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THE WHITE HOUSE

WASHINGTON

January 20, 1971

MEMORANDUM FOR: KEN COLE

SUBJECT: REORGANIZING INDIAN AFFAIRS

Geoff Shepard met with Bobbie Kilberg and Brad Patterson on January 14 to discuss our differences as to reorganizing Indian Affairs. The major dispute still centers around placement of the Bureau of Indian Affairs. Everyone agrees the bill to provide for an Assistant Secretary for Indian Affairs in the Department of the Interior should be re-introduced this year. (Bobbie and Brad suggest it can be easily transferred to Human Resources at a later date.)

Although the question of establishing an Indian Trust Council Authority was resolved against him last year, Andy Rouse still feels such a new organization is unnecessary because a separate Indian Solicitor within Interior could fulfill this worthwhile purpose without the conflict of interest which presently exists. It's clear to me that the Indian Trust Council Authority should not become a part of the proposed Legal Services Corporation. Because of special and unique treaties, complexities of the real property issues, and the vast sums of money involved, serious Indian litigation requires the talents of experienced, sophisticated counsel. This is almost the antithesis of the sort of law practiced by poverty lawyers.

There are numerous reasons for not wanting BIA moved from Interior:

1. The Indians will probably not want it. They would see it as a first step for termination.
2. The relationship between the Land Management responsibilities and the lives of the people who live on the land is intimate and would be disturbed by the separation of the two functions.
3. The United States has very special responsibility for the Indians since our relationship with them is governed by treaty. Moving their programs to Human Resources would mix them into other programs directed at the poor, minorities, etc. without adequate consideration for their differences and our responsibility.

Kilberg and Patterson envision moving all Indian-related Interior functions (including Land Management) to Human Resources and maintaining them within that department as a separate, whole entity. Two problems with this approach are:

1. The only Indian problems we are dealing with are those of Reservation Indians. By their own choice, their lives (values, culture, religion) are inextricably tied to their lands. Clearly the most appropriate place for the Land Management is in the Department of the Interior (later Natural Resources).
2. Perhaps most importantly, movement of BIA as an entity to Human Resources would be directly contrary to the rationale for our entire reorganization. We are reorganizing for purposes, not to consolidate for special interest groups. If the Indian be deemed to be a special case, no doubt other cases would also be allowed and would undermine the effectiveness of our proposals.

We will be going through a thorough re-examination of the Indian issue soon, and an option paper prepared which I intend to process through the system recommended to Ehrlichman today.



Bud Krogh

Attachments

THE WHITE HOUSE

WASHINGTON


January 11, 1971

MEMORANDUM FOR

BUD KROGH

What are your thoughts with regard to the issues raised in Bobbie Kilberg's memorandum of January 8, copy attached?

Please advise as some of this legislation will need to be submitted immediately after the Congress convenes if it is to be submitted at all.

KEN  COLE

Attachment

Determined by  
Administrative / Accounting  
E.O. 12812  
By \_\_\_\_\_

THE WHITE HOUSE  
WASHINGTON

January 8, 1971

CONFIDENTIAL

TO: KEN COLE  
FROM: BOBBIE KILBERG BK  
SUBJECT: Governmental Reorganization

There are three items that should be considered in relation to the placement of Indian functions in the new reorganization.

1. I am not convinced that the Bureau of Indian Affairs should go to a Department of Natural Resources. The Bureau is very much a social service and economic development organization and, despite its land responsibilities, I would think it would belong more logically in a Department of Human Resources or a Department of Economic Development.
2. One of the Indian bills is for the creation of an Assistant Secretary for Indian Affairs within the Interior Department. Do we proceed to resubmit this piece of legislation in light of the reorganization proposals? My initial response would be yes, since an Assistant Secretary for Indian Affairs slot could consistently be moved to one of the new Departments at a later date.
3. Another Indian bill is for the establishment of an Indian Trust Counsel Authority. In light of the proposal for a Legal Services Corporation, the same question arises as with number two. My initial answer would also be the same, i.e., the Indian Trust Counsel Authority easily could later become a component part of the overall Corporation.

cc: Bud Krogh