

DEPARTMENT of the INTERIOR

news release

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REMARKS OF SECRETARY OF THE INTERIOR STANLEY K. HATHAWAY
BEFORE THE NATIONAL CONGRESS OF AMERICAN INDIANS
SHERATON PARK HOTEL, WASHINGTON, D.C., JUNE 25, 1975

Thank you, President Tonasket. Senator Jackson, Senator Nelson, Congressman Udall, Congressman Meeds, ladies and gentlemen.

Mrs. Hathaway and I are grateful for the opportunity to join the National Congress of American Indians in paying tribute to Senator Jackson and Congressman Udall. On behalf of the Interior Department, I want to express our appreciation for their significant efforts in securing passage of legislation settling the Havasupai boundary issue.

In recent years, there have been a number of legislative milestones in the formulation of Indian policy. The Indian Financing Act, the Self-Determination Act, the Menominee Restoration Act and a host of other bills were enacted in the spirit of non-partisanship. I think I can speak for all of us when I say we owe a great debt of gratitude to the Members of Congress. From my own standpoint, I look forward to working with the Congress as we face the remaining items on the agenda of Indian legislation.

Just a little under five years ago, a new Federal policy toward Indians was espoused in a major Presidential message. That message contained a series of legislative and administrative proposals, which taken together, would bring about the most significant change in the history of Federal Indian Policy. I do not mean to imply that the ideas and programs contained in the President's message of July 8, 1970, were new. In fact, most of the proposals in that message were concepts the Indian leaders had been trying to tell us for years. The novelty of that message lay in the fact that the Administration and the Congress were beginning to listen to what you were saying. It was also the first time that all these ideas were put together to form a coherent, rational policy.

Thanks to the joint efforts of the Congress and the Administration, most of the proposals contained in that 1970 Message have been enacted into law. Of the remaining issues, two stand out prominently.

Since the Commissioner is with us tonight, I will mention the bill establishing in the Department a new position -- Assistant Secretary for Indian Affairs. It is time, I believe, that Indian Affairs assumes, in structure as it is in substance, its rightful place as a principal part of the Department.

I would also mention the proposed creation of an Indian Trust Counsel Authority. The United States Government, and particularly, the Secretary of the Interior, acts as the legal trustee for Indians in defending land and water rights. Because we also have obligations to the Nation as a whole, real and apparent conflicts sometimes arise. To dispel any doubt about the diligence with

which we pursue our trust responsibilities to the Indian community, I favor the principle of an independent trust counsel authority. In all candor, the Department has some disagreements with the bill now before the Senate Interior Committee. But our commitment to the establishment of a Trust Counsel Authority is not diminished, and we want to work with the Indian community and with the Congress to secure a mutually acceptable bill.

I would like for a moment to discuss one element of the Presidential Message which has already been enacted into law. I am referring to the Indian Self-Determination Act. In this law, the Congress has set forth a policy which represents a distinct departure from past practices toward Indians. It may be the single most significant bill in the history of Federal Indian policy.

The Self-Determination Act authorizes Federal agencies to turn over management of specific programs to the tribal government. It is not the policy of this Act that tribal governments must take over the administration of Federal programs affecting their reservations. The policy is that tribal governments must have the choice of taking them over or not taking them over. Under this Act, the determination of a tribe's ability to undertake programs rests principally with the tribe itself.

In order that there be no misunderstanding about the meaning and purposes of the Self-Determination Act, I will emphasize that tribes are free at any time and at their own behest to relinquish administration of programs back to the Bureau or to Indian Health Service or wherever.

The Federal agency is then obligated, by law, to reassume operation of and responsibility for those programs. The intent of this Act is to strengthen tribal governments, but at their own pace, and without any underlying threat of termination of services. The Self-Determination Act, along with the Menominee Restoration Act, were designed to put that misguided experiment to rest -- forever.

I do not want to dwell on the history of Federal Indian policy. This is not the place to recite a litany of broken agreements and unenlightened efforts. What is needed -- and what has been so difficult for many non-Indians to comprehend -- is an understanding of the special relationship between the Federal Government and the Indian people. We need to recognize that the goods and services which the Government provides to the tribes are not donations given solely out of the goodness of our hearts. While these services and programs to Indians must be administered with sympathy and care, it must be understood that they are the result of solemn obligations undertaken by the Government in exchange for land and other considerations. In business parlance, it is a contractual agreement. As a Nation, we pride ourselves on maintaining our obligations with other nations with whom we have agreements. So must we pride ourselves on living up to our solemn promises, our contractual obligations, if you will, to our Indian citizens here at home.

The issue of energy development in the West is one which is squarely before me -- before the Congress and the Nation -- and before the Indian community. It is among my concerns that areas proposed for increased production of coal

lie within, or intermingled with Indian lands. I can readily understand your feelings of apprehension about the prospects of large scale energy developments. To the extent that development is under our control, we will all have to work closely together to be sure energy projects are developed with long-range social, cultural and environmental impacts in proper perspective. We will attempt to keep the decision making process as open as possible, to aid in the flow of information so that all options are available and understood by the concerned entities. But I see here an opportunity -- an opportunity for jobs and a more stable economic base for many Indian communities, without the loss of the unique Indian heritage which is so valuable to us all. I see also an opportunity for the people in these places to play a positive role in helping the Nation meet its energy objectives. It will be the test of the self-determination policy and of our ability to carry out our trust responsibilities if energy sources on Indian land can be developed meeting these multiple objectives -- the people objectives as well as the energy and economic goals.

There are other important Indian issues on our agenda, notably the adjudication of water rights, and hunting and fishing rights and other jurisdictional issues. For my part, I recognize the responsibilities I bear, and the impacts of my decisions on your lives. There is a unique relationship between the Indian people and the office of Secretary of the Interior. I have a trust responsibility which I am pledged to carry out with diligence and compassion. I come to this office with a basic understanding of your concerns and with a sympathy for the difficulties you face. But I have much to learn. Only with an open and frank dialogue with Indian leaders can I hope to fulfill my obligations effectively. I pledge myself to that end.

In my own State of Wyoming, we do not have a large Indian population. In fact, we do not have a large population, period. But, we pride ourselves on our ability to get along with each other and our ability to understand the other fellow's point of view. I think I can manage to keep that little bit of Wyoming with me as I assume my duties here.

President Tonasket, ladies and gentlemen, together we face a number of critical Indian issues. We must work together to see many of these most serious issues resolved.

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