN WHEN I SAY THAT WE FULLY SUPPORT YOU IN ACHIEVING THAT OBJECTIVE.

THE SOUTHERN AND EASTERN TRIBES HAVE A UNIQUE RELATIONSHIP WITH THE AREA OFFICES OF THE B.I.A. AND THE INDIAN HEALTH SERVICE.

SOME OBSERVERS HAVE NOTED THAT THERE IS FAR LESS FEDERAL BUREAUCRATIC INVOLVEMENT IN THE DAILY LIVES OF THE MEMBERS OF THE SOUTHERN AND EASTERN TRIBES.

THIS MAY BE THE MODEL THAT OTHERS IN INDIAN COUNTRY MAY WANT TO HAVE REFLECTED IN THEIR DEALINGS WITH THESE AGENCIES.

ACCORDINGLY, IN CHAIRMAN McCAIN'S REQUEST OF THE GENERAL ACCOUNTING OFFICE TO CONDUCT A "TOP TO BOTTOM" REVIEW OF THE BUREAU OF INDIAN AFFAIRS, WE HAVE ASKED THE G.A.O. TO EXAMINE THE RELATIONSHIPS YOU HAVE WITH THESE AGENCIES AND COMPARE THEM WITH OTHERS IN INDIAN COUNTRY.

FINALLY, BEFORE I LEAVE YOU TODAY, I WANT TO TAKE THIS OPPORTUNITY TO THANK YOU FOR THE SUPPORT YOU HAVE GIVEN TO THE COMMITTEE, AND TO ME PERSONALLY, OVER THE PAST EIGHT YEARS.

YOU HAVE MADE MY SERVICE AS CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS A REWARDING EXPERIENCE.

YOU HAVE EDUCATED ME, AND I HOPE THAT I HAVE REFLECTED, IN MY EFFORTS TO SERVE YOU, SOME OF WHAT YOU HAVE TAUGHT ME.

OUR WORK IS FAR FROM OVER, BUT WORKING TOGETHER, I BELIEVE WE HAVE BUILT AN IMPRESSIVE RECORD THAT WILL SERVE AS A STRONG FOUNDATION FOR OUR EFFORTS TODAY AND IN THE FUTURE.