Media Contact: Office of the Secretary
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WASHINGTON. D.C.--Senator James Abourezk today asked Interior Secretary Rogers C. B. Morton to take immediate personal charge of the Bureau of Indian Affairs until a commissioner of that agency is legally appointed. Abourezk is chairman of the Senate Interior Subcommittee on Indian Affairs.

Abourezk said that the intervention or the Interior Secretary is required immediately to stop the BIA from going ahead with a reorganization plan which is being implemented "prematurely, illegally and without realistic involvement of the Indian tribes."

Abourezk said that acting BIA commissioner Marvin L. Franklin has issued a memorandum purporting to carry out his reorganization plan.

Last month the Senator cited an opinion set forth by the Law Division of the Library of Congress that Franklin has been acting illegally as head or the BIA for six months. That opinion declared that for Franklin, or anyone else to serve as BIA head the President must submit his name for Senate confirmation within thirty days.

"If' Mr. Franklin is to continue to make decisions regarding the Bureau of' Indian Affairs why hasn't his nomination been submitted so we can get on with confirmation hearings?" Abourezk asked Morton.

The Senator said that the Interior Subcommittee was advised that a steering committee had been set up by Secretary Morton to direct any reorganization efforts, but a memorandum dated August 17 reports that the committee has not reached any conclusions on its review.

"Many tribes have told me of their opposition to the entire reorganization plan. The Interior Department pledged to the committee that it would withhold this reorganization until the Indian tribes had an opportunity to be realistically involved.

"I have repeatedly requested that reorganization be delayed until these tribes can be realistically involved and until we have completed our hearings. Despite Interior Department officials pledging cooperation with the committee, Franklin continues to proceed with this reorganization."

"I strongly urge your immediate action," the Abourezk letter concluded, "in putting a stop to these actions, reprimanding those who are acting without proper authority and taking personal charge of the Bureau of Indian Affairs until such time as a commissioner is legally appointed."

NOTE TO EDS: A copy of Abourezk's letter to Morton is attached.

Honorable Rogers C. B. Morton

Secretary of the Interior

Department of the Interior

Washington, D. C. 20240

Dear Hr. Secretary:

A memorandum to all Bureau of Indian Affairs employees from Marvin L. Franklin which purports to carry out Mr. Franklin's reorganization plan, has come to my attention. That memorandum, dated August 17, 1973, is extremely ill-advised for the following reasons:

1. Mr. Franklin's authority to reorganize is very much in doubt. In spite .of the opinion of the Interior Solicitor which, although disagreeing with the previous Library of Congress opinion, failed to bring in any new facts or law and reached a conclusion that has very little if any documented support. If Mr. Franklin is to continue to make decisions regarding the Bureau of Indian Affairs, why hasn’t the nomination for Commissioner been submitted so we can get on with his confirmation hearings?
2. We were advised that the Steering Committee, composed of Interior officials and established by you would direct any effort toward recognition. The August 17 memorandum states that the Steering Committee has not reached a conclusion. Therefore, Mr. Franklin is acting beyond the scope of his claimed authority and his prior assurance to the Committee that these decisions would not be made by the Bureau staff alone by prematurely implementing the reorganization.
3. There is no indication that there has been any realistic involvement of Indian tribes in this reorganization nor has there been any approval by the tribes. In fact many tribes have notified me of their opposition to the whole package and requested that I take stronger action to assure that the reorganization was not considered. Information coming to me was that the previous plan had been set aside and that Mr. Sid Freeman had joined your staff to begin a rather thorough analysis of the present organization with the intention of designing a plan more compatible with Indians' needs and desires.
4. When your Department testified before us on the Authorization hearings your witness said that the Bureau was willing to cooperate with the Committee at all times. I have repeatedly requested your withholding this particular reorganization until you had consulted with Indian people and we had an opportunity to complete our headings. Mr. Franklin action flies in the dace of that request.
5. In spite of the stay in the “Manceri Decision” by the Supreme Court, many very capable Indian employees are being pushed aside while non-Indians are being placed in charge of the programs those Indians have previously directed.

In Summary, this appears to be a bureaucracy acting beyond the law. To this I must strongly protest.

I strongly immediate action in putting a stop to those actions, reprimand hose who are acting without proper authority and take personal charge of the Bureau of Indian Affairs until such time as a Commissioner is legally appointed.

Thanking you in advance for your cooperation, I remain

Sincerely,

James Abourezk

United States Senator