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HEARING
BEFORE THE
UNITED STATES
COMMISSION ON CIVIL RIGHTS

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HEARING HELD
IN
WINDOW ROCK, ARIZONA
October 22-24, 1973

Volume II: Exhibits

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WINDOW ROCK, ARIZONA
October 22-24, 1973

Volume II: Exhibits

Members of the Commission:

STEPHEN HORN, *Acting Chairman*

FRANKIE M. FREEMAN

MAURICE B. MITCHELL

ROBERT S. RANKIN

MANUEL RUIZ, JR.

JOHN A. BUGGS, *Staff Director*

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Exhibit No. 1

FEDERAL REGISTER, Vol. 38, No. 183
Friday, September 21, 1973

COMMISSION ON CIVIL RIGHTS

ARIZONA

Notice of Hearing.

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on October 22, 1973, and that an executive session, if appropriate, will be convened on October 21, 1973, to be held at the Navajo Civic Center, Window Rock, Arizona.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect educational opportunities, or the provision of medical and welfare services, or employment opportunities, or economic development for the Navajo Indians who reside on or near the Navajo Reservation in Arizona, New Mexico, or Utah; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as they affect the educational opportunities, or the provision of medical and welfare services, or employment opportunities, or economic development for Navajo Indians, in the above areas, and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin in the fields of education, medical and welfare services, employment, economic development, and related matters.

Dated at Washington, D.C., September 18, 1973.

STEPHEN HORN,
Acting Chairman.

[FR Doc.73-20191 Filed 9-20-73;8:45 am]

Exhibit No. 2

THE NAVAJO TRIBE

WINDOW ROCK, NAVAJO NATION, (ARIZONA) 86515



August 23, 1974

PETER MacDONALD
CHAIRMAN, Navajo Tribal CouncilWILSON C. SKEET
VICE CHAIRMAN, Navajo Tribal Council

 Legal Department

Hester Lewis
 Attorney
 1121 Vermont Avenue, N.W.
 Room 602
 Washington, D C.

Dear Hester:

Enclosed is a very brief compilation of the material for your transcript.

At tab "A" is a copy of the Council resolution dealing with the Tribe's Exxon lease. This resolution, passed in January, has, of course, yet to be approved by the Bureau of Indian Affairs.

At tab "B" are copies of three resolutions passed by the Tribal Council and approved by the Bureau of Indian Affairs only after deliberation for nine months or more.

I trust this brief survey will be adequate for inclusion in the transcript.

Sincerely,

Steven J. Twist

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P.S. You should note that the resolution authorizing the Chairman to execute the Exxon lease indicates "No BIA Action Required." However, the BIA must ultimately authorize the lease agreement and this they have, as yet, not done.

TAB A

CJA-15-74

Class "C" Resolution
No BIA Action Required.RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Authorizing the Chairman of the Navajo Tribal Council to Execute Various Documents Granting Exxon Corporation the Right to Prospect for and Mine Uranium, All Fissile Minerals, and Other Minerals Associated Therewith on the Navajo Reservation

WHEREAS:

1. On August 30, 1973, the Navajo Tribal Council passed Resolution CAU-47-73 which authorized and directed the Chairman of the Navajo Tribal Council to enter into negotiations and reach an agreement with a firm or firms for the purpose of profitable and satisfactory development of the uranium which may lie under that portion of the Navajo Reservation known as the Northwest portion of the State of New Mexico, and
2. For the past four months, the Chairman of the Navajo Tribal Council and the Office of General Counsel have been negotiating with Exxon Corporation regarding the exploration for and mining of uranium on the Navajo Reservation, and
3. On January 11, 1974, the Advisory Committee of the Navajo Tribal Council passed a resolution by a vote of 14-0 recommending that the Tribal Council authorize and direct the Chairman of the Navajo Tribal Council to execute the Uranium Mineral Prospecting Permit and Mining Lease Agreement (together with exhibits thereto) attached hereto as Exhibit "1" for and on behalf of the Navajo Nation and to make such changes and additions as he deems necessary or appropriate to carry out the intent thereof.

NOW THEREFORE BE IT RESOLVED THAT:

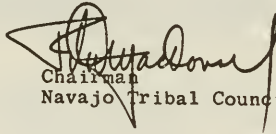
1. The Chairman of the Navajo Tribal Council is hereby authorized and directed to execute the exclusive Uranium Mineral Prospecting Permit and Mining Lease Agreement (together with exhibits thereto) attached hereto as Exhibit "1" for and on behalf of the Navajo Nation.
2. The Chairman of the Navajo Tribal Council, with the consent and approval of the Advisory Committee, is hereby authorized and directed to make such changes and additions in Exhibit "1" (together with the exhibits thereto) as he deems appropriate to carry out the intent thereof and to execute all other papers and

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do all things necessary or appropriate to implement the agreements contained in Exhibit "1" and the exhibits thereto.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 46 in favor and 2 opposed, this 24th day of January 1974.


Chairman
Navajo Tribal Council

TAB B

CAU-39-73

Class "B" Resolution
Area Approval Required.RESOLUTION OF THE
NAVAJO TRIBAL COUNCILTribe passed 8/22/73
BIA approved 6/24/74Authorizing the Investment Committee to
Maintain an Investment Program on
Behalf of the Navajo Tribe

WHEREAS:

1. A short-term investment program has proven highly successful in providing a satisfactory return on invested funds, and
2. The Budget and Finance Committee of the Navajo Tribal Council has expressed the opinion by Resolution BFN-98-70 that the short-term investment program was in the best interests of the Tribe and should be continued, and
3. An investment program will provide the necessary flexibility to enable the Navajo Tribe to have funds on hand and available for budget operations on short notice, and
4. On December 3, 1970, pursuant to Navajo Tribal Council Resolution CD-71-70, the Treasurer of the Navajo Tribe was authorized to continue a short-term investment program with Merrill Lynch, Pierce Fenner and Smith, Inc., as principal broker, and
5. On May 28, 1957, the Navajo Tribal Council, by Resolution Number CM-53-57, authorized the investment of Scholarship Funds, and
6. On December 21, 1972, Spiegel and Stenson Investment Counsel, a partnership was retained through contractual agreement with the Chairman of the Navajo Tribe to manage the investment of funds of the Navajo Tribal Scholarship account pursuant to T. 10ss 343 Navajo Tribal Code.

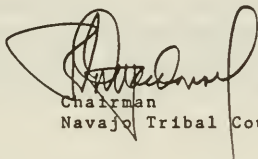
NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council authorizes the Investment Committee to maintain an investment program on behalf of the Navajo Tribe in accordance with the attached Exhibit "A", plan of operation.

2. The Navajo Tribal Council approves the management of the Navajo Tribal Scholarship account by an investment firm monitored by the Investment Committee as detailed in the Plan of Operation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 37 in favor and 0 opposed, this 22nd day of August, 1973.



Chairman
Navajo Tribal Council

PLAN OF OPERATION

I. ESTABLISHMENT

Navajo Tribal Council Resolution CAU-50-59 provided for the reorganization of the Executive Branch of the Navajo Tribe. Pursuant to the authority of this resolution, the Treasurer of the Navajo Tribe carried out a program of short-term investments. Resolution Number CD-71-70 authorized the Treasurer of the Navajo Tribe to continue the Short-Term Investment Program. Investment of Scholarship Funds is authorized by Tribal Council Resolution Number CM-53-57 which was passed on May 28, 1957. A Tribal Investment Committee was established by a memorandum dated April 29, 1971, signed by the Chairman, Navajo Tribal Council.

II. OBJECTIVE

The objective of the Investment Committee is to initiate and maintain a sound investment program on behalf of the Navajo Tribe. This includes activities necessary to conduct and direct investment transactions which will enable Tribal General Funds and Scholarship Funds to receive maximum rates of return and capital appreciation while maintaining safety of principle and liquidity within the framework of the "Prudent Man" on investment program guidelines.

III. ORGANIZATION

The Investment Committee shall be comprised of the following Tribal representatives:

The Controller

The Auditor General

The Director of the Office of Administration

The Chairman of the Budget and Finance Committee

The General Counsel (Ex Officio)

The Chairman of the Navajo Tribal Council (Ex Officio)

The Cashier (Ex Officio) - acts as recording secretary)

The Controller shall serve as the Chairman of the Investment Committee and the Chairman of the Budget and Finance Committee shall serve as the Vice Chairman. Each representative

shall have one vote, except for the ex officio representatives who shall have no vote. Three (3) voting representatives in attendance at each meeting shall constitute a quorum. No motion may carry with less than two (2) votes. Proxy vote by an absent voting member may be accepted at the discretion of the presiding chairman of the committee.

IV. POLICIES

The Investment Committee shall implement and efficiently maintain the following policies:

- (a) Tribal Scholarship Funds which have been entrusted to an Investment counseling service shall be periodically reviewed and evaluated to insure funds are invested consistent with the objective at the Scholarship program.
- (b) All monies accruing to the credit of the Navajo Tribe shall, to the maximum, be brought under the direct control of the Navajo Tribe.
- (c) General Funds on hand not required for day-to-day expenditures of the Tribe may be invested for maximum return consistent with the objectives of the Plan of Operation.
- (d) Scholarship investment revenue received and on hand but not required for immediate disbursement shall be transferred to the Investment Counsel for reinvestment pursuant with existing contract.
- (e) Responsibility for the management of the Scholarship Fund investments remains with the Investment counseling service contracted to provide such services.
- (f) General Fund Investments shall be diversified to include common and preferred stock, commercial paper, governmental and industrial bonds, notes and debentures, certificates of deposit, fully collateralized mortgages, loan participation agreements (subject to approval of the Navajo Tribal Council), and other prudent investments. Commodity futures trading, short-selling of stock, dealing in letter stock, puts and calls, hedging, arbitrage and loans to Tribal affiliates is prohibited.
- (g) Purchase or sale of General Fund short-term investments, defined as those maturing in one year

or less, may be approved by the Controller for immediate action when recommended by the Investment Counsel. These transactions will be presented to the next regular meeting of the Investment Committee for review and approval.

- (h) Purchase or sale of General Fund intermediate investments, defined as those maturing in more than one year but less than five years, will be approved in advance by the Investment Committee upon recommendation by the Investment Counsel. Under unusual circumstances when immediate action is required to obtain maximum benefits by purchase or sale of intermediate investments, the Controller may be authorized to approve the transaction. Any action approved by the Controller on intermediate investments will be reported immediately in writing to all members of the Investment Committee. The committee members will be required to approve or disapprove the action in writing. A special meeting of the Investment Committee may be called by the Committee Chairman or the Chairman, Navajo Tribal Council, by giving members written notice 48 hours in advance of the meeting time.
- (i) General Fund Long-Term investments, defined as those maturing after five years, will require the approval of the Investment Committee and the Chairman, Navajo Tribal Council.
- (j) All General Fund investments shall be placed through a recognized broker, or in the case of the certificates of deposit, by the Controller unless otherwise approved by the Navajo Tribal Council. All investments shall be in the name of the Navajo Tribe.
- (k) A balanced portfolio shall be maintained, consistent with economic conditions, to insure long-term growth, to balance inflationary trends and to provide maximum income for reinvestment of operating capital.

V. AUTHORITY

The Investment Committee shall have the authority to execute or approve investment transactions in accord with established policies and to the extent necessary to safeguard the investment funds of the Navajo Tribe. It may make

CFL - 34-73

recommendations to the Navajo Tribal Council to approve or terminate existing contracts with an established Investment Service for violating Tribal Investment policies. It may direct the purchase or sale of any security or securities of any nature to attain the goals set by the Navajo Tribal Council. The committee will not initiate or approve any transaction which violates tribal policy. In exercising this authority, the committee shall consider:

- (a) The forces of inflation which may reduce the value of Tribal Funds over a period of years.
- (b) The return to the Navajo Tribe of interest, dividends, and capital gains.
- (c) The availability of funds.
- (d) The safety of funds invested.
- (e) Other factors consistent with sound investment practices.

The Investment Counsel shall be bound by the decisions of the Investment Committee. Instructions to the Investment Counsel shall be written. In those instances where verbal approval of a transaction is required for immediate action, confirmation of the action taken will be made by letter.

VI. RESPONSIBILITIES

The following responsibilities are assigned to executive officers and committee members to achieve the investment goals of the Navajo Tribe.

- (a) Investment Committee - The Investment Committee shall be responsible for:
 1. The management of all General Fund investments and monitoring of all Scholarship fund investments in such a manner as to attain the investment of objectives set by the Navajo Tribal Council.
 2. Initiating, directing or approving all investment activities in accordance with the established Plan of Operation.
 3. Conducting regularly scheduled quarterly meetings to assure an efficient program of continuing investment projects.
 4. The submission of quarterly performance reports, and any special reports requested, to the Chairman, Navajo Tribal Council.

CAV-39-73

(b) Controller - The Controller shall be responsible for:

1. The maintenance of current records of all investments initiated or approved by the Investment Committee.
2. Preparation of all quarterly and special reports as required by the Investment Committee or the Chairman, Navajo Tribal Council.
3. Maintaining adequate controls to safeguard investment assets of the Navajo Tribe.
4. Initiating short-term investments to make maximum use of General Funds as they become available and obtaining approval of the Investment Committee for these transactions.

(c) Cashier - The Cashier shall be responsible for:

1. Recording the minutes of all regular and special meetings of the Investment Committee.
2. Maintaining a detail of all securities owned showing cost, interest rates, yield rate, maturity date and maturity value.
3. Providing investment advice to the Investment Committee.

Class "A" Resolution
Washington Approval
Required.

CJN-56-72

Tribe passed June 13, 1972
BIA approved May 21, 1973

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Establishing the Navajo Engineering and Construction
Authority (NECA) and Adopting a Plan of Operation

WHEREAS:

1. The operation and management of the Tribal Heavy Equipment Pool has been such as to result in inadequate service in the heavy equipment field and in serious financial loss to the Navajo Tribe, and

2. The concept and purpose of a heavy equipment operation coincides with the basic policy of the Navajo Tribe to control its own affairs and its own destiny, with a view towards developing the means by which increased financial benefits and training can result to the Navajo Nation, and

3. It is, therefore, appropriate that a heavy construction operation be continued by the Navajo Tribe in the form of a Tribal enterprise capable of acquiring the services of persons having exceptional ability in the management of large-scale construction operations, and

4. Such an enterprise directed by competent and experienced management personnel will result in significant financial gain to the Navajo Tribe, and

5. The Advisory Committee of the Navajo Tribal Council, by resolution passed May 10, 1972, recommended the establishment of such an enterprise and has further recommended the adoption of the attached Plan of Operation.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council hereby creates and establishes the Navajo Engineering and Construction Authority hereinafter called the "Authority," as a Tribal enterprise.

2. The Plan of Operation attached hereto is hereby adopted and the Authority is hereby authorized and directed to conduct its operation in accordance therewith and with any additions or amendments thereof, as may be made by the Advisory Committee of the Navajo Tribal Council.

3. The Advisory Committee of the Navajo Tribal Council is hereby authorized and directed to assume full authority over the Authority, and to make such additions to or

amendments of the attached Plan of Operation as it shall deem appropriate.

4. All Tribal property and equipment presently belonging to or used by the present Heavy Equipment Pool, including all Tribal interests in property and equipment, belong to or used by said Pool is hereby transferred to the Authority to be used or disposed of in accordance with the attached Plan of Operation as the Authority sees fit. All Tribal construction equipment and other related property which may subsequently be discovered or acquired by the Navajo Tribe by any means whatsoever, may be transferred to the Authority by the Chairman of the Navajo Tribal Council.

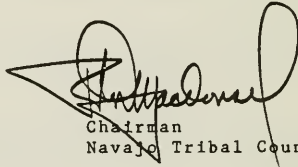
5. The Authority shall not be responsible for the present obligations of the Heavy Equipment Pool and shall not benefit by any accounts receivable or other obligations owed to said Pool, but such Authority shall proceed on behalf of the Navajo Tribe to collect all Heavy Equipment Pool accounts receivable and deliver all proceeds therefrom to the Treasurer of the Navajo Tribe for deposit in the Tribe's general treasury.

6. With the consent of the Advisory Committee of the Navajo Tribal Council and upon obtaining proper clearances through the Tribe's Real Property Management Department, the Authority shall establish offices and equipment and supply yards throughout the Reservation, and be authorized to mine, process and develop and sell all sand, granite, pumice building stone and other nonprecious minerals and building materials upon the Reservation.

7. The Heavy Equipment Pool is hereby abolished and all relevant resolutions are hereby rescinded.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 44 in favor and 0 opposed, this 13th day of June, 1972.


Chairman
Navajo Tribal Council

PLAN OF OPERATION OF THE
NAVAJO ENGINEERING and CONSTRUCTION AUTHORITY

ARTICLE I

Sec. 1.0 Establishment

There is hereby established an enterprise of the Navajo Tribe to be known as the Navajo Engineering and Construction Authority (NECA), hereafter called the "Authority."

ARTICLE II

Sec. 1.0 Place of Business

The Authority's head office and principal place of business shall be in Ft. Defiance, Navajo Nation (Arizona), but other offices and places for conducting business, both within and without the Navajo Nation, may be established from time to time by the Board of Directors.

ARTICLE III

Sec. 1.0 Purpose and Powers

The general nature of the business proposed to be transacted by the Authority is, and the purposes and powers of the Authority are:

Sec. 1.1: To conduct and carry, or cause to be carried on a general Engineering and Heavy Construction business, and to carry on and conduct or cause to be carried on and conducted, the business of builders and contractors, including the designing, planning, erecting, equipping, constructing, enlarging, extending, maintaining, repairing, altering, rebuilding, improving, completing, renovating, remodeling or otherwise engaging in any work upon or connected with buildings, structures, roads, highways or their appurtenances, of every kind and description, either on property or interests in property, owned or acquired by this corporation, or as agent, contractor, or builders for others, and to mortgage, sell, lease, exchange, or otherwise dispose of any lands or interests in lands, buildings or other structures or other property rights owned or held by the Authority.

Sec. 1.2: To engage in a general sand and gravel business and to act as major producer and supplier of sand and gravel and other construction materials for use on and off the Navajo Reservation.

Sec. 1.3: To utilize all or any portion of Tribally owned, heavy construction equipment in a useful and profitable manner.

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Sec. 1.4: To utilize trained Navajo equipment operators and to develop and train more operators and to place them in employment and construction positions both within and without the Navajo Nation.

Sec. 1.5: To coordinate and control the use of construction materials, equipment, and Navajo employees in private and federal construction programs both within and without the Navajo Nation and in such other areas as may be profitably developed.

Sec. 1.6: To assure full Navajo participation in Reservation construction and development programs.

Sec. 1.7: To supply efficient Navajo owned contracting services that were formally supplied by off-Reservation companies and by Government agencies.

Sec. 1.8: To buy, sell and generally deal in any and all kinds of personal property, whether at wholesale or at retail, as principal, agent, factor or broker.

Sec. 1.9: To acquire by purchase, permit, lease contract or otherwise, lands and interests in lands; to own, hold, improve and develop any lands or interest so acquired.

Sec. 1.10: To buy, contract for, lease and in any and all other ways acquire, take, hold and own, and to sell, mortgage, pledge, lease and otherwise dispose of patents, licenses, trademarks, trade names, and processes or rights thereunder, and franchise rights and Tribal, Governmental, State, territorial, county and municipal grants and concessions of every character which this Authority may deem advantageous in the prosecution of its business or in the maintenance, operation, development or extension of its properties.

Sec. 1.11: To borrow money necessary and proper for its purposes and to issue the Authority's note or notes therefor in series or otherwise; to execute and issue bonds, debentures or other obligations in series or otherwise and to issue or cause to be issued certificates and other negotiable or transferable instruments; to mortgage or pledge any or all of the assets of the Authority as security for the performance of the covenants of such notes, bonds, debentures, certificates or other instruments upon such terms and conditions as may be set out in the instrument or instruments mortgaging or pledging the same or in any deed, contract or instrument relating thereto.

Sec. 1.12: To lend money, to purchase, acquire, own, hold, guarantee, sell, assign, transfer, mortgage, pledge, or otherwise dispose of and deal in shares, bonds, notes, debentures or other securities or evidences of indebtedness of any other person, corporation or association, whether domestic or foreign, and whether now or hereafter organized or existing;

and while the holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, to the same extent as a natural person might or could do.

Sec. 1.13: To enter into management agreements, joint ventures, limited partnerships and/or general partnership agreements with any corporation, association, syndicate, partnership, entity, person or governmental, municipal or public authority, domestic or foreign, in the carrying on of any business which the Authority is authorized to carry on, or any business or transaction deemed necessary, convenient, or incidental to carrying out the purposes of the Authority.

Sec. 1.14: To enter into, make, perform and carry out contracts of any kind and every kind necessary, requisite or advantageous in respect to the business operations of this Authority with any tribe, band, group, government, state, county, municipality, person, firm, association, or corporation, domestic or foreign.

Sec. 1.15: To act as trustee or in any fiduciary capacity; to become surety or guarantor for any person, firm, Authority, association or corporation whatsoever (regardless of the existence or nonexistence of any relationship or affiliation of such other person, firm, association, authority or corporation with this Authority or of any business or other purpose or consideration for becoming such surety or guarantor); and to endorse commercial paper.

Sec. 1.16: To promote or to aid in any manner, financially or otherwise, any person, corporation or association of which any shares, bonds, notes, debentures, or other securities or evidences of indebtedness are held directly or indirectly by this Authority; and for this purpose to guarantee the contracts, dividends, shares, bonds, debentures, notes and other obligations of such persons, corporations or associations; and to do any other act or thing designed to protect, preserve, improve or enhance the value of such shares, bonds, notes, debentures or other securities or evidences of indebtedness.

Sec. 1.17: To acquire, by purchase or otherwise, the goodwill, business, property rights, franchises and assets of every kind, with or without undertaking either wholly or in part the liabilities of any person, firm, association or corporation, and to acquire any business as a going concern or otherwise (i) by purchase of the assets thereof wholly or in part, (ii) by acquisition of the shares or any part thereof, or (iii) in any other manner, and to pay for the same in cash or in the bonds or other evidences or indebtedness of this Authority, or otherwise; to hold, maintain and operate, or in any manner dispose of the whole or any part of the goodwill, business, rights, and property so acquired, and to conduct in any lawful manner the whole or any part of any business so acquired; and to exercise all the powers necessary or convenient in and about the management of such business.

Sec. 1.18: To do all and everything necessary, suitable or proper for the accomplishment of any of the purposes or attainment of any of the objects hereinbefore enumerated, either alone or in association with other authorities, corporation, firms and individuals, as principal, agent, broker, contractor, trustee, partner or otherwise, and in general to engage in any and all lawful business that may be necessary or convenient in carrying on the business of said Authority and for the purposes pertaining thereto, and to do any and every other act or acts, thing or things, incidental to, growing out of, or connected with said business, or any part or parts thereof.

ARTICLE IV

Sec. 1.0 Commencement, Duration

The time of commencement of this Authority shall be the date on which the Navajo Tribal Council passes a resolution to that effect and the duration of the Authority shall be perpetual.

ARTICLE V

Sec. 1.0 Board of Directors-Number, Appointment, Term & Removal

Sec. 1.1: The business and affairs of the Authority are to be conducted by a Board of Directors of nine (9) members including the Chairman of the Navajo Tribal Council who shall serve as voting ex officio member. The ex officio member shall not be an officer of the Board.

Sec. 1.2: The presence of five members of the Board shall constitute a quorum for the transaction of any business. The act of the majority of the members present and voting at a meeting at which a quorum is present, shall be the act of the Board.

Sec. 1.3: The Board of Directors shall be appointed by the Chairman of the Navajo Tribal Council with the consent of the Advisory Committee of the Navajo Tribal Council, for staggered terms of one (1) to four (4) years.

Sec. 1.4: Vacancies on the Board of Directors may be filled by the Chairman of the Navajo Tribal Council for the remainder of the term of the vacating member.

Sec. 1.5: Any director may be removed by the Advisory Committee, Navajo Tribal Council, at any time with or without cause, and any officer elected or appointed by the Board of Directors may be removed by the Board of Directors at any time with or without cause, in each case in such manner as shall be provided in the Bylaws of the Authority.

Sec. 1.6: A President, Vice President, a Secretary and a Treasurer of the Board shall be elected annually by the Board of Directors. All such officers must be members of the Board of Directors, and such officers and directors shall hold office until their successors are elected and qualified.

ARTICLE VI

Sec. 1.0 Bylaws - Meetings, Compensation

Sec. 1.1: The Board of Directors shall adopt Bylaws for the Authority and such Bylaws may be amended or repealed as provided therein. The Bylaws of the Authority shall provide among other things for the time and place of the annual meeting of the Board of Directors, the first of which shall be held in the year 1972, and of regular and special meetings of the Board, provided that such regular Board meetings shall not be held less frequently than once quarterly.

Sec. 1.2: The Bylaws shall further provide for notice of meetings, waiver of notice, the compensation and/or reimbursement of members of the Board, the employment, compensation and reimbursement of all employees and officers of the Authority, and for all other matters necessary for the orderly and efficient operation and management of the affairs and dealings of the Authority.

ARTICLE VII

Sec. 1.0 Executive Committee

Sec. 1.1: The Board of Directors may designate from its number an executive committee which shall, in the intervals between meetings of the Board of Directors and to the extent provided by the Bylaws of the Authority, exercise the powers of the Board of Directors in the management of the affairs and business of the corporation insofar as such powers may lawfully be delegated to a committee.

ARTICLE VIII

Sec. 1.0 Inspection of Books & Records, and Reports

Sec. 1.1: The Authority shall open to the inspection of the Chairman of the Navajo Tribal Council or authorized representative, the accounts, books and papers of the Authority, or any of them, at all regular business hours. The accounts and records of the Authority shall be audited at the close of each fiscal year, and copies of the audit report shall be furnished to the Chairman of the Navajo Tribal Council, the Budget and Finance Committee of the Navajo Tribal Council and to such other person as the Chairman or the Advisory Committee, Navajo Tribal Council, shall direct.

Sec. 1.2: The Authority shall prepare and deliver to the Budget and Finance Committee of the Navajo Tribal Council, written monthly financial reports of the Authority, and shall prepare and deliver to the Advisory Committee of the Navajo Tribal Council, quarterly status reports of the Authority, and in addition shall prepare and deliver to the Navajo Tribal Council, annual financial and progress reports of the Authority.

ARTICLE IX

Sec. 1.0 Surplus Earnings

Sec. 1.1: The Chairman of the Navajo Tribal Council with the consent of the Advisory Committee of the Navajo Tribal Council shall have power to fix from time to time the amount to be reserved out of the surplus of the Authority as working capital or for any other lawful purpose, and to determine whether any, and if any, what part, of the surplus of the Authority shall be declared to revert to the General Treasury of the Navajo Tribe or to such other fund as the Advisory Committee may determine.

ARTICLE X

Sec. 1.0 Indebtedness

Sec. 1.1: The highest amount of indebtedness or liability, direct or contingent, or which the Authority is at any time to subject itself, shall not exceed the sum of \$2,500,000.00 or such other sum as the Advisory Committee may from time to time establish.

ARTICLE XI

Sec. 1.0 Private Property, Exempt

Sec. 1.1: The private property of each and every officer and director of the Authority, real or personal, tangible, or intangible, now owned or hereafter acquired by any of them, is and shall be forever exempt from all debts and obligations of the Authority of any kind whatsoever.

ARTICLE XII

Sec. 1.0 Conflicting Interest of Directors

Sec. 1.1: In the absence of fraud, no contract or other transaction between the Authority and any other corporation and no act of the Authority shall be in any way invalidated or otherwise affected by the fact that anyone or more of the directors of the corporation are pecuniarily or otherwise interested in, or are directors, officers or stockholders of such other corporation. Any director of the Authority,

individually or any firm or association of which any director may be a member, may be a party to, or may be pecuniarily or otherwise interested in, any contract or transaction of the Authority, provided that the fact that he individually or as a member as such firm or association, is so interested shall be disclosed or shall have been known to the Board of Directors or a majority of the members thereof; and any director of the Authority who is also a director, officer or stockholder of such other corporation or who is so interested may be counted in determining the existence of a quorum at any meeting of the Board of Directors or of any committee thereof which shall authorize any such contract or transaction and may vote thereat to authorize any such contract or transaction, with like force and effect as if he were not such director, officer or stockholder or such other corporation or not so interested. In the absence of fraud, no director shall be liable to account to the Authority for any profit realized by him from or through any such contract or transaction of the Authority authorized as aforesaid by reason of the fact that he or any firm or association of which he is a member, or any corporation of which he is an officer, director or stockholder, shall have been interested in any such contract or transaction.

Sec. 1.2: Any contract, transaction or act of the Authority or of the Board of Directors or of any committee of the Board of Directors, which shall be ratified by a majority of a quorum of the Advisory Committee of the Navajo Tribal Council, at any annual meeting or any special meeting called for such purpose shall, insofar as permitted by law, be valid and as binding provided, however, that any failure of the Advisory Committee of the Navajo Tribal Council to approve or ratify such contract, transaction or act, when and if submitted, shall not be deemed in any way to invalidate the same or to deprive the Authority, its directors, officers or employees, of its or their right to proceed with such contract, transaction or act.

ARTICLE XIII

Sec. 1.0 Indemnification of Directors, Officers & Employees

Sec. 1.1: Any person made a party to any action, suit or proceedings by reason of the fact that he, his testator or intestate, is or was a director, officer or employee of the Authority or of any corporation which he served as such at the request of the Authority, shall be indemnified by the Authority against the reasonable expenses, including attorney's fees, actually and necessarily incurred by him in connection with the defense of such action, suit or proceeding, or in connection with any appeal therein, except in relation to matters as to which it shall be adjudged in such action, suit or proceeding that such officer, director or employee is liable for negligence or misconduct in the performance of his duties.

Class "A" Resolution
Washington Approval
Required.

RESOLUTION OF THE
ADVISORY COMMITTEE OF THE
NAVAJO TRIBAL COUNCIL

Amending the Plan of Operation of the
Navajo Engineering & Construction Authority

WHEREAS:

1. The Navajo Tribal Council, by Resolution CJN-56-72, established an enterprise known as the Navajo Engineering & Construction Authority (NECA) having general responsibility in areas of heavy construction on behalf of the Navajo Nation, and
2. The Plan of Operation as adopted must now be amended in several respects in order to facilitate close cooperation with the Bureau of Indian Affairs in heavy construction matters so that at the earliest possible date the said NECA will have completely assumed all heavy construction projects within the scope of its operation, presently being performed by the BIA or by outside companies under contract with the BIA, and
3. The Navajo Tribal Council has authorized and directed the Advisory Committee of the Navajo Tribal Council to assume full responsibility and authority over the said Navajo Engineering & Construction Authority, including the power to amend its Plan of Operation.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Advisory Committee of the Navajo Tribal Council hereby amends the Plan of Operation for the Navajo Engineering & Construction Authority (NECA) adopted by the Navajo Tribal Council through Resolution CJN-56-72 in the following manner:

- a. By inserting between the words "including" and "the" contained in the 5th line of Section 1.1 of Article III of said Plan of Operation, the following words: "but not limited to,"

As amended, the said 5th line shall read:
"including but not limited to, the designing,
planning, erecting, equipping, constructing, . . ."

- b. By inserting between the words "highways," and "or" contained in the 9th line of Section 1.1

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of Article III of said Plan of Operation, the following words and punctuation: "irrigation and water systems, airport facilities, dams, canals,..."

c. By deleting Section 1.5 of Article III in its entirety and by inserting in lieu thereof the following provisions:

Section 1.5: To coordinate and control the use of construction materials, equipment, and employees utilized or engaged by the Authority, in accordance with the general purposes and objectives of the Authority.

d. By deleting in its entirety Section 1.1 of Article XII of said Plan of Operation and by inserting in lieu thereof, the following section:

Section 1.0 Conflicting Interest of Directors

Section 1.1: No contract or other transaction be entered into by the Authority and any other corporation and no action of the Authority shall be in any way valid if anyone or more of the directors of the Authority are pecuniarily or otherwise interested in, or are directors, officers or stockholders of such other corporation. No director of the Authority individually or any firm or association of which any director may be a member, may be a party to, or may be pecuniarily or otherwise interested in, any contract or transaction of the Authority.

e. By adding the following sentence to the end of Section 1.1 of Article V of said Plan of Operation: "No person shall be eligible for membership on the Board of Directors if such person is or becomes pecuniarily or otherwise interested in, or is a director, officer, or stockholder of any other profit-making construction organization engaged in activities identical or similar to those which the Authority is authorized to perform.

2. Except as amended by this resolution, the Plan of Operation for the Navajo Engineering & Construction Authority shall remain unchanged.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Advisory Committee of the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation

ACL-373-72

(Arizona), at which a quorum was present and that same was passed by a vote of 9 in favor and 0 opposed, this 13th day of October, 1972.

Edward T. Begay
Chairman Pro Tempore
Navajo Tribal Council

Exhibit No. 3

SUPPLEMENTARY STATEMENT BY PETER MacDONALD
CHAIRMAN, NAVAJO TRIBAL COUNCIL,
SUBMITTED TO THE UNITED STATES
CIVIL RIGHTS COMMISSION AT
WINDOW ROCK, NAVAJO NATION

Introduction

To the Navajo, and in particular to the Navajo residing upon the reservation, the notion of "Civil Rights" is one which is difficult to grasp, if not often meaningless. To be sure, the laws of the United States require that a Navajo child be permitted to enter public schools anywhere in the country, but of what value is this right to the Navajo child frozen to death running home from a Bureau of Indian Affairs Boarding School. To be sure, the civil rights laws require that any public carrier permit people to use its facilities without discrimination, but of what value is this right to the illiterate Navajo shepherd driving his wagon in the midst of the Navajo Reservation who has never been more than 20 miles from his home. To be sure, the civil rights laws guarantee that the Navajo candidate for a high-level government job shall have the same rights as any other individual, but of what value is this right to the Navajo who has dropped out of school because of unresponsive teachers and irrelevant course material. To be sure, the voting rights act provide that the Navajo may not be disenfranchised by any government, but to the Navajo stranded on a muddy road 25 or 30 miles from the nearest polling place, of what value is this right. To be sure, the Navajo, like all Americans, has the right to buy a home anywhere in the country and not be discriminated against in the purchase or sale of property, but of what value is this to the Navajo attempting to scratch out a meager living from his corn patch near his hogans in

a desolate area of the Navajo Reservation. To be sure, the rights guaranteed under the Constitution which require that a defendant be notified of his right to counsel and his right to remain silent when arrested apply equally to the Navajo as to any other citizen, but of what value is this to the inebriated Navajo arrested in the border town who speaks no English, whose arresting officer speaks no Navajo and whose problem is further complicated by a basic antipathy on the part of the arresting officer speaks no Navajo and whose problem is further complicated by a basic antipathy on the part of the arresting officer and the population he represents. In short, civil rights mean one thing in the ghettos of Chicago, in the barrios in New York and Los Angeles and something entirely different on the windswept plains and valleys of Northeast Arizona, Northwest New Mexico and Southeast Utah. It is to these differences that I wish to address myself in these remarks.

If there is anything which is clear in this somewhat muddled and misty world, it is that words on paper, verbal guarantees readily given mean nothing unless they are translated into action. The Navajo Indian faced with an empty stomach looks upon paper guarantees of rights to be both inedible and undigestible. All the great guarantees which form part of what we like to think of as the American way of life are meaningless unless the most fundamental guarantee, the right to life itself, is one which is respected and protected.

The Navajo condemned to a continual battle against hunger, against death, and against that which would rob him of the very reason to live, takes small comfort in civil rights as some inchoate idea, some "rights" to which he has legal recourse but no practical capacity to attain.

The Problems

The Bureau of Indian Affairs has long been castigated for its failure to fulfill any role whatsoever. It has, rather than help the American Indian advance in his attempt for self-development, rather stood in the path of all progress, stifled all initiative, and instead promoted a system in which the Bureau's self-interest has become the greatest good.

This Commission has heard testimony by many individuals relating to the failure of the Bureau of Indian Affairs to provide necessary services. More than its failure to initiate new ideas, more than its failure to provide for employment and training of Navajos, it has failed as well to respond to initiatives taken by the Navajo Tribe. Tribal attempts to set up an engineering and construction authority have been frustrated by Bureau delay and unreasonable objections. Attempts to set up an arts and crafts enterprise have similarly met with Bureau obstinacy. The Bureau acting within its so limited scope of experience (if inbreeding in government was ever a problem, it is surely one in the Bureau), fails to support and approve efforts made by the Navajo Tribe which are outside the Bureau's own experience, and either delays the proposals until they are no longer viable, or alternatively raises objections which show not the unwisdom of the Navajo proposals, but the limits of the experience and wisdom of the Bureau itself.

The Bureau is supposed to contract out for the provision of services and products with Navajo enterprises and individuals. The goal is to develop a self-sufficient economy on the Navajo Reservation and to encourage Navajos

to learn those skills which will enable them to become self-sufficient. But if there is anything that the Bureau is jealously protective of, it is maintaining the Indian in a subservient and subordinate role. While the Bureau can tell you that it has large numbers of Indian employees, those who actually make the decisions, those who determine the quality of life for the Navajo people come from places far from Navajo land. When one walks through the halls of the Area Office in Window Rock, one is struck not by Navajos running affairs but rather by the overwhelming presence of Navajo secretaries and the presence of non-Navajos in places of authority.

But the Bureau is not alone in the creation of problems for the Navajo Indian. Education, long looked upon by the Navajo as the key to successful accommodation with the Anglo society (the Treaty of 1868 clearly show this) is an administrative nightmare on the Navajo Reservation. The Reservation being in three states has schools which are run by innumerable school districts under the jurisdiction of these three states. In addition, there are private schools run by churches and schools run by the Bureau of Indian Affairs. To achieve any kind of basic level of education shared by all Navajos wherever they reside on the reservation is impossible under these circumstances. The absolutely unenlightened Arizona state school establishment is matched by the more enlightened establishment of New Mexico. (The recent move by the Gallup-McKinley County School District to resegregate its schools, however, raises questions as to the good faith of New Mexico.) The Bureau schools have long been a chamber of horrors whose wrongdoings have been exposed by the Kennedy Subcommittees on Indian Education. The misappropriation of funds designed for the

use of Indian children are legion and have led to various actions being brought against school boards and school personnel. The basic and fundamental problem, however, is that the school system is so split up that the lines of authority run in so many different directions. The Navajo people cannot achieve any substantial measure of control over the education of their children. The needs of the student in Phoenix and Albuquerque differ greatly from the needs of the child in Smith Lake and Low Mountain. Yet, if the student from these areas attends a public school he will be subject not to an educational system designed to meet his needs but rather one designed to meet the needs of Albuquerque or Phoenix. The local control so vaunted in Arizona is far more an illusion than a reality. Local control usually extends no further than the buildings in which the education is conducted and not to the quality or content of the education itself.

The Bureau of Indian Affairs in its schools is totally without adequate personnel. For the most part, (while there are some dedicated teachers who are exceptions) the teachers in Bureau of Indian Affairs schools are totally out of sympathy with their Indian pupils and would not be teaching in these schools were they able to obtain employment elsewhere. This hardly establishes a precondition necessary for the education of students whose problems are greater and not less than those of the students in Phoenix and Albuquerque.

The mission schools present an additional problem. Unlike the other schools on the Reservation, there exists no real check over the quality of education. Moreover, since these schools have what is to them an overriding purpose that is the inculcation of a particular faith or way of life, the

traditional goals of education and the particular goals needed by Navajo students must come in poor seconds and thirds to the religious purpose of these schools. While it is true that there have been dedicated teachers within the religious schools, too often the primary purpose of these schools have been to convert Indians and not to educate them.

While the right to vote is ostensibly guaranteed to the Navajo as it is to all Americans both by the United States Constitution as well as by the various voting rights acts, the actual right to vote and to hold office is practically denied by the operation of state laws. The states, and residents of areas surrounding the Navajo Reservation fear that permitting Navajos to vote and encouraging them to exercise their Constitutional rights will jeopardize the long history of non-Indian control of areas in which the majority population is Navajo. This antipathy is reflected not only in the attitudes of the individuals, but in making it as difficult as possible for Navajos to use the franchise and to successfully run for office. Voting places are inconveniently located; state and local officials are not fluent in Navajo, and in general local officials make every effort possible to discourage Navajos from running for office and from being able to exercise their Constitutional rights.

Perhaps, one of the reasons that problems exist is because the civil rights laws were designed for urban areas in which the groups discriminated against would represent the minority. In the case of the Navajos, they represent a majority in the area they occupy but are nonetheless discriminated against. Consequently, the attempt to use civil rights laws and concepts which arose out of the urban ghetto are peculiarly inappropriate when they are transported

to a rural poor area populated by people whose culture differs from that of the majority culture in a way far different of that of the Chicano or the Black.

The Indian Civil Rights Act, though it had a noble goal, has proved in many respects to be a disaster to Indian Tribes in general and to the Navajo Tribe in particular. The Indian Civil Rights Act was ostensibly passed to ensure that the rights of all Americans would be the same without respect to race, color, origin or ethnic background. For the Indian, however, and for the Navajo in particular, concepts such as equal protection and due process have meant different things over the years. Navajo people, in dealing with their tribal government, have not been discriminated against. The Navajo culture is a vibrant and successful one. We are told by sociologists and anthropologists that the greatest measure of the success of any culture is whether or not its population is increasing. By this measure the Navajo culture is and has been a successful one. To go from the 8,000 Navajos of 1868 to the 140,000 Navajos of today, to have a rate of growth that is twice that of the Nation as a whole, indicates the success and vitality of the Navajo culture. Nonetheless, there are those who would replace the Navajo traditional way of resolving disputes with the methods espoused by the Anglo culture--those methods that have in so many respects failed for the larger society. The Indian Civil Rights Act while it seeks to provide freedom for the Indian, in reality provides bonds of a different nature. It is difficult for me to give you an accurate expression of the feelings of the Navajo people, but at best I could say this, your society has produced the problems of Watergate, the corruption at the

highest levels of government, a basic inability to provide equal justice for all citizens and this with more laws and more guarantees and more commissions than one would ever dream could exist. The Navajo society existing long before the Civil Rights Act provided things such as equal rights for women, (long before the first suffragette ever marched.) The Navajo society gave more freedom of choice, more freedom of expression, more non-discrimination than the White society ever has given or ever can reasonably be expected to provide. Nonetheless, there is a deliberate attempt on the part of the White society to require the Navajo to live up to standards which the White society itself fails to meet. The Indian Civil Rights Act and the attempts to construe it according to Anglo standards represent not a bold step forward in equal rights for all Americans but an insidious attempt to destroy Indian culture and forcing assimilation. Termination may be dead in Washington but it is alive and well when the Indian is required to conform to those standards set by the White society based upon its conception of what the problems of the Indian people are.

This leads into the whole question of laws and the Indian. On the one hand, misgoverned and misregulated by the Bureau of Indian Affairs which has an inflated concept of its own importance and authority, the Indian is subject to more harassment and more regulation than any other people in attempting to meet the needs of daily life. On the other hand, when it comes to treating Indian nations as separate self-governing bodies, the Indian suddenly disappears from the statute books. State and local governments are given exemptions by the Internal Revenue Code but Indian tribes are not. State governments participated in the Interstate

Highway Program though Indian governments, coupled with the problems of some of the worst roads in the United States did not. The sharing of Federal gas tax funds between states and the Federal Government for highway construction is a matter of course, yet such sharing does not take place between Indian tribes and the Federal Government though the same tax is collected. The food stamp program, though desperately needed by Indian Tribes, is administered through the states and local units of government and not through the Indian Tribes. Consequently, the Indian Tribes and the Navajo Tribe in particular finds itself at the same time the product of laws which operate against its interest and at the same time eliminated from laws which might benefit it. As an indication as to how unfair the laws operate, a city can issue bonds to fill the stadium for football and have those bonds tax exempt under the United States Internal Revenue Code yet an Indian Tribe issuing bonds for health or sewage or similar purposes would find the bonds subject to tax. As you well know, the tax exemption for state and municipal bonds is a form of aid and relief given to local government. The Navajo Tribe, like other Indian Tribes, find that dogs and cats are considered charitable and worthy of exemption by the Internal Revenue laws but the needs and hopes of Indian people and Indian governments are not. Surely this anomaly is basically wrong.

Towards a Solution

To begin with, the Bureau of Indian Affairs must recognize that its authority both as a matter of law and as a matter of right is extremely limited. It should only be in the position to approve or disapprove actions by Tribal Governments which relate to Indian Trust Land. The unwarranted assumption of power to consider and approve or

disapprove all matters affecting the Indian Tribes and of vetoing tribal decisions must end. It must end because it treats the Indian people and their elected leaders as if they were children and it must end because the Bureau of Indian Affairs over the years has shown through its unwisdom and racist attitude that it is incapable of solving the problems of Indian people. I have previously proposed that area directors and agency superintendents be accountable to the constituencies that they are supposed to serve and that they serve at the pleasure of the elected leaders of the Indian people. The Bureau of Indian Affairs must attempt to deal with its constituency and meet the needs of its constituency and not its own needs. The five year budget of the Bureau must end. Everytime a program comes up for review, it is faced with the inevitable response that the Bureau programs matters five years ahead and therefore things can only be scheduled so that perhaps five years from now something might be done. This nonsense must stop. The Bureau must be able to respond immediately and decisively to problems of Navajos as perceived by Navajos.

Secondly, discrimination against Indians must cease. Indians and their values and judgments must be respected. It is nothing to respect decisions with which you agree or decisions made on matters that are of no moment. Decisions made by Indians concerning Indians with which the majority culture takes issue must nonetheless be respected. A fundamental respect for the capacity of the Navajo in particular and the Indians in general to understand

the limits of their own competence must be a part of any solution to the problems confronting the Indians. Of course, Navajos recognize that they need trained engineers, trained medical personnel, trained legal specialists, but the absolute arrogance of those who presume that Navajos must be under some form of guardianship or wardship simply because they lack sufficient numbers of individuals trained in these fields is an unjustified insult to the Navajo people. In this light, those who profit through the ignorance and lack of training of Navajos must provide training. Those businesses and corporations doing business on the Reservation must take affirmative action, not only to provide employment for Navajos but to provide training. We consider it a basic principle that every individual who is not a Navajo who works on the Reservation should look upon his prime mission as training someone to replace him.

With respect to education, legislation is required which will provide that all schools on the Navajo Reservation are and shall be under the control, direction and authority of the Navajo Tribe.

With respect to treating Indian Reservations as sovereign governments for the purpose of administration, existing federal laws which fail to take account of Indian Tribes must now be revised to include Indian Tribes along with state governments.

Conclusion

What the Navajo people want and need is the right to live lives that are meaningful and full according to the

tenets of the Navajo culture. In order to achieve this end, we require first the respect of the Anglo culture and secondly, the putting of that respect into meaningful legislation and change of attitude so that the Navajo can achieve the self-determination which has been so long promised and so long withheld.

We are not ready for the museum yet, and we want every opportunity to be ready for the next century.

Exhibit No. 4

PART I

A 100-Year Deficit and the Needed Investment
to Bring About Equal Navajo Opportunity

. . . what is rightfully ours, we must protect; what is rightfully due us, we must claim.

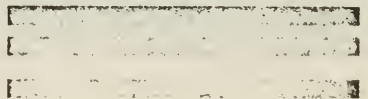
What we depend on from others, we must replace with the labor of our own hands and the skills of our own people.

What we do not have, we must bring into being. We must create for ourselves.

Peter MacDonald



THE
NAVAJO
100
YEAR
PLAN



THE 100-YEAR DEFICIT

*By Peter MacDonald, Chairman
Navajo Tribal Council*

For over a century the Navajos have been waiting for the fulfillment of promises made. On June 1, 1868, the Navajo Tribe and the United States Government entered into a treaty wherein the United States agreed to give aid to the Navajo people. Article VI of the Treaty included a pledge that "for every thirty children — a house shall be provided, and a competent teacher furnished —." Farms and implements and by inference irrigation water were to be provided Navajos who wished to farm. Schools, roads, and health care were promised.

Shelter and employment opportunity have been promised by subsequent white leaders and by acts of Congress. Expansions of these promises have been made continuously since that time; pledging to improve the education, the health, and the economy of the Navajo people. Although the Navajos have long since fulfilled their part of the treaty, the United States Government has repeatedly reneged on its promises or only partially fulfilled them.

It is not necessary to turn to the remote past for evidence of duplicity. Indians were assured in the early 1950's that no termination action would be taken without careful consultation. BIA Commissioner Glen L. Emmons, the father of termination, said repeatedly, "... I can and do pledge that each tribal group will be fully consulted by the Bureau of Indian Affairs before we take any final action recommending a termination program to the Congress."

The promises were broken. The Indians were consulted infrequently, and when they were sought out they were coerced with threats to freeze claims awards, with promises of extra concessions and with a variety of high-pressure tactics which effectively precluded any meaningful Indian participation or opposition. Hearings on termination became a pro forma orchestration of decisions already made in Washington by non-Indians.

More recent cause for the lack of Indian trust in Washington government occurred in 1966. The Indians were promised that they would be centrally involved in the creation of a master plan for Indians — the

Johnson Administration Indian Resources Development Bill – which was introduced in Congress a year later. The Interior Department wrote the Bill, and Indian support was viewed as crucial for its passage. Regional hearings were held in nine areas, with Indians participating and offering a total of 1,950 recommendations. Press coverage was excellent. Only later did the Indians learn that the legislation had been drafted – *before the hearings*. The bill as drafted was called the Indian Omnibus Bill by its sponsors but, for cause, came to be known in Indian country as the Indian Ominous Bill. Few regretted the bill's failure.

Another example, one of direct concern to the Navajos, was Public Law 87-483. This law, recognized in Congressional hearings to be a fulfillment of treaty obligation, was designed to furnish water to 110,000 irrigable Navajo acres. Water was to reach the first 10,000 acres by 1970. Less than one third of the funds authorized by Congress were actually appropriated, and as time wore on Public Law 91-416 amended the time of delivery to 1975 at the earliest. Another example of a promise made and a promise broken.

For too long the interests of the Navajo have been expendable or amendable in favor of other interests. This was stated clearly by President Nixon in 1970 when he spoke to Congress of the white man's "*frequent aggression, broken agreements, intermittent remorse and prolonged failure.*"

But the Navajo now has new hope. The President went on to state: "It is long past the time that the Indian policies of the Federal Government recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indian themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian Acts and Indian Decisions."

In the following pages we compare the present level of development of the Navajo Nation with the rest of the United States. We have made preliminary estimates of the deficit and projections of both the amount of money and the time that will be required to eliminate it. The amount of money which will be required is large but this sum must overcome a deficit which has been accumulating for over 100 years. It must also be remembered that this sum will not only relieve the suffering, deprivation and neglect so long born by a proud people. It will also save the tax payers many times this amount as the Navajo economy develops and wages and production replace public aid. Self-determination is the road to self-sufficiency, and we are on our way.

In presenting this report I wish to acknowledge the help of those dedicated people who made it possible – my colleagues in the Navajo Tribal Council and Advisory Committee who provided wise advice and patient

counsel, the members of my staff who worked unselfishly and tirelessly in research and analysis, and most of all the Navajo people at the hogan level, who have in thousands of meetings and individual discussions made it clear to me that they are determined to move ahead — so that our children can have a better life.

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SUMMARY

For over a hundred years the Federal Government has been underfunding its treaty obligations and other commitments to the Navajos. As a result of this underfunding, much of the Reservation economy now operates at the level of bare subsistence.

Roads are few and these few are substandard, housing is many years behind the times, education and health programs are minimal . . . on every hand, Navajo country lacks the facilities and organization which sustain economic development. These deficiencies in social overhead capital have brought on even more marked deficiencies in industrial and commercial capital.

Deficiencies in social and productive capital are in turn reflected in undeveloped human resources — in lagging educational levels, a high incidence of disease and malnutrition, and an emerging complex of human problems. Figure 1 sets out statistical indicators of the various deficiencies in Navajo circumstances.

The Navajo people and their Tribal government have determined to reverse this long trend, and to seek government assistance for a Ten Year Plan to bring the Navajo up to an equal footing with the rest of the nation. Implementation of this plan will, indeed, require a substantial increase in public expenditures. The essential difference between this plan and previous “plans” and administered efforts does not lie in any proposed funding additions, however, but in this Ten Year Plan’s thrust toward development of Navajo self-sufficiency — toward substitution of Navajo production for public subsidy. The history of federal assistance for the Navajo makes it clear that if present programming concepts persist the Navajo may never escape dependency. Only an adequately financed program, designed and implemented by Navajos, can break with the sorry record of our administered past and begin to forge ahead.

The Ten Year Plan will be developed in two parts. Part I, which is presented in this report, sets out the main features of the gap — the deficit — that separates the Navajo’s economic and social circumstances from the circumstances of their fellow Americans. This part also indicates the magnitudes of the public investment that will be required to close the gap. Part II will elaborate a design for development — will specify goals and the steps we must take to achieve them.

Table I summarizes the Part I report. Public funds of \$4 billion over the next ten years will be required in order to make a substantial impact on the 100-year deficit. Funding requirements are set out in two categories:

1. Social overhead investment — the public funds required to cut back significantly the deficits in health, education and economic infrastructure which handicap Navajo development. Social overhead investment of \$3.8 billion will be needed over the next ten years. These funds include — are not in addition to — present federal expenditures in Navajo country. Present expenditures projected at their existing level would total nearly \$1.9 billion after 10 years. Proposed public expenditures would thus be about double present funding levels.

2. Investment in productive business enterprise. The planned public investment in social overhead capital is expected to generate complementary private investment in industrial and agricultural production and in commercial and service enterprise. If national ratios of capital investment to jobs ^{obtained} during the Ten Year Plan, public loan funds of \$232 million will generate about twice as much investment by private capital — about \$400 million. For purposes of Part I of the Plan, however, the investments set out in Table I include only public funds, i.e., the public funds required to generate an effective amount of private investment in productive business enterprise. More precise determination of private investment requirements will be a primary component of Part II of the Ten Year Plan.

In summary, ten year requirements for public funds for social overhead facilities and services and for productive enterprise are projected as follows:

	Social Overhead Capital	Directly Productive Enterprise
	(Millions of dollars)	
Present funding level	\$1,900	\$ 50
Additional public funds	<u>1,900</u>	<u>180</u>
Total	<u>\$3,800</u>	<u>\$230</u>

Jobs and productive work were a primary gauge for determining the amount of the Ten Year Plan's investment requirements. About 25,000 men and women in the present labor force — more than 60% — are now effectively unemployed. They want work but are unable to find steady work. The proposed public and private investments will provide jobs or remunerative self employment for 46,000 Navajos — 26,000 in the public sector and 20,000 in the private sector. Development of a now lacking multiplier will raise this total by several thousand. By the conclusion of the Ten Year Plan, 90 to 95% of the anticipated Navajo labor force will be employed. Navajo unemployment will be down to national levels.

The other primary ^{measure} gauge for determining Ten Year Plan investment requirements was the deficit between the social overhead capital provided the Navajo and that afforded his fellow Americans. That is, the Plan will not

only provide jobs; it will also create the economic infrastructure upon which development of productive enterprise depends.

The \$3.8 billion in social overhead investment which we propose over the next ten years will provide the following capital assets, and result in an infrastructure capable of supporting a highly productive economy:

\$170 million worth of facilities and equipment for education and vocational training,

\$50 million worth of inpatient and outpatient clinics and hospitals,

\$160 million worth of water, sanitary and electric utilities,

20,000 new housing units,

2500 miles of paved roads and streets and a somewhat greater mileage of graded, graveled roads,

\$6 million worth of industrial and commercial and service businesses.

Figure 1
NAVAJO CATCH-UP
REQUIREMENTS:
SOCIAL INDICATORS

The following indicators show how much must be done to give the Navajo people an even break in education, health and necessities of life, and in the opportunity to make their own way in the economic world. Better indicators could be devised if facts were available, but the indicators set out here are adequate for the task at hand — to show the gap which must be closed and to point to requirements for closing it.⁽¹⁾

Income

per capita personal income,
1970 (SA & BIA)

U.S.	\$3,921
Navajo	\$ 900

Employment

percent of labor force with
jobs, 1970 (MRP & NCC)

U.S.	94%
Navajo	40%

40%

Education

average school years by
adults, 1970 (SA & BIA)

U.S.	12
Navajo	5

Health

infant survival ratio, 1970
(reciprocal of infant
mortality rates) (PHS)

U.S.	2.1
Navajo	1.0

Housing

percent of homes with standard
inside plumbing (SA & PHS)

U.S.	81.8%
Navajo	8.4%

Transportation

miles of surfaced roads per
1,000 sq. mi. (SA & BIA)

SW rural roads	154
Navajo	60

Economic Development

percent of labor force employed
in manufacturing) (MRP & NCC)

U.S.	26
Navajo	5

commercial and service businesses
per 100,000 population (BBR &
NCC)

N.M.	1500
Navajo	220

total farm output per farm
(SA & BIA)

U.S.	\$14,620
Navajo	\$ 2,360

(1) Sources for Figure 1: SA - Statistical Abstract of the United States, 1970, BIA - Navajo Area Office, Bureau of Indian Affairs, MRP - Manpower Report of the President, 1971, NCC - Navajo Community College, PIIS - Navajo Area Office, Public Health Service, BBR - Bureau Business Research, University of New Mexico

Cost estimates set out in the Ten Year Plan are based on 1972 price levels, and as time goes on these estimates will have to be increased as costs escalate with inflationary trends in the national economy. Another factor results in the Plan's estimated costs ^{understanding} the amounts which will be needed to give the Navajo people an even break. The Ten Year Plan goals for 1982 in Navajo education, health, etc., are based on United States averages in 1972. Navajo circumstances will therefore continue to lag behind in 1982 but we will be rapidly closing the gap that still exists.

As the Ten Year Plan becomes operational, we expect an increasing proportion of public expenditures for welfare services to be replaced by private Navajo earnings. Navajo savings and investment will increasingly supplement public investment. Increasing tax revenues from Navajo country will offset other public expenditures as economic development gains momentum. We calculate that the economic value of these benefits to American society will be three times greater than the costs which American society will have to incur in implementing the Ten Year Plan (a benefit/cost ratio of 6 to 1.9). The existing social deficits are very heavy, however, and a commitment to a full ten years of both substantial national investment and unremitting Navajo effort will be needed if we are to insure a significant "take off" in the Navajo economy.

Figure 2
 ECONOMIC DEVELOPMENT
 PLAN: CHANGING
 COMPOSITION OF THE
 NAVAJO ECONOMY

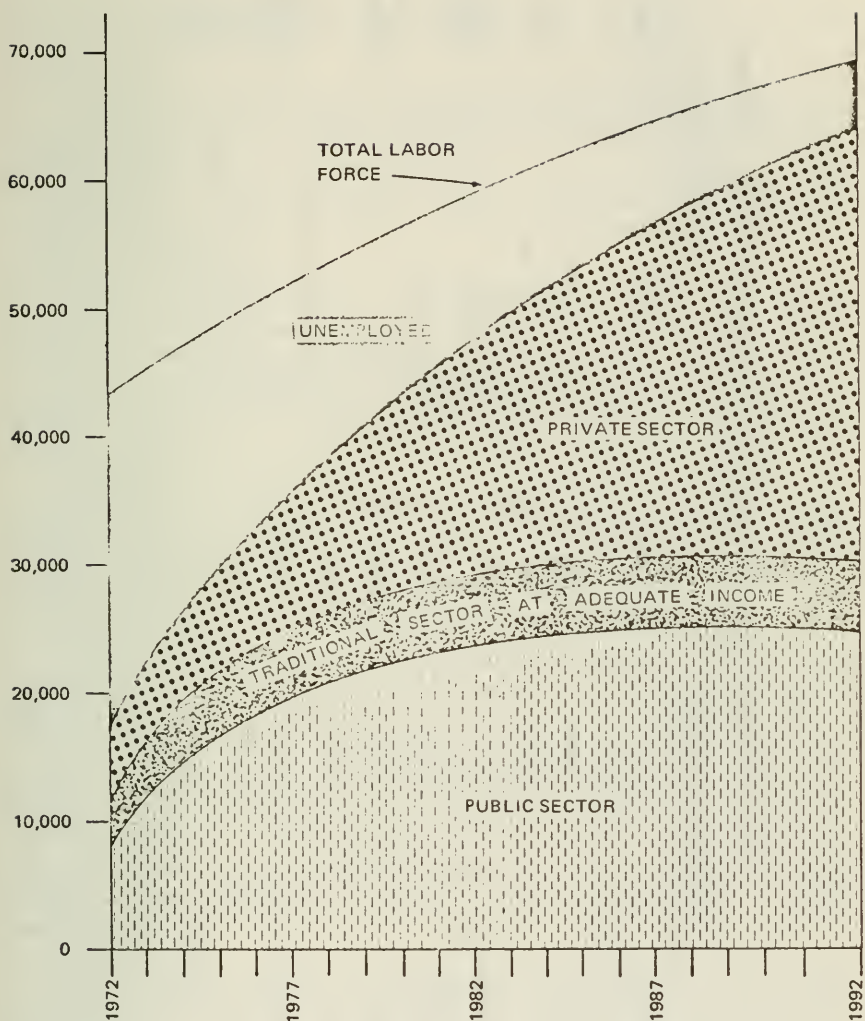


Table 1
PUBLIC INVESTMENT (TEN YEAR TOTALS) AND RESULTING EMPLOYMENT (ANNUAL AVERAGES)

Program	Social Overhead (Public) Sector* (Investment in Human Resources Development)		Production (Private) Sector (Investment in Directly Productive Activities)	
	Investment 10 Years	Employment (Per Year)	Industry	Public Share** of Investment
Education and Manpower Development	\$1,210,000,000	10,200	Small Business	\$ 24,000,000
Health	422,000,000	3,300	Manufacturing, transportation and construction	30,000,000
Housing (public sector)	372,000,000	1,500	Retail trade and services	13,000,000
Roads and other transportation	740,000,000	1,400	Large Scale Industry	1,000,000
Public Utilities	164,000,000	1,100	Footloose Industry	8,000,000
Public Services	173,000,000	1,900	Resource utilization	26,000,000
Parks and Recreation	137,000,000	5,500	NFPI	10,000,000
Land and Water	520,000,000	1,000	Tourism & Recreation	1,000
Research & Development	40,000,000	100	Motels, etc.	1,000
TOTAL	\$3,778,000,000	26,000	Arts & Crafts	50,000,000
			Agriculture	20,600
			Navajo Indian Irrigation Project	(increased incomes)
			Farms	1,000
			Processing	1,000
			Crop production	—
			Transforming traditional agriculture: credit, marketing, etc.	5,000
				20,600

*Includes present, on-going program expenditures as well as needed additional expenditures. About half of the expenditure totals are for present programs and about half are additional expenditures.

**Public funds will generate private investment in considerable larger amounts. The amount of private funds will be estimated in Part II of the Ten Year Plan's determination of specific business potentials.

SECTION I

CONTEXT FOR DEVELOPMENT DESIGN

HISTORICAL
PERSPECTIVE

After their return from Ft. Sumner, the Navajo quickly adapted to the economic potentials of the land restored to them. Sheep were the primary means of livelihood in this land, and Navajo flocks grew steadily to support the increasing Navajo population. Much of Navajoland is semiarid, and Navajo families were soon making use of all the land where pasture and water could be found.

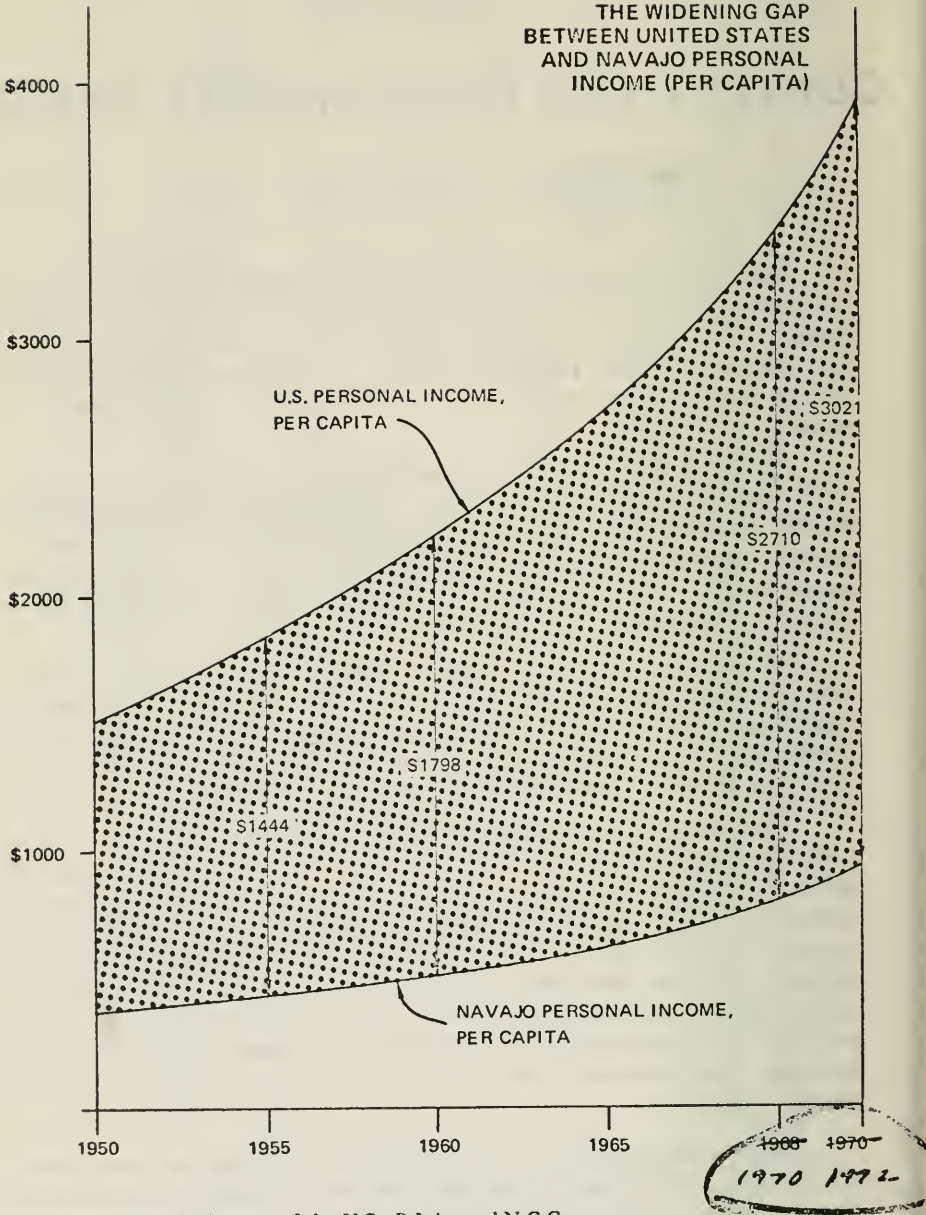
For a time the needs of the increasing population were met by enlarging the Navajo land area. Land acquisition was practically closed off by the early 1900's, however, and the increasing population and increasing herds of livestock brought heavier and heavier pressure on the fixed land base. The grazing crisis of the 1930's and the livestock reduction trauma finally left no way out except through creating a more diversified economic base.

Navajo country had been isolated from the main economic currents of America. Traders had come as time went on, the railroads brought work for maintenance crews, and the federal work programs of the 1930's had a substantial impact on the Navajo economy. Then came World War II, and from that time on far-reaching changes have come thick and fast.

The veterans returned, their war record renowned and their code talkers internationally famous; all of them with new technological knowledge and skills. The Tribal Government steadily assumed a much wider range of authority. In 1950 the U.S. Government recognized the shameful lack of schools for Navajo children and embarked on the Navajo-Hopi Rehabilitation program. Oil was discovered and the Tribe invested oil revenues in scholarships, in economic development, and in welfare services neglected by state and federal governments. In the 1960's the Tribe began to utilize their economic base somewhat more fully and to seek protection for their resource rights.

The Widening Gap – Although substantial gains have been made during recent times in Navajo health, education and welfare, the actual gap between Navajo incomes and general U.S. incomes is actually widening (Figure 3). Year by year the Navajo economy has fallen farther behind. The new Tribal government of 1971 thus found itself faced with a developing crisis. The Ten Year Plan is the basic step forward to meet this crisis.

Figure 3
THE WIDENING GAP
BETWEEN UNITED STATES
AND NAVAJO PERSONAL
INCOME (PER CAPITA)



Source: Statistical Abstract of the U.S., B.I.A., and N.C.C.

Notes: U.S. and Navajo income data are not strictly comparable, but the discrepancy understates the gap that actually exists; i.e., results from showing higher Navajo incomes than actually exist. Income data are in current dollars.

RESOURCES AND ECONOMIC BASE

Land and Water – The Navajo land area encompasses some 25,000 square miles. More than half of the land (55%) is classed as desert, but supports scattered herds of livestock. Nearly two-fifths (37%) of the land is classed as steppe, a semiarid land also used for grazing. About 8% of the land is forest and mountain country, used for lumber production and with attractive potentials for outdoor recreation.

Because of the lagging development of other means of livelihood, Navajo rangeland for many years had to carry more livestock than it could actually support. As a result the land is badly eroded and has lost much of its natural grasses and shrubs. Restoration and conservation of the land is an essential for Navajo development.

Navajo water rights must also be restored. The Navajo are legally entitled to the water they can use beneficially from the streams which flow through or border the Reservation. The Navajo use very little of this water, however, because the dams and irrigation projects which are necessary for water use have not been provided. At last, in 1962, the Navajo Irrigation Project was authorized by Congress, but only a trickle of funds have been provided to carry out the Congressional authorization. As a result of this and other failures, the Navajo are in danger of losing their rights to water.

Recreation Resources – The Navajo Country, even the arid and rocky area, is spectacularly beautiful, and tourism and outdoor recreation have a considerable economic potential. Lake Powell, which fronts on a stretch of the northern border of Navajo country, may be the major tourist potential. There is, however, no highway whatever and very few roads of any kind on the Navajo side of Lake Powell. All roads which have been built thus far (and built with public money) lead to non-Indian retail markets, lodges, marinas and camping sites. The tourist dollar is forced to go where these roads lead.

Energy Resources – Navajo energy resources – oil, natural gas, coal, and uranium – are the major sources of Navajo Tribal income. Oil leases and royalty revenues have made it possible for the Navajo Tribe to pay the costs of its government and administration, of law and order in Navajo country, and of a good many work project and welfare costs, such as the cost of clothes for school children. Oil and gas reserves are, however, being depleted; and coal, the other major Navajo energy resource, cannot replace the oil and gas revenues. Coal reserves are nevertheless extensive, and are being utilized.

Human Resources – The Navajo peoples' skills and capabilities are the essential resource upon which Navajo development depends. Navajo workers

have proved their capability whenever they have found work, but many lack skills and a considerable number have little or no knowledge of the English language.

The Navajo labor force is estimated at slightly more than 40,000 men and women. Of these men and women, only 15,000 are employed with any regularity, and 5,000 of these are self-employed — are raising stock or making handicrafts, or usually both. There are, therefore, about 25,000 Navajo men and women who need work and want to work, but who can find no work or only temporary jobs, often away from home. In addition, about 2,000 young men and women grow up and enter the Navajo labor force each year.

The Navajo are a young population — nearly half are 17 years of age or younger (Figure 4). This is 12 years younger than the median age of the United States population. One consequence is that a proportionately higher investment in schooling is required for Navajo people. Another consequence is that proportionately fewer Navajos are in the labor force — are available for productive work. The average Navajo family size is 5.6, compared with 3.6 for the United States as a whole. The larger family size has important implications for planning medical facilities, schools, nutritional programs and for family income generally.

Table 2 compares certain Navajo labor force and population characteristics with those of the rest of the United States.

Figure 4
NAVAJO AND U.S.
POPULATION,
BY AGE GROUPS

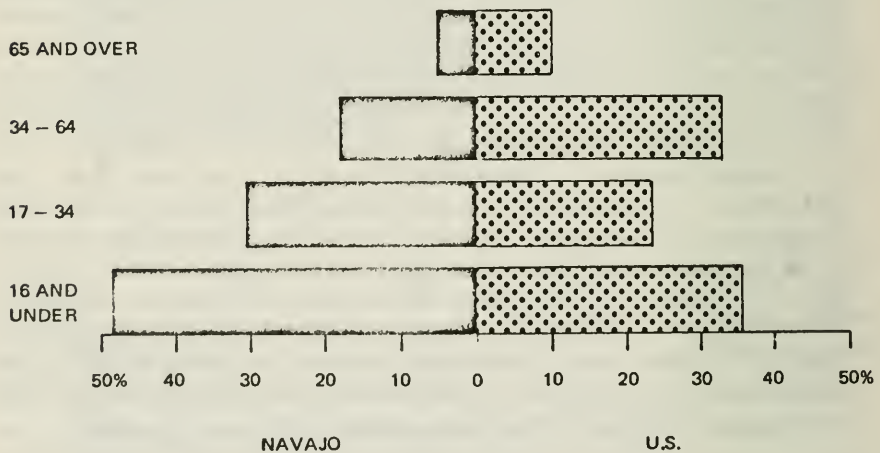


Table 2
POPULATION & LABOR FORCE CHARACTERISTICS:
NAVAJO AND U.S.

	Navajo	All U.S.
Median age	17	29.5
Average family size	5.6	3.6
Annual population growth rate	2.5	1.1
Labor force as % of population	31	40
Rate of unemployment (%)*	60	6

Sources: Navajo demographic data, BIA & PHS; Labor force and unemployment data, NCC; U.S. data, Statistical Abstract, 1970, and Manpower Report of the President, 1971.

* The percentages are not strictly comparable. The U.S. rate includes only those actively seeking work. The Navajo rate includes all those wanting work and without regular work, even though they may not be actively seeking work because they know that there is no work to seek.

Capital Reserves – Accumulated capital reserves derived from oil revenues now total about \$50 million. Some of these funds are available for investment in economic development. The funds must be guarded carefully, however, against the time when oil depletion reduces Tribal income below the amount necessary to maintain essential services.

COSTS AND BENEFITS OF THE TEN YEAR PLAN

Direct Costs and Benefits – Costs of the Ten Year Plan are, in the first place, the additional public expenditures on social facilities and programs – on Social Overhead Capital. These costs – which amount to \$1.9 billion – are set out in Section II. Not included in these costs is “private sector” investment – investment in productive enterprise. Both public and private components of this productive investment will be evaluated, as is other productive investment, on the basis of its profitability.

The overall objective of the Ten Year Plan is substantial Navajo self-sufficiency, and social benefits should be measured in achievement of this goal. In this report employment is generally used as a proxy for self sufficiency. As the plan is implemented, therefore, the economic value of its benefits to society will be measured in increases in employment and earnings. Its public sector benefits will be measured primarily in decreases in

welfare payments on the one hand, and increases in tax payments on the other. Other useful measurements will also be carefully recorded and analyzed — educational achievement, improved health, and various indices of quality of life as well as of economic performance.

Rather than attempt to estimate in Part I of the Ten Year Plan the economic (dollar) value of these potential benefits, however, this report simply notes a useful benefit-to-cost ratio which can be derived from presently obtainable facts and figures.

Economic Loss through Underutilization of Manpower — Methods have been designed for estimating the loss to society — the goods and services that are foregone — because of poor utilization of manpower resources.⁽²⁾ The output of Navajo manpower is far less than it should be because of unemployment and also because manpower that is employed is so poorly equipped — works with so little capital equipment and technological know-how — that its productivity is low.

One estimate⁽³⁾ placed the output of Indian manpower which was foregone in 1960 at \$1 billion. At the rate at which the loss in potential product has increased, the total loss would have amounted to \$2 billion by 1970. The Navajo proportion of total Indian manpower underutilization in 1970 would thus amount to about \$600 million a year, or \$6 billion or more over the next ten years.

The direct gains from economic development would, by the conclusion of the Ten Year Plan, have risen to a ratio of \$6 billion in benefits to \$1.9 billion in costs (incremental costs, or additional costs above existing expenditures). The major share of benefits will not be realized in the first ten years, but through accelerating Navajo production as time goes on. Not only direct gains but induced gains (the multiplier effect) should increase substantially as time goes on.

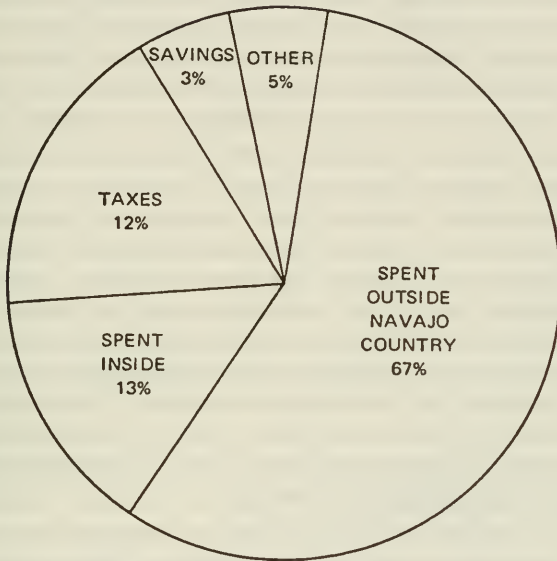
Adding a Multiplier Effect to the Navajo Economy — The effects of increased investment normally include a multiplier reflecting additional income resulting from additional rounds of local expenditure of wages and other payments. In Navajo country, however, there is almost no multiplier. As illustrated in Figure 5, only 10% to 15% of the money made in the Reservation is spent within the borders of the Reservation. Very little Reservation production is sold, moreover, (for processing or for consumption) to people who live on the Reservation.

(2)For an exposition of such a method, see "Developing Estimates of Economic Underemployment for the Rural Labor Force of Seven Southern States," by Thomas T. Williams and Robert Glasgow, *American Journal of Agricultural Economics*, Vol. 50, No. 4-5 (Nov. — Dec., 1968)

(3)"American Indian Manpower: Costs of Underutilization" by Dennis J. O'Connor and Benjamin J. Taylor (paper presented at the 43rd, 1969, Annual Conference of the Western Economic Association).

The aim of the Ten Year Plan is to give the Navajo economy a multiplier approaching 1.5, which is only slightly less than the multiplier of the New Mexico economy.

Figure 5
WHERE THE
NAVAJO
DOLLAR GOES



Source: Navajo Community College

SECTION II

SOCIAL OVERHEAD INVESTMENT

This section summarizes the investments required in roads, education, health, utilities, and the other socially provided facilities and organizations that serve the community. Housing which is presently needed by Navajo families is included in this section. Housing which will be needed by middle and higher income families is included in Section III – the private or production section. Because of general Navajo poverty incomes, most housing will be in the public (social overhead) sector for some time to come.

The social overhead categories which follow include only the most urgently needed public programs. Social services are a rapidly emerging sector of the national economy and a good many public facilities and services that have been thought of as amenities are increasingly seen as necessities. In Navajo country, moreover, economic development and resulting urbanizing trends will make it necessary to provide many public services that are not now found in Navajo country, or are performed by family and extended family members. As time goes on the costs of many of these public services will of necessity be borne by community resources. Until community resources are more nearly adequate, however, federal government support for essential services and for various amenities will be needed in order to facilitate development.

Costs estimates for the various following categories are the aggregate of the existing program expenditures, projected at a 2.5% per year growth rate, plus the additional program expenditures which are required to bring Navajo circumstances up within the range of present national circumstances. "Present national circumstances" is not an adequate criterion to use in 1972 to establish goals for 1982. More exact and useful criteria than those used in Part I will be developed in Part II of the Ten Year Plan.

Projections of existing program expenditures in this report have been based on average annual expenditures over the past five years, where data are available. To the extent that facts are available, existing program expenditures include all federal and state programs.

Although cost estimates in this report provide for a constant rate of population growth, no provision is made for inflation. *Costs are figured in 1970 dollars*, and the long term escalation of price levels will of course mean that the costs set out here will have to be revised upwards steadily as the Ten Year Plan goes on.

EDUCATION
AND
MANPOWER
DEVELOPMENT

Deficit – In the treaty of 1868, the U.S. Government agreed to provide the Navajo Indians with schools and a teacher for each thirty Navajo children. In 1950 the Government undertook its first substantial program to fulfill the treaty obligation. This program's expenditures were concerned with primary and secondary schools. As shown in Figure 6, these expenditures brought about considerably better educational opportunities for Navajo children. Much remains to be done, however, for improved elementary and secondary education, and whole new efforts must be mounted in other educational fields. In recent years beginnings have been made in some of these other fields. Major deficits which are outstanding are as follows:

1. Secondary Education. Boarding schools were acceptable as an interim solution to the education problem in the 19th century but with the modern means of transportation now available they are not acceptable. There are still far too many Navajo children taken away from their homes and parents for long periods and sent to off-reservation schools. Such actions are not welcome in any society and are totally alien to the close family traditions of the Navajo. With the construction of the roads and schools recommended by this Ten Year Plan it should no longer be necessary to separate families.

2. Higher Education. Deficiencies in higher education are illustrated by the fact that only 1% of the teachers of Navajo children are Navajos. This is the actual accomplishment of 35 years of a grandly announced and constantly reiterated program of the Federal government to educate Navajos so that Navajo teachers would teach Navajo children. It should be obvious that a wholly new education and degree-granting program is needed in Navajo country, together with considerably expanded programs for scholarships and career opportunities. The Ten Year Plan estimates which follow are designed to increase the 1% of teachers who are Navajo to at least 50% of the teachers of Navajo children.

3. Adult Education. About one-half of Navajo adults over 25 years of age are illiterate in English – neither read nor write – and one-third of Navajo adults do not even speak English.

4. Pre-school Education. This is recognized to be essential for Indian children. Present Headstart programs are funded uncertainly and reach only a portion of pre-school Navajo children.

5. Technical and skill-training. There is no skill center and only minimally equipped technical, paraprofessional and skilled trades training

programs for Navajo Indians.

6. Business training. Training in business management and aid to businessmen is essential if the Navajo are to develop their economy.

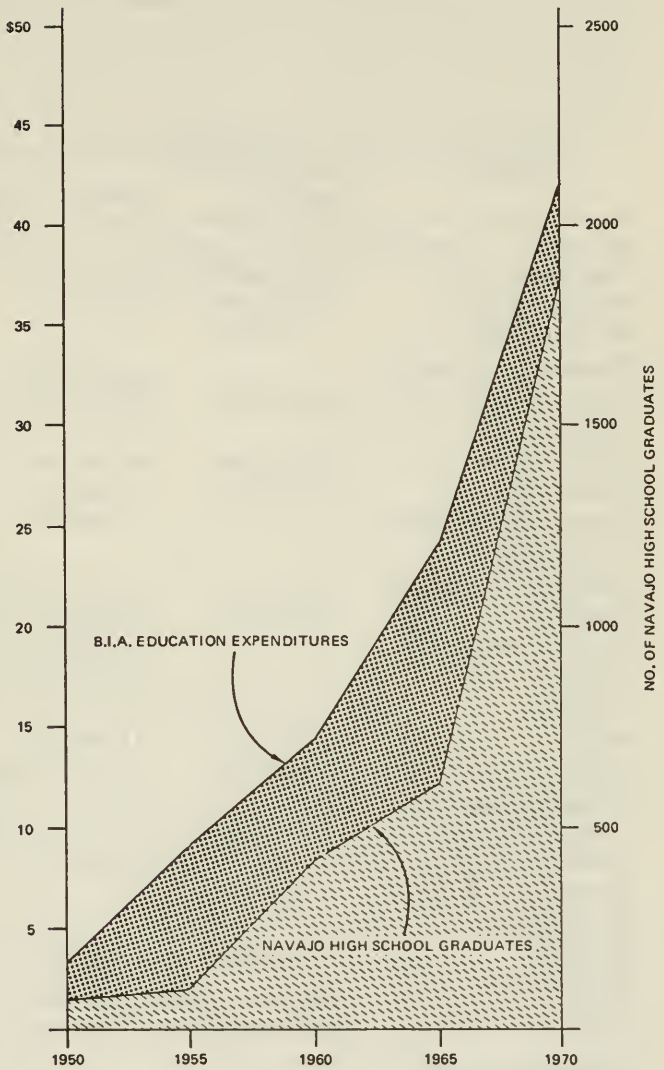
7. Agricultural training. Here again almost no provision for Navajo Indians has been made by any Government agency or land grant university.

8. Special education. Because of isolation, health and language and cultural factors, Navajo children have especially urgent needs for special education programs.

Investment Needed to Close the Gap – The Ten Year Plan funding requirements for more equitable Navajo educational opportunity are shown in Table 3. All federal, state and tribal programs are included.

Figure 6
INCREASING
EXPENDITURES ON
EDUCATION BRING
INCREASING
EDUCATIONAL
ACHIEVEMENT

NAVAJO AREA EDUCATION EXPENDITURES, B.I.A. (MILLIONS OF \$)*



* In current dollars

Source: BIA & Navajo Community College

Table 3
EDUCATION AND MANPOWER PROGRAMS:
TEN YEAR COSTS & ANNUAL EMPLOYMENT

Educational Program	Cost (10 Yrs.)		Employment (Average Per Year)	
	Construction & Equipment	Operation	Construction	Operation
Pre-school				
Class and group	\$ 10,000,000			
Field & playground	2,000,000	\$ 50,000,000	400	400
Life Enrichment	1,000,000			
Elementary & Secondary (2.5% growth per year)	120,000,000	630,000,000	600	5,000
Higher Education				
Regular Programs*	15,000,000	50,000,000		
Career Programs	1,000,000	20,000,000	200	500
Business Aids & Education		5,000,000		
Technical & Skill				
Skill Centers (institutional training)	10,000,000	100,000,000	200	300
Work experience and job training		120,000,000	200	200
Agricultural				
NIIP	5,000,000	11,000,000	350	200
Traditional	1,000,000	(included under resources)		
Adult Education				
Community programs (including health)	1,000,000			
Educational TV & radio	1,000,000	50,000,000	500	800
Special Education				
Institutions	1,000,000	3,000,000	50	200
Home programs	—	2,000,000	—	100
TOTALS	\$168,000,000	\$1,041,000,000	2,500	7,700

*Including scholarships

Source: Navajo Tribal Education Office, BIA, and Navajo Community College

HEALTH

Deficit -- The health status of the Navajo is comparable to that of the general population of the U.S. 20 to 25 years ago, according to Public Health Service estimates. The consequences are not only felt in human suffering, but are serious handicaps to social and economic development. Table 4 contains some of the available facts indicating the extent of the deficit in Navajo health and in Navajo health services and circumstances.

Table 4
HEALTH AND MEDICAL CARE INDICATORS:
NAVAJO AND U.S. -- 1970

	Navajo	U.S.
Infant death rate, per 1000 live births	42.3	20.7
Incidence of certain infectious diseases, per 100,000 population		
Tuberculosis	270	19
Rheumatic fever	90	1.6
Hepatitis	1,120	223
Life expectancy at birth (years)	63.2	70.5
Hospital beds per 1,000 population	4.4	7.8
Physicians per 100,000 population	92	163

Source: Navajo Area Office, U.S. Public Health Service

Directly related to the high Navajo mortality and morbidity rates are lack of basic sanitary facilities, poor nutrition, the effects of poverty, cultural clash, geographic isolation, unemployment, and lack of education. These related factors are the subjects of other parts of this report.

Investment Needed to Close the Gap -- Health services to meet the needs of the Navajo people can be provided in three major categories: (1) Inpatient Services; (2) Outpatient Care Services (outpatient clinics, field health and homes services); and (3) "a vast expansion of preventive medicine, health education." including nutritional programs for young children and for mothers.⁽⁴⁾ Needed Environmental Health Services (water, sewer, and waste disposal) are noted briefly in this section, but the costs of providing these services are included in the later "Utilities" section.

(4)"A Plan for Navajo Economic Development," by David F. Aberle. *Toward Economic Development for Native American Communities*, Joint Economic Committee, Congress of the United States, Vol. 1, p. 269.

Table 5 summarizes the costs involved in providing needed facilities, equipment, staff and other directly related requirements to bring Navajo inpatient and outpatient health services up to more nearly the U.S. level. Figure 7 illustrates the effect that increasing federal programs for medical care have had in increasing Navajo infants' chances for survival.

Table 5
MEDICAL CARE PROGRAMS:
TEN YEAR COSTS AND ANNUAL EMPLOYMENT

	Cost (10 Years)		Employment (Average Per Year)
	Construction	Operation	
Inpatient Services	\$46,000,000	\$305,000,000	2,700
Outpatient Services	<u>4,700,000</u>	<u>66,000,000</u>	<u>589</u>
Totals	\$50,700,000	\$371,000,000	3,289

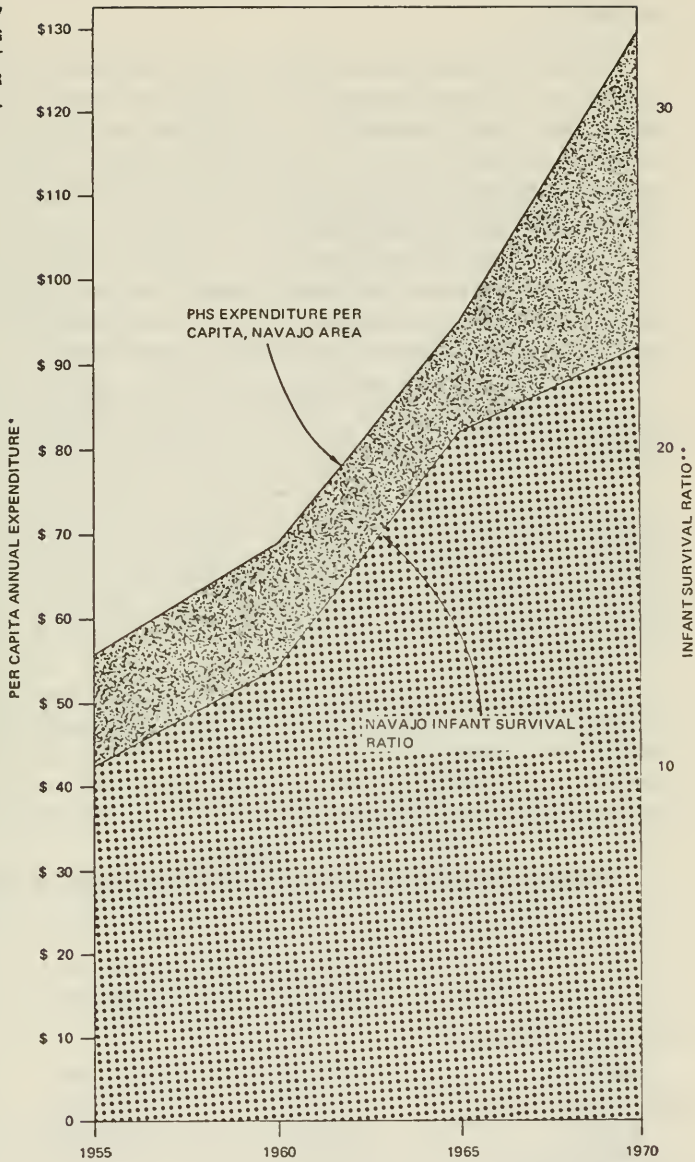
Source: Navajo Area Office, U.S. Public Health Service

Health Education and Nutrition – Malnutrition among Navajo children has received national attention. Pilot projects have demonstrated that educational programs can effectively reduce malnutrition through use of local Navajo teachers under expert guidance and through adequate food supplements. These programs can be combined with community educational programs which will accompany, and undergird, the whole development program. The costs of these educational programs are included under Education and Manpower Development, above.

Environmental Health Services – Provision of elemental sanitation facilities for Navajo communities and homes is essential in the prevention of environmentally related diseases and is basic to the improvement of health. The lack of safe water supplies and waste disposal facilities is in large measure responsible for the high incidence of such preventable diseases as gastroenteritis and amoebic and bacillary dysentery (more than 27 times higher than the rate in the general population). For Navajo infants who return to their home environment after hospital birth, and particularly for infants one month through eleven months of age, the death rate is about three times that of comparable age groups in the general population.

These conditions are in large part associated with the lack of sanitation facilities in the Navajo home and extremely crowded living conditions. Costs of correcting these conditions are included in following subdivisions headed Utilities and Housing.

Figure 7
INCREASING
NAVAJO INFANT
CHANCES FOR
SURVIVAL



* In current dollars

** Reciprocal of infant mortality rate per 1000 live births

Source: Public Health Service, Navajo Area Office and N.C.C.

HOUSING

Deficit — Most Navajo people live in one-room log dwellings called hogans. Often these dwellings lack electricity, running water and sewage connections, and are heated by a fire built on the earthen floor or in a small wood burning stove. The U.S. population has one modern dwelling (with standard plumbing facilities) for each 3 people. The Navajo have only 1 modern dwelling for each 20 people.

Other housing deficiencies are of the same order of magnitude. Large families live in a house with but a single room, so that over-crowding by modern standards is the common lot. There are few glazed windows, if any at all, in order to keep out winter cold and summer heat.

In order to provide Navajo people with modern housing, 19,281 new housing units are presently needed. Of the 6585 existing houses which have standard inside plumbing, 4,894 units now need repair and renovation.

Investment Needed to Close the Gap — The estimated costs to provide Navajos who now lack modern housing with housing comparable to U.S. averages are shown in Table 6. The assumption is that a new, 2-bedroom house will cost \$18,250 (the present average cost on the Navajo Reservation) and that renovation and repair of presently existing housing will average \$3,000 per unit.

During the course of the next ten years, houses will be needed to accommodate the increased population and repairs and renovating will be needed for all standard housing. The costs of such additional housing and of repairs to new housing are *not included* in this report, on the basis that these costs will be assumed in the private sector.

Table 6
HOUSING PROGRAMS: TEN YEAR COSTS AND ANNUAL EMPLOYMENT

	Number	Total Cost	Average Employment (Per Year)
New housing presently needed	19,281	\$350,966,000	1250
New housing: streets & curbs	19,281	6,250,000	230
Present housing: renovation & repair	4,894	14,682,000	30
TOTALS		\$371,898,000	1510

Source: Navajo Housing Authority

ROADS AND OTHER TRANSPORT FACILITIES

Deficit – Roads which have been built on the Navajo Reservation have been built primarily to link the various government facilities – schools, hospitals, and government offices. Two east-west and two north-south highways cross the Reservation. Only 1,370 miles of roads are paved. This is little more than one-third of the ratio of paved roads to square miles in rural areas of the states surrounding the Navajo Reservation. The BIA also maintains what are called “all weather roads” on the Reservation. These roads are indeed all weather, as long as it does not rain or snow. Projections in this program are for roads that are actually “all weather” and for all-weather maintenance (also now generally lacking).

There are no railroads crossing the Navajo Reservation and this makes an adequate highway system doubly necessary. Landing strips have been built here and there on the Reservation but must be vastly improved to serve modern air traffic needs. The failure of adequate transportation facilities is reflected in many deficiencies – boarding school rather than day school education for children, lack of medical care, high prices, and particularly the lack of industrial and commercial development. Some of the needed roads will be expensive to construct – those to the Navajo side of Lake Powell for example.

Investment Needed to Close the Gap – Road construction and maintenance needed to provide a transportation infrastructure for the Navajo equivalent to that in surrounding rural areas⁽⁵⁾ would amount to over 2,140 miles of paved roads plus twice that amount of graded, graveled roads. Total costs of needed paved roads at an average cost of \$200,000 per mile comes to \$430 million. Additional needed mileage of graveled, graded roads would bring total costs of rural roads up to \$600 million. Urbanizing communities will need another 400 miles of paved roads, costing another \$80 million.

An adequate system of road maintenance would add another \$50 million. As time goes on, an arrangement should be feasible to offset a good bit of road maintenance costs from Navajo payment of State gasoline taxes. However this may be arranged, total road costs for the ten-year period would come to \$730 million.

Needed airport facilities will add an additional \$10 million, bringing the needed road and transportation total to \$740 million, employing an average of 1,400 workmen a year in construction, maintenance and administration.

PUBLIC UTILITIES

Deficit – Approximately 61% of Navajo homes are without electricity, and 80% are without water and sewer service.

In off-reservation areas of the United States, 99% of the homes have electric service available and more than 90% have running water and sewer facilities. Due to the fact that more than half of Navajo Indian families have annual incomes of less than \$3,000, they will have to use kerosene lamps and to haul water for many miles unless utility expansion can be financed.

With home improvement programs and planned housing expansion, the need for utility expansion and home installation will become even greater. If the economy of the Navajo Reservation is to increase, industrial, commercial and tourism facilities must be expanded. As part of this expansion, support services and additional housing will be required to meet the needs of workmen and management personnel. Every expansion and improvement requires additional utility expansion of all types.

Investment Needed to Close the Gap – Table 7 sets out the estimated costs and resulting employment for providing utility service to presently unserved homes.

Table 7
PUBLIC UTILITIES: TEN YEAR COSTS AND ANNUAL EMPLOYMENT

	Cost (10 Years)	Employment (Average Per Year)
Labor, Construction	\$ 65,000,000	850
Material	84,825,000	
Machinery	9,425,000	
Operations	4,430,000	270
TOTALS	\$163,680,000	1,120

Source: Navajo Tribal Utility Authority

(5)The mileage of rural roads per 1000 square miles of land area in New Mexico, Arizona, and Utah was used as a basis for comparison. Statistical Abstract of the U.S., 1971. Navajo area were provided by B.I.A.

PUBLIC SERVICES

Deficit – Public services provided by local governments in the rest of the United States include such functions as public safety, fire protection, law and order, environmental protection and various others. In Navajo country some of these services are provided by volunteer effort by Navajos. Other services are performed by various federal and Tribal offices. A good many of these public services are not found at all in Navajo country. These missing services must be provided and all services must be upgraded in order for economic development to proceed.

Investment Needed to Close the Gap – As economic development brings about changes in urban/rural living a multitude of new public services will be needed, including many of the amenities which are common in American communities but have never been provided in Navajo country. In addition, particular facilities and services (industrial parks, etc.) will be needed for economically productive endeavors. These major needed public services are set out in Table 8.

Table 8
PUBLIC SERVICES:
TEN YEAR COSTS AND ANNUAL EMPLOYMENT

	Cost (10 year)	Employment (average per year)	
		Construction	Operation
Public Services (Police and fire protection, public welfare, general control and other)	\$146,900,000	100	1,500
Social Amenities (100 parks & play- grounds, etc.)	20,000,000	100	100
Industrial & Commercial Parks (20 such parks)	6,000,000	50	50
TOTALS	<u>\$172,900,000</u>	<u>250</u>	<u>1,650</u>

Source: Costs-based on per capita state and local expenditures for all services except education, highways and health. *Financing State and Local Governments*, by James Maxwell, The Brookings Institution, 1965. Employment ratios, *Manpower Report of the President, 1971*. Dollar quantities in the Brookings' study have been converted to 1970 dollar equivalents, but no increase has been estimated for additional services during the ensuing years.

PARKS
AND
RECREATION

Deficit — Navajoland has a wealth of recreational potential and the human resources are readily available, but development of this potential is lacking, as is the specialized training of Navajos necessary for operation and maintenance. Accommodations, too, are totally inadequate to meet the needs of Navajos and of the touring public.

Investment Needed to Close the Gap — Development plans include areas and sites as follows:

14 major recreation projects either in the planning stage or underway.

18 Navajo Tribal Parks heretofore established or proposed. Development of these has been minimal.

15 Navajo Parks and Monuments presently established in and around the Navajo Reservation.

196 site locations within or near the five Navajo Agencies.

Development of these areas and sites will vary considerably — from the setting of guide signs only to the construction of adequate access roads, motel and restaurant accommodations, trailer courts, campgrounds, rest stops and picnic areas, visitor and culture centers, racetrack and possibly additional airport facilities.

In order to develop these recreational complexes, the Navajo Tribe expects to contract with the National Park Service for the most effective use of funds allocated for development of these facilities and the training of Navajo personnel. Income derived from these projects will be deposited to the Navajo Tribe's account for further expansion and development. When sufficient Navajo personnel have been trained to operate the facilities, the National Park Service will turn over operation and maintenance to the Navajo Tribe. Table 9 summarizes the estimated Parks and Recreation expenditures and employment during the Ten Year Plan.

Table 9
 PARKS AND RECREATION:
 TEN YEAR COSTS AND ANNUAL EMPLOYMENT

	Cost (10 years)		Employment (average per year)	
	Construction	Operation	Construction	Operation
Present program continuance	—	\$ 5,000,000	—	100
New Programs				
Major projects	\$ 56,900,000	8,534,000	350	2,500
Navajo Tribal Parks	51,400,000	7,710,000	300	1,900
National Parks & Monuments	(NPS)	(NPS)	—	—
Historical & Scenic places	5,000,000	750,000	50	300
Interpretive material	1,500,000	225,000		
TOTALS	\$114,800,000	\$22,219,000	700	4,800

Source: Navajo Tribal Parks and Recreation Division

LAND AND WATER RESTORATION AND CONSERVATION

Deficit — Because of lack of dams, canals and irrigations systems, the Navajo have never been able to make use of their rights to the water which flows through their land. The Navajo Indian Irrigation Project is lagging far behind its scheduled construction, and other reclamation projects for Navajos are pitifully few and inadequate. These deficiencies and others brought about pressures on the land which resulted in the erosion crisis of the 1930's. The land was never restored after this crisis. Government programs have touched only a few small areas in the most favorable locations.

Investment Needed to Close the Gap — In order to make optimum use of Navajo land and water resources, much more must be found out about their quantity and quality, and a massive campaign must be set in motion to conserve those that are being lost and to utilize all of them in ways that bring most benefit to Navajo people.

Navajo Indian Irrigation Project. Completion of the Navajo Indian Irrigation Project has top Navajo Tribal priority. Funds were promised for this Project when the Navajo permitted diversion of San Juan River basin water to the Rio Grande. The water is now going to the Rio Grande, but the Navajo Project has lagged intolerably. Estimates are that \$170 million (at present prices) will be needed simply to complete the basic canals and related facilities. If the Project is to be completed by 1986, about \$150 million will be needed during the Ten Year Plan; i.e., through 1982.

Transforming Traditional Agriculture. The second need is for a program to upgrade the productivity and incomes of those several thousand Navajo families engaged primarily in traditional livestock and farming operations. The low productivity of traditional agriculture is primarily the result of minimal investment in capital goods and in human resource development.

Transforming traditional agriculture requires patient, persistent effort, involving demonstration to many stockmen and farmers of the means of increasing their incomes through better technology and better livestock and farming practices. The essential means seems to include withdrawal in accordance with community planning of a sequence of grazing on selected pasture areas while new grass and cover crops are grown. This would imply not only investment in pasture improvement and stock upgrading, but also feed for stock kept off the accustomed (and only) range.

Costs of conservation and restoration of Navajo soil and water resources other than the Navajo Indian Irrigation Project are set forth in Table 10. These costs were calculated on the basis of the present cost of pilot reseeding projects which are being carried on by Tribal and federal agencies. Because of stock care, water and other problems, it is likely that only one-third of the total land acreage which needs restoration can be usefully attended in the course of the next ten years. Minimum attention can be given the other areas, and needed reservoirs, tanks, etc., can be built.

In addition to administrative and technical staff, approximately 5,000 Navajo families would be involved in the work of transforming Navajo agriculture to modern productivity. Their work would be combined with training and work experience and the total costs are included in the Public Sector (i.e., in this Section) regardless of whether these costs take the form of investment in human or in natural resource development. Total employment is included in the private sector since these families will be making their own way as time goes on.

Table 10
 TRANSFORMING TRADITIONAL AGRICULTURE:
 TEN YEAR COSTS AND ANNUAL EMPLOYMENT

	Cost (10 Years)	Employment (average per year)
Navajo Indian Irrigation Project:		
Project construction through 1982	\$150,000,000	500
Traditional agriculture area		500 (staff)
Reseeding, fencing, etc.	150,000,000	
Wells, stock tanks, etc.	20,000,000	
Reservoirs, runoff controls, irrigation systems	100,000,000	(5,000 families included in Private Sector tables and totals)
Income maintenance, stock feed, etc., during soil restoration	100,000,000	
TOTALS	\$520,000,000	1,000

Source: Navajo Tribal Water Resources Office and BIA

RESEARCH AND DEVELOPMENT

Deficit – In spite of thousands of studies about Navajos, many essential facts needed for economic development are not known. Information that must be found out about Navajo resources – water, soils, minerals, etc. – is noted in foregoing sections. We do not know, moreover, many things that we need to know about adapting animals and plants to meet the semiarid Navajo conditions. Economic and social data are even scarcer and less reliable. In writing this brief summary, for example, many obviously needed facts simply could not be found – the extent of Navajo capital investment in agriculture, for example, or the supply of skilled Navajo construction workers. Moreover, the scattered data which have been compiled are not available in any one place, and essential facts are not kept up to date in useful trend series.

What certainly is not needed is more studies *about Navajos*. What certainly is needed is research *by Navajos, for Navajo use*.

Investment Needed to Close the Gap – Investment in Research and Development (R & D) runs at about 5% to 6% of GNP in a number of major industrial countries. This sum gives a guideline for estimating needed Navajo R & D investment. Navajo R & D need not concern major national problems

(defense), but will have to involve more than the usual amount of demonstration projects and more community development research, i.e., research geared to social programs. The following major areas are noted here, although further expenditure breakdown would be premature.

Health, including a substantial mental health component.

Economic development incentives and community organization, including business structure adaptation to Navajo social forms.

Resource inventories and utilization methods – including conservation and restoration of land, plant and animal life and water resources.

For purposes of this report, an R & D component of public funds is provided for at the rate of 1% of total public expenditure. This percentage is roughly one half of the non-military and non-space percentage of R & D expenditure to U.S. Gross National Product. The resulting expenditure would amount to \$40 million, with ~~employment~~ estimated at an annual average of 100.

Employment

SECTION III

DIRECTLY PRODUCTIVE ACTIVITIES

The investments in natural and human resource development which are summarized above in Section II will, if properly designed, generate an accelerating output by directly productive activities – manufacturing, mining, more productive agriculture, service businesses, commercial establishments and the rest of the generally private sector operations that keep the American Economy going. The greater part of investment in these enterprises will be private, but substantial public support will be needed. This section summarizes the public investment which will be required. The whole experience of Indian areas, and in fact of all lagging economic areas, makes it clear that Indian businesses will have to be encouraged and aided if they are to have a chance to survive.

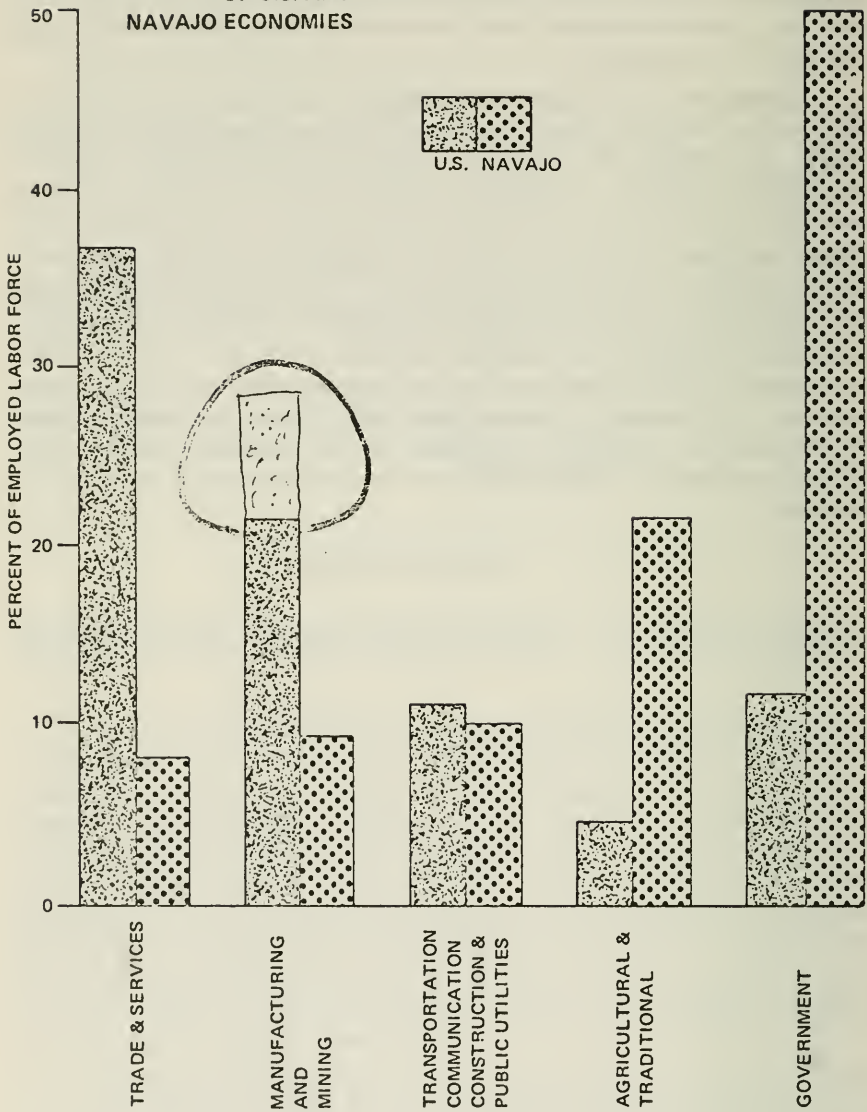
The proportion of public funds to total required capital (public plus private capital) varies with the type of enterprise. Capital requirements for industries such as electric power production are very high, but private sources can be expected to provide practically all of the needed capital. Service businesses, on the other hand, require much less capital but in the early stages of Indian community development most of this capital will have to come from public sources. This section therefore presents capital

requirements in broad categories according to the proportion of needed public funds. Mobilization of private capital will increasingly be the key to development, however, and first attention in this section is devoted to providing a credit structure which will mobilize savings and channel them into productive investment.

A basic and perhaps heroic assumption in the estimates that follow is that Navajo society can absorb (put to efficient use) the amounts of capital needed to provide the specified employment. The social overhead expenditures detailed in Section II, above, should warrant the basic assumption in every major employment area but two — in commercial and service businesses and in traditional agriculture. Because of the slowness of change in these sectors, no change is projected for employment in traditional agriculture, and only two thirds of the ideally potential expansion is projected for commercial and service businesses.

Figure 8 illustrates the disproportionate reliance of the Navajo economy on government services and traditional agriculture, in contrast with the dominance of productive activities in the U.S. economy. The Ten Year Plan will significantly increase the share of productive activities in the Navajo economy.

Figure 8
INDUSTRIAL MIX
OF U.S. AND
NAVAJO ECONOMIES



Source: U.S. data – Manpower Report of the President, 1971;

Navajo data – “Manpower planning for Navajo Employment,” by Philip Reno, *New Mexico Business*, Nov-Dec., 1970.

A SAVINGS AND CREDIT STRUCTURE

Adequate credit, properly supervised and coordinated with training and education, has often been judged to be the essential element in successful economic development programs in emerging countries. Various special circumstances confront development of a Navajo credit structure. Most Navajo incomes are barely enough to meet subsistence needs. Navajo savings are consequently low. Incomes of employed Navajos are rising, however, and economic development will provide more savings. There are only five commercial banks on the Navajo Reservation, and none of these is focused on support of local business development.

The difficulty which Indians have in obtaining credit for businesses has been noted in practically every study of constraints on Indian economic development. In consequence of these constraints, special credit institutions are needed in Indian country. Special institutions do exist – SBA, EDA, and the Tribal Revolving Loan fund – but these institutions have only a fraction of the loan capital needed to meet current requests and are not structured to render the required services. These institutions must be adequately capitalized, and new and different credit forms and institutions must be created if Navajo business is to have a chance to develop.

Recommendations for new credit forms for Indians generally have included the following suggestions:⁽⁶⁾

1. An appropriation of additional funds for Tribal Revolving Loan Funds.
2. Establishment of a loan guaranty fund.
3. Authorization of interest subsidies on guaranteed loans.
4. Authorization for sale of existing revolving fund loans to financial institutions, thereby increasing the amount of funds available for loan.
5. Authorization for the Tribes to issue bonds exempt from federal income tax for purposes related to the governmental affairs or operations of the Tribe.
6. Establishment of Tribal banks and development corporations to administer the above and other credit.

(6) "Indians' Problems in Acquiring Development Capital" Report to the Four Corners Regional Commission by New Mexico State University Agricultural Experiment Station.

"Toward a Fundamental Program for the Training, Employment and Economic Equality of the American Indian," by Herbert E. Striner, Upjohn Institute.

Estimates of public loan funds needed for Navajo development of particular sectors are included in the following pages. Estimates of revolving fund and credit guaranty needs are therefore not included (to avoid double counting) in total capital needs set out in Table 13 at the conclusion of this section.

Additional forms of public support for business operations in developing areas include tax advantages and allowances, preference in government contracts and purchases, and various other forms. Each of these forms needs to be explored in providing adequate support for Navajo Indian business development.

SMALL BUSINESS DEVELOPMENT

Manufacturing, Processing and Transportation – Certain productive enterprises can be planned to provide inputs for the various social overhead investment programs summarized in Section II. Construction is the major industrial sector involved in the projected social expenditures, and needed inputs can be estimated precisely enough to plan production of these inputs. A considerable amount of cabinets and furniture will be needed, for example, and a certain amount of concrete and concrete products. Production of these items will require publicly-funded capital investment in buildings and equipment and operating capital.

Capital will be required for other production for local consumption, and for transportation and trucking businesses to serve the local market. The amount of needed capital can be estimated on the basis of regional or national product-to-population ratios. Ratios of local production that are higher than national ratios can be obtained by "import substitution" policies in Navajo country, but the estimates in this report simply reflect regional or national ratios. The total public investment needed to support 2,400 employees in manufacturing, processing and transport is estimated at \$24 million. Private funds of almost \$30 million will be generated by the public commitment.

Commercial and Service Businesses – Retail business activity depends on disposable incomes as well as numbers of people, and also on factors such as transportation and peoples' wants and needs. National income levels are far higher and consumption patterns far different from those of the Navajo. More comparable estimates can be derived by use of New Mexico rather than U.S. ratios, and this is the basis for the following estimates of Navajo retail and service business potential and capital requirements.

Because of the lag in Navajo incomes and because of social and cultural factors constraining small business development, the goal set for the Ten Year Plan is achievement of two-thirds of the New Mexico level of commercial and service businesses. It is hoped that through the impetus given the Navajo economy by the Ten Year Plan the gap can be wholly closed within one generation.

Table 11
RETAIL SALES AND SERVICES: NAVAJO AREA AND NEW MEXICO

	New Mexico	Navajo	
		Present	To Be Developed
Number of establishments per 100,000 people	936	200	424
Number of employees per 100,000 people	7,000	1,200	3,500
Average annual sales per establishment			
Retail trade	\$145,000)	\$70,000	
Selected Services	\$ 61,000)		

Source: Bureau of Business Research, University of New Mexico, and Navajo Community College

On the basis of national averages of capital to sales (\$1 of capital to \$3 1/2 of sales), initial capital investment of \$30 million is needed in order to bring Navajo retail and service business activity up to two thirds of 1967 New Mexico averages. A continuing stream of savings and investment will be required. A decreasing proportion of this stream of funds will be required from public funds. For purposes of estimating a total ten-year public fund requirements for retail sales and service businesses, it is simply assumed that continuing capital requirements will be met from private sources, but that the total of initial capital (\$30 million) will have to be provided by public loan funds.

**LARGER
SCALE
INDUSTRY**

The major manufacturing plant in Navajo country is the Fairchild Semiconductor facility at Shiprock, New Mexico. Two additional facilities of this size, or a number of smaller ones, would bring the ratio of Navajo employment in manufacturing up to the New Mexico proportion of manufacturing employment to total labor force. Tribal and Federal funds amounting to \$6.7 million have gone into programs to aid the Fairchild plant's establishment and operation. Funds of double this sum are projected in Table 13 for development of additional plants of about twice the total employment capacity of the Fairchild plant.

Present and planned processing of Navajo resources includes large scale coal gasification and production of electric power. Funds should be obtainable from private sources. Funding for development of Navajo timber resources is projected in Table 13 at the rate of development which obtained over the last ten years.

The Navajo Tribe, itself, is not unfamiliar with large scale industry. It owns and operates one of the largest saw mills in the United States, employing over 500 Navajos. The Navajo Tribal Utility Authority serves the entire reservation with electricity, gas, water and sewage disposal. It is Tribally owned and employs over 600 Navajos. The newly established Navajo Agriculture Products Industries will, when the Navajo Irrigation Project is completed, be one of the major agri-business enterprises in the Southwest.

More complete and profitable utilization of the Navajo mineral and fuel resources is currently being planned. Several private firms are well along in planning large scale coal gasification plants and electric power generating plants. The present and future plans for development of these resources will involve the Tribe and the Navajo people in a much more profitable way than has been the practice of the past.

It is anticipated that most of the funding for the planning and construction of plants using the mineral and fuel resources of the Navajo Reservation will come from private sources. Some initial financing might be required for investigations, pilot plants, feasibility studies, etc. Such public funds as can now be foreseen are included in Table 13. More complete forecasts will result from the research for Part II of The Navajo Ten Year Plan.

TOURISM AND OUTDOOR RECREATION

As noted above under "Social Overhead Investment, Parks and Recreation," Navajo country contains the greatest abundance of historical, cultural and natural resources under the collective ownership of an Indian Tribe in the United States. Lodges and motels, campgrounds, etc., will be needed in order to develop the economic opportunities presented by these resources. Capital requirements for these facilities are set forth in Table II. These initial investments would require 20% of Tribal and 80% of public funding, if past funding ratios for this type of Tribal enterprises continue in the future.

Navajo arts and crafts — rugs, silverwork and the rest — are world famous. If properly developed, sales of these items could provide much better incomes for Navajo people. Underdevelopment of this resource at present is a consequence of lack of capital for effective outlet development, for inventory build up and for adequate promotion.

Estimated capital needed for this and other tourism and related development is included in Table 12. Many of the 5,000 or more Navajos who are presently engaged in arts and crafts production make much less than adequate incomes. The goal of this Plan's investment is not to increase the number employed but rather to increase the incomes of those engaged in this work.

Table 12
TOURISM & OUTDOOR RECREATION:
TEN YEAR COSTS AND ANNUAL EMPLOYMENT

	Public funds Cost (10 Years)		Employment (average per year)	
	Construction	Operation	Construction	Operation
Tourism facilities	\$22,960,000	\$3,443,000	280	952
Arts and crafts	2,000,000	8,000,000	(5,000 presently employed, mostly part time)	

Source: Navajo Program Development Office

AGRICULTURE

Agriculture — stock raising and small farms — has traditionally been the source of Navajo livelihood. Today these agricultural activities engage some working time and effort by nearly one-third of all Navajo families, and contribute a major source of livelihood for a good many of these families. With only a few exceptions, these agricultural incomes provide only bare subsistence. A primary effort must clearly be devoted to developing Navajo agricultural productivity and income. This will be done in two major ways and will involve investment programs as follows:

1. Navajo Indian Irrigation Project — The major hope for agricultural development rests with the Navajo Indian Irrigation Project, which will bring 110,000 acres into irrigated agricultural production. In addition to the basic water diversion system, funds will be needed to build farm roads, water systems, and community services. These costs are included in the foregoing Social Overhead section (Section II).

To provide direct, productive means for realizing the Project's agricultural potential, capital investment will be needed in farm structures (living quarters, barns, corrals, etc.) in equipment, livestock, other capital goods, and in working capital in reasonably equivalent amounts to general requirements in America. Since the Navajo have little or no savings to invest in agricultural enterprise, new credit forms and a substantial amount of "seed money" public investment will be needed in equipment, facilities and agricultural technology.

The amount of such capital investment needed for Irrigation Project Operations has been estimated at over \$50 million,⁽⁷⁾ or about \$30 million during the years from 1976 — 1981 (years included in the Ten Year Plan). This sum accords with the investment required for a productive farm and stock business of family size in the United States (which varies from \$120,000 to \$200,000). This rate of capital needs would aggregate approximately \$33 million by 1981. In addition, crop production credit will be necessary. An initial public commitment of \$10 million may be adequate.

Processing and service businesses (including feed lot and livestock operations) will require initial capital outlays of another \$30 million, more or less, by 1981. As time goes on, an increasing proportion of capital for these enterprises will come from private sources, but at the outset the regional ratio of public loan funds (40% public/60% private) can be anticipated in order to develop the Navajo share of enterprise.

(7)"Projected cropping patterns, livestock enterprises, processing activities, capital requirements, employment, income, and training needs for alternative farm organizational structures for the Navajo Indian Irrigation Project," Department of Agricultural Economics and Agricultural Business, New Mexico State University, June 1971.

2. Transforming Traditional Agriculture – More than 5,000 Navajos who are now engaged in traditional agriculture and stock raising will not be reached through the developments set out above. These Navajos will, however, share in projects for restoring the Navajo land and water resources and in transforming traditional agriculture to more productive operations. The major capital costs in achieving this transformation are included in the Social Overhead Section II, above. Private sector investment (individual and family investment) should be supported by public investment in the early stages of development. A public share of \$50 million should initiate a production credit system capable of maintaining its operations.

Table 13
REQUIRED PUBLIC FUNDS AND ADDITIONAL EMPLOYMENT:
DIRECTLY PRODUCTIVE ACTIVITIES

Sector	Required	Employment per year		
	Public Funds*	Additional	Present	Total
Small Business				
Manufacturing, Processing,				
Transportation and Construction	\$ 24,000,000	2,000	200	2,200
Retail Trade and Selected Services	30,000,000	3,500	1,200	4,700
Larger-scale Industry				
Footloose industry	4,000,000 ^{7,000,000}	3,000 ^{1,000}	1,000	3,000 ^{2,000}
Resource utilization	4,000,000 ^{7,000,000}	4,000 ^{3,000}	700	4,700 ^{2,700}
Navajo Forest Products Industries	8,000,000	300	500	800
Tourism and Outdoor Recreation				
Motels, Resorts and Directly related enterprises	26,000,000	1,000	200	1,200
Arts and Crafts	10,000,000	(additional income for those now employed)		
Agriculture				
Navajo Indian Irrigation Project (to 1981)				
Completion of Project canals, etc.	(Under Social Overhead, Section II)			
Farm development	30,000,000	1,000	—	1,000
Processing and Service development	30,000,000	1,000	—	1,000
Crop Production	10,000,000	(above)		
Transforming Traditional Agriculture				
Production Credit	50,000,000	—	5,000	5,000
TOTALS	<u>\$232,000,000</u>	<u>11,800</u>	<u>8,800</u>	<u>20,600</u>

*Public funds needed to generate and support private investments. As noted in the text, private funds in varying proportions are expected to carry most of the investment in productive activities. In some cases practically the total investment will come from private sources; in every case a major share will be private investment. At this stage of planning, it is not possible to estimate with any reliability the private capital which will be forthcoming.

Exhibit No. 5

DEMOGRAPHIC AND SOCIO-ECONOMIC CHARACTERISTICS
OF THE NAVAJO

Staff Report
Office of General Counsel
U. S. Commission on Civil Rights
October 1973

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DEMOGRAPHIC STATISTICS

In 1970, the Bureau of the Census reported a total Navajo population of 96,743.^{1/} The Bureau of Indian Affairs, using tribal rolls, estimates a much higher figure--136,685--with some 128,123 Navajos living on or adjacent to the reservation.^{2/}

The Navajo live primarily in the three States in which the reservation lies: Arizona, 73,657 (57.5%); New Mexico, 50,069 (39%); Utah, 4,398 (3.4%).^{3/}

Most of the tribe is young: about 76.9% of the Navajo are under 25. Females outnumber males by more than 1,300, according to the BIA--^{4/} or by 2,600 in the Census report. The median household size is 5.1.

There are no birthrate statistics available for the Navajo as a tribe; however, the figure given for all Indians in the six counties in which the Navajo live^{5/} is 41.8 live births per 1,000 population^{6/}--or 2.4 times the national average of 17.3.^{7/}

^{1/} Bureau of the Census, 1970 Census of Population: American Indians, Table 11 at 146 (1970) (hereinafter cited as Census).

^{2/} BIA, Office of Reservation Programs, 1971 (hereinafter cited as BIA). See n.175 at 49 on Census-BIA discrepancies. Census figures are used in this report where others are less detailed and overall conclusions are unaffected by gross figures.

^{3/} BIA

^{4/} Census, PC (2)-F.

^{5/} Apache, Coconino and Navajo Counties, Arizona; McKinley and San Juan Counties, New Mexico; and San Juan County, Utah.

^{6/} U.S. Dep't of Health, Education and Welfare (hereinafter cited as DHEW), Indian Health Service, unpublished data.

^{7/} Id. provisional figure for 1971.

Again, in general, rather than tribal terms, the Indian's life expectancy is 64, as opposed to 70 years for the general population.^{8/}

^{8/} DHEW, Indian Health Service, Highlights of the Indian Health Program, 5 (1971).

THE RESERVATION

The Navajo Reservation is the largest in the United States. The Tribe also owns other lands, as described in the chart below.

LANDS OCCUPIED BY NAVAJO INDIANS

	On Reservation (acres)	Off Reservation
<u>Trust Lands</u>		
Tribal	12,448,993.33	765,887.46
Individual	83,543.82	606,404.21
U.S. Government	6.40	<u>324,304.02</u>
Total	<u>12,532,543.55</u>	1,696,595.69
<u>Navajo Band Lands</u> ^{9/}		
Alamo Navajo		
Tribal		43,334.77
Individual		19,774.06
Government		-
Total		<u>63,108.83</u>
Canoncito Navajo		
Tribal		68,143.79
Individual		8,629.05
Government		<u>40.00</u>
Total		<u>76,812.84</u>
Ramah Navajo		
Tribal		85,960.62
Individual		47,632.78
Government		<u>13,402.29</u>
Total		<u>146,995.69</u>

SOURCE: Survey by BIA Office of Trust Services (June 30, 1973).

^{9/} Non-contiguous lands in New Mexico owned by Navajos who participate in the tribal government, but whose lands are considered distinct from the main body of tribal land.

HISTORY

According to Navajo mythology, the people, or Dineh, as the Navajo call themselves, came to this earth after having to escape from four underworlds. In the present world the Holy Ones created four mountains known today as Sierra Blanca Peak, Mount Taylor, San Francisco Mountain, and Mount Hesperus. ^{10/} The land between these four mountains is the area the Navajo calls home.

Leighton and Kluckhohn say that the Navajo descended from bands of hunters and gatherers and intermarried with the Pueblo Indians, adopting much from their customs and cultures. ^{11/}

Apparently, the Navajo's most important adoptions from the Pueblo were agriculture and the crafts of pottery and weaving. ^{12/}

It was from the Spanish, who first came to the Navajo territory in the 1530's, that the Navajo learned the arts of horse riding and stock raising. ^{13/} Spanish attempts to subdue and enslave the Navajo were singularly unsuccessful, in fact, the would be conquerors were

^{10/} Martin A. Link, Navajo: A Century of Progress 1868-1968, Introduction (1968), (hereinafter cited as Link).

^{11/} D. Leighton & C. Kluckhohn, Children of the People, 234 (1969).

^{12/} John Upton Terrell, The Navajo, 15-16 (1970) (hereinafter cited as Terrell); Link, Introduction.

^{13/} Terrell at 17-51.

subject to raids by these Indians, who had learned to use the horse well for quick striking and mobility. So frequent and harsh were these attacks ^{14/} that the Spanish were forced to retreat from the Navajo area in 1680. ^{15/} Although the Spanish returned and enslaved many Navajo, neither they nor their Mexican successors were able to conquer them.

But "the people" were to fall victim to another culture. By virtue of its victory over Mexico in 1848, the United States acquired the land where the Navajo lived.

In 1850, a treaty between the United States and the Navajo provided that the tribe be placed under "exclusive control of the U. S." and that the Navajo be subject to the same laws as all other Indian tribes under U.S. control. ^{16/}

This treaty, however, did not insure peace between the Indians and Anglos. Anglos treated the Navajo no better than the Spanish and Mexicans had. Navajos were enslaved, raped, and even scalped by the "new" white man. ^{17/} The period between the American takeover and the Civil War can be characterized as one of chaos and treachery,

^{14/} Terrell at 35-60.

^{15/} *Id.* at 49-77.

^{16/} Treaty between the United States of America and the Navajo Tribe of Indians 1850, 9 Stat. 974.

^{17/} Terrell at 80-82.

of broken promises, hostile actions, and atrocities by Anglo renegades, soldiers, and settlers on one hand, and of savage revenge by Navajo raiders on the other. ^{18/}

Raiding of white settler's camps to steal livestock and other settlers' possessions had made some Navajos rich, and therefore the poorer in their tribe wanted to gain by the same method. In fact, raiding was a part of Navajo life, something they had practiced against other tribes long before the white man came. ^{19/}

On the other hand, the government from the very start vowed to protect the settlers and townspeople and their possessions. ^{20/} The clash between the two cultures was irreconcilable.

The response to this clash by the American government was to attempt to rid the Navajo territory of the Navajos. A plan was conceived during the Civil War to round up these "savages" and relocate them to the east in a barren area called Bosque Rodondo, in what is now eastern New Mexico. But before this was accomplished the Navajo had to be literally starved into surrender: Under the leadership of Kit Carson thousands of U.S. troops roamed the Navajo county destroying everything the Navajo could use; every field, storehouse and hut was burned. ^{21/}

^{18/} Terrell at 79-155.

^{19/} Id. at 80.

^{20/} Id. at 82.

^{21/} Id. at 157-165.

Terrell described the plight of the Navajo in the Winter of 1863-1864:

No one understood better than the Navajos themselves how desperate their situation was. Carson's holocaust had destroyed the greater part of their stores. There would be no opportunity to plant crops in the coming spring. Starvation rode with the soldiers against them, and it was an enemy far more formidable than the guns. . . 22/

Although it took up to four years before the last Navajo holdouts were forced to surrender, by the fall of 1864 more than 8,000 Navajos had been detained at Bosque Redondo, having made the trip by foot, suffering from disease and starvation. Many died en route, some shot by the souldiers. Others fell victim to slavers with the full complicity of the U.S. officials. 23/

At the forty square mile reservation conditions were desparate:

...Navajos lived in holes in the ground sheltered only by pieces of discarded army tents, cowhides, and brush. Many were dying of malnutrition, many were almost naked, and most of them were barefoot. They were suffering from pneumonia, tuberculosis and venereal diseases. 24/

So awful is the memory of this forced march across 300 miles of rugged land that even today the Navajo bitterly refer to it as "The Long Walk." 25/

22/ Terrell at 165-68.

23/ Id. at 168-174.

24/ Id. at 174.

25/ Link, Introduction.

Numerous attempts were made to establish farming at the Bosque Redondo, but each failed due to the harsh conditions of the land, ^{26/} droughts and pests.

The relocation effort was a catastrophe for the Navajo; 2,000 died there in four years. By 1868 even the U.S. government could see it was a failure, so they signed a new treaty with the Navajo allowing them to return to their homeland.

The treaty with the Navajo Indians of June 1, 1868 (see Appendix at A-1) provided for a 3.5 million acre reservation, but this was only one-fifth of the land that the Navajo had previously needed to survive. ^{27/}

Although the tribal leaders were glad to sign in order to return to their home, only part of their home was theirs now. This was not the only or most ignominious section of the treaty.

Article III provided for a grant of land of up to 160 acres to any Indian family willing to farm it, but generous as this provision might seem, it was modeled after an eastern white concept of Homestead Law, and did not fit the communal tradition nor the economic realities of the arid southwest. ^{28/}

^{26/} Link at 1.

^{27/} Treaty between the United States of America and the Navajo Tribe of Indians, concluded June 1, 1868, 15 Stat. 667, Art. II; Terrell at 197-198.

^{28/} 15 Stat. 667, Art. III; Terrell at 198.

Still worse was the provision that every Navajo child between the ages of six and 16 must attend a school offering "an English education." This provision would lead to many abuses in the future by the U.S. government (see section on Navajo Education below).^{29/}

Other sections of the treaty provided for supplies to be given to the Navajo by the government, and for punishment of those who violated the peace between the U.S. and the Navajo; but the treaty is most important now because it set the basis for U.S. control of the Navajo's destiny and placed the tribe in a position of inferiority and dependency that continues today.

So restricted was the land to which the Navajo returned in 1868 that by 1878 the U.S. had to restore to the growing Indian population more far and grazeland. Additional lands were returned to the Navajo in 1880, 1883 and 1884.^{30/}

By 1883 the impoverished Navajo had regained some economic strength. The tribe numbered 19,000 and owned 35,000 horses, 200,000 goats, and over one million sheep.^{31/}

But Navajo farmers and herders were seen as unwelcome "intruders" by greedy railroaders, prospectors, and settlers, and the Indian often

^{29/} 15 Stat. 667, Art. VI; Terrell at 199-200.

^{30/} Link at 11.

^{31/} Id.

suffered violence and loss of his land and livestock at the hands of lawless whites. ^{32/}

In the early 1900's, President Theodore Roosevelt granted up to 4,056,000 acres to the Navajo in an effort to put a buffer between white settlers and Indian farmers. But many portions of this land were lost in 1911 when President Howard Taft restored to Federal control parts of the Roosevelt grants east of the original reservation which had not already been allotted to individual Navajos. ^{33/}

The U.S. granted the Navajo an additional 1,079,000 acres between 1918 and 1934. The Navajo purchased 250,000 additional acres with money earned from mineral royalties. Today, the Navajo reservation contains about 14 million acres, ^{34/} but about a fifth of this is useless for farming and grazing and another 48 percent is rated only poor to fair for such uses. ^{35/}

Today the Navajo tribe is governed by its tribal council and the BIA (see section on legal status of the Navajo below). Many of the problems that have beset the tribe since the onslaught of white settlers continue today. Although there are no more wars, the price of peace has often been a harsh one for the Navajo. About a fifth of the tribe, once

^{32/} Link at 25; Terrell at 249-50.

^{33/} Terrell at 250-251.

^{34/} See Table 1 at A-57.

^{35/} Terrell at 251-53.

independent economically, is unemployed, and the median annual income of working age Navajos in 1970 was less than \$2,600 ^{36/} (see section on the Navajo economy for more details).

The Navajos today recognizes the need for better education, especially higher education, if they are to prosper in a world dominated by Anglos. ^{37/}

The single most unchangeable fact about Navajo life is that the Navajo is no longer independent but lives now in a world dominated by whites in which the Navajo is but a small minority. This has been a basic fact of life for the past 100 years. Because it has meant the loss of the Navajo's independence, which they had managed to keep, albeit with much difficulty, even through the era of Spanish and Mexican settlement, it has caused a basic change in the Navajo way of life. The Navajo must depend on assistance from the white man in order to survive.

^{36/} Census, Table 13 at 166 (figures for Navajos 16 years of age and older).

^{37/} Terrell at 288-289; Link at 55.

LEGAL STATUS OF THE NAVAJO TRIBE

First, it should be stated that the Navajo, like most reservation Indians in the United States, is a unique legal entity. While they are citizens of the United States, the Navajos are not generally subject to the jurisdiction of State governments.

This was made clear by the United States Supreme Court in Williams v. Lee which ruled that a non-Indian, who operated a store under federal license on the Navajo reservation, and sued a Navajo for debts, could not bring the action in a State court. ^{38/} The court based its decision on past cases which held that the States had no jurisdiction, even in criminal matters, over Indians living on reservations or non-Indians conducting business with federal permission on reservations. ^{39/} The court explained:

Originally the Indian tribes were separate nations within what is now the United States. Through conquest and treaties they were induced to give up complete independence and the right to go to war in exchange for federal protection, aid, and grants of land. ^{40/}

Without commenting on the inequities of that bargain for the Indian, the court built upon the above assumption the concept that only where Congress grants the States power over the Indians, may they exercise it, and that when Congress had wished the States to have such power, it had expressly granted it. ^{41/}

^{38/} Williams v. Lee, 358 U.S. 217 (1959).

^{39/} Id., at 218-220.

^{40/} Id., at 218; see also Kent Gilbreath, Red Capitalism: An Analysis of the Navajo Economy, 32 (1973).

^{41/} Williams v. Lee, supra at 220-21.

The court then stated that in the Treaty of 1868 the Navajo agreed to keep peace with the United States and in return for this promise the U. S. had set apart a reservation for the Navajo.

Implicit in these treaty terms . . . was the understanding that the internal affairs of the Indians remained exclusively within the jurisdiction of whatever tribal government existed. Since then, Congress and the Bureau of Indian Affairs have assisted in strengthening the Navajo tribal government and its courts . . . Today the Navajo Courts of Indian Offenses exercise broad criminal and civil jurisdiction which covers suits by outsiders against Indian defendants. No Federal act has given State courts jurisdiction over such controversies. ^{42/}

Noting that Congress had given the States power to assume judicial jurisdiction over the Indian tribes within their boundaries by amending their State constitutions (67 Stat. 590), the court pointed out that absent such amendment, a State had no jurisdiction over Indians within its boundaries. ^{43/}

The Supreme Court reaffirmed its position as to the legal status of the Navajo tribe six years later in the case of Warren Trading Post v. Tax Comm. ^{44/}

Congress has repealed the act allowing States to assume jurisdiction over Indians by amending their constitutions, and replaced it with Title IV of the 1968 Civil Rights Act, 25 U.S.C. § 1321-1326, which allows States to assume civil and criminal jurisdiction over Indians only with the express consent of a majority of Indians voting in a special election.

^{42/} Id. at 221-222.

^{43/} Id. at 222-223 (Note 10).

^{44/} 380 U.S. 685 (1965).

The Supreme Court ruled that by virtue of this 1968 Act, State control of Indian judicial matters could only be assumed after approval by a majority vote of all Indians within the affected area, not by a vote of a tribal council.^{45/}

Thus, the legal status of the Navajo tribe is one of partial sovereignty. The States can have judicial control over Navajos living on the reservation only if a majority of those living on that part of the reservation within the State which seeks judicial control, approve. But the Federal government, especially the Secretary of Interior and the BIA, retains control over the judicial affairs of the Navajo if the States lack consent to exercise it.^{46/}

Furthermore, Federal law gives the Secretary of Interior and the Commissioner of Indian Affairs broad powers over "all Indian affairs and of all matters arising out of Indian relations."^{47/} For instance, the Secretary and Commissioner must approve all tribal contracts.^{48/} These laws have been upheld by the Federal courts.^{49/}

Using these broad authorities, the Bureau of Indian Affairs (BIA) has promulgated extensive rules on how the Indian tribes may govern

^{45/} Kennerly v. The District Court of Montana, 400 U.S. 423, 428-29 (1971).

^{46/} See 25 U.S.C. §2, and see Navajo Tribal Code (N.T.C.) § 1, 1969 as amended; incorporates 25 C.F.R. § 11 with approval by the Secretary of Interior as required by law.

^{47/} 25 U.S.C. § 2.

^{48/} 25 U.S.C. § 81.

^{49/} Udall v. Littell, 366 F.2d 668 (D.C. Cir. 1966); cert. denied 385 U.S. 1007, rehearing denied 386 U.S. 939.

themselves. ^{50/} Following these guidelines the Navajo tribe has passed an extensive code outlining its electoral process and the powers and duties of its legislative, executive, judicial, and administrative branches of government. Most of these codes require the approval of the Secretary, Commissioner, or the BIA. ^{51/}

Thus, while the Navajo tribe may be free from the cloak of State regulation, broad Federal laws and administrative codes keep it under the watchful eye of Washington. However, due to the general deference of the Secretary and the BIA to decisions of the tribal council, some autonomy has been given to the Navajo in internal affairs. ^{52/}

STRUCTURE OF THE NAVAJO GOVERNMENT:

Up to the time when the U. S. took over the Southwest there was no unified political structure with one leader among the Navajo. The only organization was of family or bands of people whose leaders, called *naat' aanii* ("speech makers"), were chosen by the decision of the group or clan and would be removed by the same process. ^{53/}

In fact, it was not until 1923 that the Navajo had its first formal government, the tribal council, composed of six delegates, created in part so that oil companies would have some legitimate representatives of the Navajos through whom they could lease reservation lands on which oil had been discovered. This was necessary because the 1868 Treaty provided that

^{50/} See 25 C.F.R. § 52.

^{51/} See generally N.T.C., esp. Titles 2, 7, 11, and 17.

^{52/} Terrell at 283.

^{53/} Terrell at 279.

no part of the Navajo reservation could be ceded without the consent of three-fourths of the tribe.^{54/}

The council selected a chairman and vice chairman outside the council membership. Also formed from those not on the council were the Navajo community chapters, made up of people in local areas throughout the reservation who met to discuss common local problems.^{55/} In 1970, over a hundred such chapters existed.

The American imposed democratic system was far from perfect, however. For one thing, the council had no real governing power over the local bands and families, and few Navajos understood what it was supposed to do since a centralized governing body was a concept alien to their tradition.^{56/}

Reorganized in 1938, the Navajo government has expanded its representation and broadened its powers. The legislative powers still derive from the tribal council, (hereinafter referred to as "the council") but that council is now made up of 74 delegates instead of six. Every member of the council must be a member of the Navajo tribe and over 30.^{57/} The delegates are forbidden to hold other employment which creates a conflict of interest, and are subject to removal by a two-thirds vote of the council or by petition of 50 percent of the

^{54/} Terrell at 279-80.

^{55/} *Id.* at 281.

^{56/} *Id.* at 281-82.

^{57/} 2 N.T.C. §§ 101, 102.

voters in his or her precinct. ^{58/} Each delegate is elected from his or her district and serves a four year term. ^{59/}

The council meets four times a year, with its agenda set largely by the chairman of the council and the BIA Area Director (again evidence of the Federal supervision of Indian affairs). ^{60/}

The chief executive of the tribe is the chairman of the tribal council (hereinafter referred to as "the chairman") who is elected to a four year term. There is no limit on the number of terms he/she may serve. Second in power is the vice chairman of the Navajo tribe (hereinafter referred to as "the vice chairman"). ^{61/} The chairman and vice chairman must each be 35 years old and a permanent residents on Navajo lands, a high school graduate, have previous tribal government experience, and not be a felon. ^{62/}

The chairman may yield the chair to the vice chairman in order to take part in council meetings, but most importantly he/she has responsibility for "directing and supervising the personnel and executive business staff of the tribe" and over the various council committees. ^{63/} The chairman selects from the council membership the members of various council committees such as those on education, health, judiciary, law

^{58/} 2 N.T.C. §§ 103, 105 and 11 N.T.C. §§ 211, 212.

^{59/} 2 N.T.C. § 104.

^{60/} 2 N.T.C. §§ 162-63.

^{61/} 2 N.T.C. §§ 281-82 and 11 N.T.C. § 3.

^{62/} 11 N.T.C. § 4a and 2 N.T.C. § 283.

^{63/} 2 N.T.C. §§ 284, 903.

and order, trading, and welfare.^{64/} He does not appoint the advisory committee which has important duties of overseeing tribal business and financial affairs.

The chairman and vice chairman, along with the advisory committee which they chair, head up a sophisticated executive structure which includes the tribe's legal office, the executive secretary, the office of the comptroller, employment and personnel department, vital statistics department, community development department, health, education and welfare department, police department, probation and parole department, division of agricultural and livestock development, mining department,^{65/} and others.

As mentioned above, the Navajo Tribe has its own court system under the guidelines of Title 25 of the Code of Federal Regulations, Chapter 11. The system consists of a Tribal Court and a Court of Appeals.^{66/} The chairman appoints the seven judges who preside at the Tribal Court, with the approval of the council, for a two year probationary period, after which the chairman may nominate the probationary judge to be a

^{64/} 2 N.T.C. §§ 341, 802. The Advisory Committee is composed of 18 members selected by the Council by secret ballot from a list of Council members nominated by the Council members. The Chairman heads this committee which has many executive responsibilities including the power to approve contracts made by the Chairman and to lease tribal land for farming and authority to make rules and regulations concerning commerce and trade, agriculture, education, health and welfare, highways, mining, public parks and monuments, wildlife, and other areas. See 2 N.T.C. §§ 341-49; 3 N.T.C. § 1; 5 N.T.C. § 2; 10 N.T.C. § 3; 13 N.T.C. §§ 1, 4; 14 N.T.C. § 1; 18 N.T.C. § 1; 19 N.T.C. §§ 2, 3, 101; 22 N.T.C. § 1.

^{65/} 2 N.T.C. §§ 4, 903-1273.

^{66/} 7 N.T.C. § 101.

permanent judge, with "the advice and consent" of the council.^{67/}
 Permanent judges may serve until they are 70.^{68/}

The tribal courts have original jurisdiction over all violations of the Law and Order Code,^{69/} all civil actions in which the defendant is an Indian living in Navajo territory, domestic relations of Navajos, probate of Navajo property, and all other matters that formerly were handled by the abolished Court of Indian Offenses.^{70/}

The Court of Appeals consists of a Chief Justice of the Navajo tribe (hereinafter referred to as "the Chief Justice") and two tribal court judges who are appointed to hear particular cases as requested by the Chief Justice. The Chief Justice also serves a two year probationary term before becoming permanent.^{71/} The Court of Appeals has jurisdiction over all tribal court final judgments except those criminal cases where the defendant is sentenced to 15 days imprisonment or labor and/or fined less than \$26.00, in which case there is no appeal.^{72/} The courts have the authority to make their own rules of pleading, practice, and procedure.^{73/}

The Navajo Tribe has an extensive code covering not just the structure of government, but also matters of importance to the

^{67/} 7 N.T.C. § 131a.

^{68/} 7 N.T.C. 132.

^{69/} 7 N.T.C. § 133a, also see 17 N.T.C. § 1 et seq.

^{70/} 7 N.T.C. § 133b-e.

^{71/} 7 N.T.C. § 171.

^{72/} 7 N.T.C. § 172.

^{73/} 7 N.T.C. § 301.

Indian's daily life such as agriculture, ceremonies, commerce and trade, estates, domestic relations, elections, education, labor law, law and order, water, etc.^{74/}

Perhaps the part of the code most important to the Navajo's destiny is the one providing for the election of the tribal leadership by the tribal members.^{75/} The whole process of tribal elections is supervised by the Board of Elections Supervisors (hereinafter referred to as "the Board"), made up of a maximum of six members appointed by the chairman with the approval of the Tribal Council.^{76/}

The Board appoints registrars, election judges to sit at each polling place, and poll clerks.^{77/} However, the most important duty of the Board is to finalize the results of tribal elections based on the ballots and official counts submitted by the election judges from each polling area.^{78/}

All Navajos on the BIA agency census roll who are 21 years of age and older may vote.^{79/} They must register to vote at least 30 days prior to an election and are dropped from the rolls if they fail to vote in two consecutive elections. Any person not permitted to register can appeal to the Board whose decision is final.^{80/}

^{74/} See N.T.C. generally.

^{75/} 11 N.T.C. § 1 et seq.

^{76/} 11 N.T.C. §§ 51-58.

^{77/} 11 N.T.C. § 58a.

^{78/} 11 N.T.C. §§ 20 and 51.

^{79/} 11 N.T.C. § 6; Note: The passage of the 26th Amendment to the U.S. Constitution may affect this provision.

^{80/} 11 N.T.C. § 7, 8.

Candidates for chairman are nominated at a central nominating convention (hereinafter referred to as "the convention") attended by delegates elected by each of 74 election communities.^{81/} Each election community also selects up to three candidates for, and later elects one to serve as, council representative from that community.^{82/}

The two nominees for chairman who get the highest number of votes at the convention are the candidates for chairman. Each candidate then chooses a running mate for vice chairman; these two slates appear on the ballot.^{83/}

Perhaps the most novel aspect of Navajo tribal elections is that the picture of each candidate for chairman, vice chairman, and delegate to the council appears on the ballot alongside his name.^{84/} This is done because many of the electorate cannot read. The time, place, and manner of voting is strictly governed by Navajo law, and criminal penalties are provided against bribery, intimidation, and other irregularities.^{85/}

^{81/} 11 N.T.C. §§9-14.

^{82/} 11 N.T.C. § 9a.

^{83/} 11 N.T.C. §§12, 13.

^{84/} 11 N.T.C. §15a.

^{85/} 11 N.T.C. §§15-18, 241-247.

The Code also provides for extensive rules governing special elections, ^{86/} and Federal and State elections in New ^{87/} Mexico ^{88/} and Arizona.

In conclusion, perhaps the most important thing to note, however, is that the Navajo government structure is one based on the white man's experience, not that of the Navajo, and many, if not a majority of the tribe probably still look upon their government as somewhat alien to their way of life.

86/ 11 N.T.C. §§131-138.

87/ 11 N.T.C. §§601-869.

88/ 11 N.T.C. §§1001-1318.

EDUCATION

The history of the white man's program of education for the Navajo is not a pleasant one, especially for the alleged beneficiaries of this program, the Indian children.

To be sure, Navajo parents teach their children many things, such as household and farm skills, manners, sex education, morals, etc., as the Navajo undoubtedly has done for centuries, but this type of education is the informal kind, usually taught through the use of story telling, setting examples, use of ceremonies, and punishment of the ^{89/}wrongdoer.

But the kind of formal schoolroom education with textbooks, structured courses and grades was virtually unknown to the Navajo before 1868. In that year the United States signed a treaty with the Navajo which provided in part:

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that, for every thirty children between said ages who can be induced to or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as teacher. ^{90/}

^{89/} Leighton at Chapter 2.

^{90/} Treaty with the Navajo Indians, June 1, 1868, 15 Stat. 667, Article VI.

This article became the blueprint for the American program for educating the Navajo.

But the program was not readily accepted by the Navajo. Teachers were sent and schoolhouses built by the government but the children were reluctant to attend, and when the government sent police literally to round up truant students, their parents often hid them. Those unfortunate enough to be caught and sent away to boarding schools were often beaten and even shackled when, homesick, they would attempt to run away, or when they failed to do assigned chores or otherwise violated school rules.

The U. S. Government saw nothing abhorrent in its policy of forced attendance; after all, the Treaty did say that one teacher would be sent for every thirty Navajo children who could be "induced or compelled to attend school." But to the Indian parents the idea of having their children taken and kept from them for weeks or months at a time was unthinkable, and they became even more resistant to the white man's ^{91/} education.

The situation improved somewhat with the establishment of day schools in the 1930's. Parent and child both preferred this system to the boarding schools because at least the child was home at night and the parents ^{92/} could keep track of his/her welfare and health on a day to day basis.

^{91/} For a good summary of early white schools for the Navajo, see Terrell at 231-39; see also Gilbreath at 107-08, and Leighton at 64.

^{92/} Terrell at 234-40.

The Navajo can accept this day school method of white man's education, but not the boarding school. Even with modern day improvements in facilities and more enlightened discipline,^{93/} the regimented dormitory life of boarding schools is alien to the Navajo idea of freedom, and keeps the child from learning the Navajo culture and religion.^{94/}

Yet, despite the Navajos' bad experience with the boarding school method, 49 out of the 60 institutions operated by the BIA are boarding schools. As for the few day schools that the BIA does operate, none has more than six grades, and most go to the fourth grade or below. Many boarding schools, by contrast, have eight regular grades plus kindergarten, and there are four boarding schools which offer only the high school grades, 9-12.^{95/}

BIA statistics show 22,094 Navajo students (including pre-kindergarten) enrolled in BIA schools in 1972. Only 3,284 of those students were in high school; the rest were below the ninth grade. Six hundred nine Navajos graduated from BIA high school this year; another 1,000 completed eighth grade.^{96/}

If these attendance and completion figures are unimpressive in the higher grades of BIA schools, the public schools have not done much better. Perhaps because there was never any forced attendance at public schools, many Navajo parents simply did not make their children go to school. A reason often given for this non-attendance was that formal

^{93/} For a report which found modern day boarding schools little improved, see Center for Law and Education, Harvard University, No. 7, Inequality in Education, issue devoted to Indian Education.

^{94/} Id. and Leighton at 64-69.

^{95/} BIA, Statistics Concerning Indian Education, fiscal year 1972, Table J at 11 (hereinafter cited as BIA Statistics).

^{96/} Table 13 at A-71.

education could give no satisfactory answer to the Navajos' question, "What good is it?" By the 1940's, however, many Navajos had learned that illiteracy was a bar to economic mobility, that to be in the running for economic opportunities it would be necessary "to become skilled in the language and ways of the larger society."^{97/} And so the Navajo began to attend school in greater numbers.

Figures for total school enrollment on the reservation in 1972 show that 52,647^{98/} of the 57,144 Navajo children between 5 and 18 years were in school. Students enrolled in public schools run by the States of Arizona, New Mexico and Utah numbered 28,535; 2,820 were enrolled in other schools; the rest attended BIA schools, as noted above. There were 854 Navajo students over 18 attending BIA schools and 869 in public schools.^{99/} On a state by state breakdown, 31,811 Navajo students between 5 and 18 were enrolled in Federal, State and private schools in Arizona; 22,539 in New Mexico;^{100/} and 2,794 in Utah.^{101/}

Census figures reflecting educational levels attained by the Navajo population as a whole are as follows. Of the 5,734 male Navajos 25 to 34 years old, only 1,466 had completed high school and only 606 had attended any college. Among 6,230 Navajo women of this same age group only 1,380 had completed high school and 467 had done at least some college work.^{102/}

^{97/} Gilbreath at 108, 109.

^{98/} Contrast the figure with the 1970 Census figure for Navajo tribe total school enrollment (ages 3-34) of 37,266. Table 16 at A-72. The disparity remains unexplained.

^{99/} Table 18 at A-74.

^{100/} Navajos under jurisdiction of Zuni Agency included with Navajos of New Mexico.

^{101/} Table 18 at A-74.

This disparity in numbers of students entering school, and those finishing even the eighth grade is obvious. The drop-off in attendance after elementary school is dramatic and emphasizes the waste from an education system which has not done its job.

The percentage of Indians who drop out of schools is twice that for all other children. Among the Indian population, fully two-thirds of the adults have not gone beyond elementary school, and one-quarter of Indian adults are functionally illiterate-- they can't read street signs or newspapers. The educational system has failed Indians. The Federal Government's obligation to support Indian education has not been fulfilled. 103/

From these figures, it can be seen that today's program for education of the Navajos involves substantial numbers of children. Thus, the methods which the Federal Government utilizes to fulfill its obligation to educate these children will surely affect the future of the tribe.

Federal Aid Programs

The public schools which 28,535 Navajo students attend are entitled to receive aid from the Federal Government under a variety of laws intended to give the Indian child an equal opportunity to learn.

Indian children qualify school districts for Federal money under the Impact Aid legislation because their parents live and/or work on Federal property. There are two Impact Aid laws: P.L. 815 provides school construction funds; P.L. 874 provides operational funds to assist local schools overburdened with children of Federal employees, or with children residing on tax free Federal land within the school district. 104/

Although Indian reservations have always been considered Federal land, the Impact Aid legislation originally passed in 1950 was not

103/ NAACP Legal Defense and Education Fund, Inc., An Even Chance at 2 (1971) (hereinafter cited as An Even Chance).

104/ 20 U.S.C. §631, et seq. (1950); 20 U.S.C. §§236-241 (1950).

extended to cover school districts which included the Navajo and other Indian reservations until 1958.^{105/}

The funding for such programs is based on the "local contribution rate" (derived from average expenditures per child in comparable school districts) multiplied by the average number of eligible children in daily attendance.^{106/} School districts receive 100 percent of the local contribution rate for each child whose parents both live and work on Federal property located within that district. Since most Navajo pupils' parents both live and work on the reservation, which is Federal property, school districts with Navajo children qualify for full compensation for the expense of each child from the reservation. And if the parents only live on reservation property within the school district, but do not work there, the district is still entitled to one half the local contribution rate for those parents' children. For any school district to receive funding under the Impact Aid program, (the lesser of) 400 students, or 3 percent of the average daily attendance, must be eligible.^{107/}

Furthermore, the Commissioner of Education may increase the funding for a school district making a reasonable effort to get adequate funding through tax revenue and other sources, if he/she determines that (1) the amount for which the district is eligible under the above formula would

^{105/} P.L. 85-620 (1958) amending 20 U.S.C. § 238 (1950). M. Yudof, "Federal Funds for Public Schools," in Inequality in Education at 20.

^{106/} 20 U.S.C. §238.

^{107/} Id.

be insufficient to provide the quality of education that a comparable district is able to provide and (2) at least 50 percent of the district's children live on Federal property.

As an adjunct to Impact Aid funds for educational programming, schools which Indians attend are also eligible to receive P.L. 815 construction money to help local districts build the facilities required to handle increases in their enrollment of children living on tax-exempt Federal property (including Indians). But in recent years there has been a freeze on such funds.^{108/}

There are practically no restrictions on how \$74 Impact Aid dollars are spent. The Commissioner of Education has no power to demand that the money granted be spent on special programs or curriculum changes to benefit the Indians, and the State agencies are bypassed because the money goes directly to the school districts.^{109/}

With the individual districts in control of how the money is spent, there can be a vast difference in how the Impact Aid funds are disbursed. As mentioned above there is no requirement that the district report how it spends the money; nor is the district required to show that Indians have received a fair share of the aid (or, conversely, that the Indian has not been cheated in the allocation of State and local resources).^{110/} What makes this situation so inequitable is that the Indian child often brings in more Impact money than do children of non-Indian Federal employees

^{108/} An Even Chance at 6.

^{109/} Inequality in Education at 21.

^{110/} An Even Chance at 6-7.

and much more aid on a per pupil basis than other children in the school district who receive only State and local monies. In the Gallup-McKinley County School District, Indian children, mostly Navajo, qualify the district for \$306.70 per student in Impact money (one-half the national average cost per pupil) whereas the children of BIA and Public Health Service employees who work on the reservation but do not live there bring in half that amount, \$153.35. And local taxes for nonfederally connected children only bring in \$127.00 per child.^{111/} But the same Indian child who qualifies a school for Impact Aid may benefit the least from it.

The NAACP Legal Defense and Education Fund found that in 1970 the Gallup-McKinley District received about \$1.3 million in Impact Aid, plus over \$500,000 each from both Title I and Johnson-O'Malley funds. In all, 40 percent of the district's budget came from Federal sources.^{112/}

Yet, in that district the schools with the greatest concentration of Indian students had the worst facilities and were the most overcrowded. A small town (Thoreau) high school had 3 times its capacity enrollment, buildings so dilapidated that snow seeped in, and not even enough space for a decent laboratory or library. This school with over 66 percent Indian enrollment contrasted sharply with Indian Hills Elementary School, located in the city of Gallup, which had less than 33 percent Indian students as well as less than full capacity enrollment. Indian Hills had a split level, carpeted music room, a carpeted library, and well equipped, uncrowded facilities, including closed circuit TV,^{113/}

^{111/} Id. at 8.

^{112/} Id.

^{113/} Id. at 7, 8.

The New Mexico State Department of Education's response to these charges claimed only that the average class sizes are "approximately equal" but gave no numbers and did not mention the overcrowding at Thoreau. Nor did the Department refute the charges of inequality in facilities or physical structures.^{114/} From its silence it might be inferred that the Department found nothing in its investigation to contradict the findings of overcrowding and inferior facilities at Thoreau.

Another Federal program which aids Indian children attending State schools is the Title I program for economically and educationally deprived students.^{115/} This aid is allocated to State agencies which in turn fund programs proposed by local school districts for poor children.^{116/}

Eligibility for payments under Title I for each district is based on the number of children whose family income is below the poverty level^{117/} (\$4,000 per year for fiscal year 1973). To determine the amount of Title I Aid, the number of eligible children is multiplied by half the (greater of the) State, or national, per-pupil expenditure.^{118/} Special grants are also available for urban and rural schools serving areas with the highest concentrations of children from low income families.^{119/}

^{114/} New Mexico State Department of Education, Response to an Even Chance at 3-4 and 9-12 (February 1971) (hereinafter referred to as Response).

^{115/} 20 U.S.C. 241a (1965) amending 20 U.S.C. 241 (1950).

^{116/} An Even Chance at 29, and 20 U.S.C. § 241g.

^{117/} 20 U.S.C. § 241c(c) (1970).

^{118/} 20 U.S.C. § 241c(a)(2). Note: Aid to Dependent Children payments are not counted as income.

^{119/} 20 U.S.C. § 241d-11, 241d-12 (1970).

^{120/} Census, Table 14 at 176.

^{121/} Note: Census statistics give total Navajo population as 96,743; the Navajo tribe gives a figure of 120,000.

the poverty level, any public school with Navajos attending, especially those with a high concentration of Navajos would qualify for Title I assistance .

The Federal Government does not mandate or structure the programs funded by Title I; that is the responsibility of the local schools. But the Office of Education of the Department of Health, Education, and Welfare does set guidelines. Participating schools must submit a program description and budget; the number of eligible children and those actually participating, by school and grade; identification of the eligible students' needs, and provisions made to evaluate the effectiveness of the programs.
^{122/}

122/ An Even Chance at 28.

Before a local district can receive Title I aid it must have its application approved by the State Department of Education or an equivalent. That approval is not to be given until the State determines: that the payments will be used only for programs to benefit eligible children; that the Federal money will be used only as an addition to regular State funded programs (not as a substitute for the latter); and that the funded schools will make annual reports to the State on the conditions and results of the programs.^{123/}

In turn, the State must assure the Commissioner of Education that the local programs are being run according to the guidelines stated above and that proper fiscal and accounting controls over the funds are in use. The State must also advise the Commissioner^{124/} on the effectiveness of the programs.

Despite these controls the NAACP Legal Defense Fund found that Title I money was being misspent. In Grants, New Mexico, southeast of the Navajo reservation, the school district officials said that they were spending Title I funds on health and physical education programs designed to meet the needs of the entire student body "because of limited funds in the general program."^{125/} This is in

^{123/} 20 U.S.C. § 241e.

^{124/} 20 U.S.C. § 241f.

^{125/} An Even Chance at 31.

direct contradiction of Title I's purpose--not to benefit the entire school population, but to meet "the special educational needs of educationally deprived children."^{126/}

By its public announcement discontinuing the use of Title I funds for physical education programs in Grants, the New Mexico State Department of Education tacitly admitted the misuse of such funds.^{127/} But the facts speak for themselves. That district in New Mexico had over 1,000 Indian students, nearly one quarter of its total students (4,711) in 1972;^{128/} it received \$190,495.00 in Title I funds.^{129/} This could have provided \$190 per Indian student. Since the funds were used to pay for school-wide programs, as noted above, it is more likely that Title I money provided \$38 worth of physical education programming for each student in the Grants district. The Indian students, by any measurement, got less than their share. Misuse of any part of the Title I money is a violation of Federal law.^{130/}

^{126/} 20 U.S.C. § 241a.

^{127/} New Mexico State Department of Education, Response to An Even Chance, Supplement 1 at 2 (August 1971) (hereinafter referred to as Supplement).

^{128/} New Mexico State Department of Education, Annual Report on Public School Contracts, JOM at 20 (1971-72) (hereinafter referred to as New Mexico JOM).

^{129/} New Mexico State Department of Education, Fiscal Year 1972 Funds at 2 (1973) (hereinafter referred to as New Mexico Fiscal Funds).

^{130/} 20 U.S.C. § 241.

The Gallup-McKinley School District in New Mexico equipped its audiovisual center, available to all schools on a free loan basis, out of Title I funds. ^{131/} The New Mexico Department of Education designated that center "to provide vicarious experiences" for Spanish and Indian students on the justification that some of the Title I money was given under the Migrant Education Program. The Department also stated that all but a few of the film distributions went either to Title I eligible schools or migrant children (even though these children were not in eligible schools). At the same time the Department admits that the films are available to all ^{132/} schools in the district.

Another violation of Title I guidelines found by the Fund was the use of such money to finance programs already provided for by State funds. This is forbidden by the authorizing statute. ^{133/} In the Grants District, Title I funds paid for counseling services in eligible schools, while State funds financed the same services in schools ineligible for Title I funds, and in the Kirtland District physical education programs in eligible schools were paid for with Title I money while State funds paid for the same program in

^{131/} An Even Chance at 33.

^{132/} Response at 32.

^{133/} 20 U.S.C. § 241e (a)(3).

ineligible schools. ^{134/} New Mexico has recommended that these practices be discontinued as violations of Title I guidelines. ^{135/}

Since a total of \$1,979,595 was allocated and spent under the Title I program in fiscal 1972 by New Mexico School districts in and around the Navajo reservation, ^{136/} any misuse of funds involves large amounts of money--money which can and should be expended to improve the instruction given to Navajo children.

In addition to Impact Aid and Title I money, public school districts can also receive aid for Indian students through the BIA under the Johnson-O'Malley Act of 1934 (hereinafter referred to as JOM). ^{137/} In 12 lines of text this Act authorizes the Secretary of Interior to contract with any State or its political subdivision or agency for the "education, medical attention, agricultural assistance, and social welfare, including relief of distress of Indians." ^{138/}

The BIA regulations, governing the distribution of JOM funds, specify that to be eligible the contracting State (or school district) must submit a distribution plan and budget and must agree that it will continue to provide education and financial

^{134/} An Even Chance at 35-36.

^{135/} Supplement at 32, 36-37.

^{136/} New Mexico Fiscal Funds, at 1, 2.

^{137/} 25 U.S.C. § 452.

^{138/} Id.

aid from all sources on the same basis as that for all other schools. Indians must be provided with "adequate standards of educational service."^{139/} JOM is not based on the needs of the individual Indian student but on the need of the contracting State for funds to provide an adequate education for Indians who attend its schools. This figure is arrived at after consideration of all other available aid and after there is evidence of a reasonable tax effort on the part of the school district.^{140/} The funds are distributed "without reflection on the status of Indian children."^{141/}

According to the Federal regulations, the BIA administers the program to "accommodate unmet financial needs of school districts related to the presence of large blocks of nontaxable Indian-owned property in the district and relatively large numbers of Indian children...which local funds are inadequate to meet."^{142/} Thus, the purpose of the BIA regulations is similar to that of the Impact Aid program. The Federal aid is used to pay States to educate Indian children whose presence in public schools would otherwise create a financial burden, because those students reside in areas outside the reach of State and local tax revenues.

^{139/} 25 C.F.R. § 33.5(e).

^{140/} 25 C.F.R. § 33.4(b) and An Even Chance at 13.

^{141/} 25 C.F.R. § 33.4(b).

^{142/} Id. (Emphasis added).

In fact, prior to 1958 when Impact Aid became available for Indian children, JOM was the basic source of Federal aid to districts serving Indian children. In 1958 Congress declared Impact Aid to be "in lieu of taxes" for operating expenses so that JOM could be freed to support special programs for Indian children. JOM is to be used for general operating expenses only when a district's need is so extraordinary that Impact Aid and other funding sources are inadequate, i.e., when a district is in such financial straits that schools will be forced to close unless JOM dollars are made available. Basing their justification on the "extraordinary need" rationale, many districts continue to use JOM for operating expenses, ^{143/} to the detriment of special Indian needs.

In practice the funds appropriated under the Johnson-O'Malley Act have been used to help States educate federally recognized Indian children living on or near a reservation. The money is generally split between "extraordinary" support funds and special programs to benefit Indian students. ^{144/} But the funds are not evenly split. In fact, many districts receive no aid earmarked for special programs. For instance, in fiscal 1972 in the three Arizona counties over which the Navajo reservation extends, Apache, Coconino, and Navajo, no money was appropriated for special programs.

^{143/} An Even Chance at 13.

^{144/} Id. at 15.

But all three counties received money for their teacher retirement funds.^{145/} New Mexico, on the other hand, did receive considerable JOM money for special programs and has proposed that two additional language programs be financed with these funds.^{146/}

In a recent case the Federal district court for New Mexico praised the funding of "English as a second language" programs as "the kind of program for which Title I and Johnson-O'Malley money should be used."^{147/} However in the same case the court found many violations of the Title I and JOM laws and regulations, as charged by the plaintiffs who were mainly parents of Navajo school children. The court found that the Gallup-McKinley County School District was spending a disproportionate amount of local bond money for physical improvements in Gallup schools which are predominantly non-Indian, while not spending enough on outlying schools in McKinley County which are predominantly Indian.^{148/} The district had also misused the JOM and Title I funds in other areas: the school nurse program; student counselors; administrative aid personnel; and the audio-

^{145/} Arizona Department of Education, Division of Indian Education, Annual Report to the Bureau of Indian Affairs at 5 (1972) (hereinafter referred to as Arizona Annual Report).

^{146/} New Mexico State Department of Education, Annual Report to the Bureau of Indian Affairs (1972) (hereinafter referred to as New Mexico Annual Report).

^{147/} Natonabah v. Board of Education of the Gallup-McKinley County School District, 355 F.Supp. 716 (D.C. N.M. 1973) at 728.

^{148/} Natonabah at 720-723.

visual programs. ^{149/} The court ordered the district to submit to the court a plan for correction of these violations. ^{150/}

Perhaps some of the abuses in the use of Indian education funds found by the court will be avoided in the administration of the newest federal program to aid Indian students, the Indian Education Act of 1972 (Title IV of the Education Amendments of 1972, known in its drafting stages as the Kennedy-Mondale bill). ^{151/} Title IV provides Federal aid directly to local school districts and to tribal educational institutions for the purpose of meeting the "special educational needs" of Indian children and adults, and for the training of teachers to aid in Indian education. ^{152/} But unlike the programs discussed above, this act makes specific provisions for Indian community participation in the planning, operation, and evaluation of Title IV funded programs. It also sets up a separate division within the Office of Education to supervise this and other Indian education programs with the aid of an advisory council made up of Indians from across the nation. ^{153/}

The Commissioner of Education is authorized by Title IV to determine the amount of money to which an applicant school district

^{149/} Natonabah at 727-728.

^{150/} Id. at 725.

^{151/} P.L. 92-318, 20 U.S.C. §§ 241aa-ff, 880b-3a, 887c, 1119a, 1121a, and 1221f-h (1972).

^{152/} Id.

^{153/} 20 U.S.C. §§ 1221f,g.

is entitled, based on the number of Indian children attending schools in that district. That number is multiplied by the average per pupil expenditure (the sum of all expenditures by local schools in the State, plus any State aid payments to those local schools) to determine the amount of Title IV aid for any district. ^{154/}

In order to qualify for aid, a local district is required to have at least 10 Indian students or half its student body composed of Indians; since the minimum requirement does not apply to Alaska, California, or Oklahoma or to districts on or near Indian reservations, ^{155/} most of the schools which Indians attend can probably qualify. By special provision, Title IV funds are also available for "schools on or near reservations which are not local education agencies" ^{156/}.

Title IV money for improving the education of Indian children is supposed to be spent on two types of projects: one for planning and developing new educational programs to meet Indian students' special needs, and the other for establishing and maintaining permanent programs for Indian education including the acquisition of equipment and facilities. ^{157/}

^{154/} 20 U.S.C. § 241bb.

^{155/} 20 U.S.C. § 241bb(a)(2)(B).

^{156/} 20 U.S.C. § 241bb(b) Note: "Local educational agency" is defined to include schools run by non-profit tribal organizations at 20 U.S.C. § 880b-3a(a).

^{157/} 20 U.S.C. § 241cc.

An application for Title IV funds must: assure the Commissioner that the applicant will supervise its programs; outline the program content; and if for use in planning, must show the funds are needed because of the innovative nature of the project or because of the lack of local planning funds. ^{158/} The local district must also evaluate its programs annually, set up controls to ensure that Title IV grants are not used to supplant available local and State funds, and provide for accounting and fiscal controls over ^{159/} expenditures.

These controls are similar to those written into the Title I, Impact Aid, and JOM statues and regulations. Fiscal and accounting controls, however, are new. But the most significant difference between Title IV and other Indian education legislation is that Title IV requires that local programs be developed in open consultation with the parents and teachers of the children eligible for Title IV assistance. A committee selected by the community, of which half must be parents of participating students, has absolute authority to approve or disapprove the local program. In theory, then the program is subject to considerable local control. Perhaps if this

^{158/} 20 U.S.C. § 241dd(a)(1)-(3).

^{159/} 20 U.S.C. § 241dd(a)(4)-(6).

provision is vigorously enforced by the Commissioner the Indian communities, which are supposed to benefit from Title IV aid, will be able to avoid some of the misuse of funds that was found in the Natonabah decision.

Another provision of the act aims directly at avoiding the substitution of Federal funds for State aid. No payment may be made to districts whose State aid has been decreased in the past two fiscal years, nor to districts whose eligibility for State aid was determined after adding in that district's Title IV allocation, ^{160/} (the latter technique would increase Federal aid to the district and have the effect of decreasing the need for aid from the State).

Part B of the Indian Education Act provides for the establishment of pilot programs to improve education for Indian school children, including projects to train teachers in the skills needed to meet the special needs of these students. ^{161/} As with the other sections of the act, the Commissioner may not approve any money under Part B unless he is satisfied that the parents, teachers, and other representatives of the community have had final approval of the program and will have adequate opportunity to participate in its operation and evaluation. ^{162/}

^{160/} 20 U.S.C. § 241ee.

^{161/} 20 U.S.C. § 887c.

^{162/} 20 U.S.C. § 887c(f).

The Census data cited above indicated that the Navajo adult has a low educational achievement level, as measured by the number of grades completed. Of those 25 years or older less than 19 percent had completed high school in 1970.^{163/} Yet prior to 1972 not one of the Federal aid to Indian education programs specifically included funds for adult education.

Fortunately, Part C of the Indian Education Act recognizes the need. It provides funds for testing the viability of literacy programs and high school equivalency teaching methods presently in use.^{164/} Part C also provides money to assess the extent of adult illiteracy and the lack of high school education in the Indian community.^{165/} Again the act provides that no money may be spent under this section unless the Commissioner is satisfied that adequate community participation did and will take place in the operation of these adult education programs.^{166/}

Besides requiring Indian participation in the projects at the local level, Title IV is innovative in providing for Indian participation at the top level within the Office of Education. An

^{163/} Census Table II at 146.

^{164/} 20 U.S.C. § 1211a.

^{165/} 20 U.S.C. § 1211a(a)(4).

^{166/} 20 U.S.C. § 1211a(c).

Office of Indian Education is established to administer the act. This office will be headed by a Deputy Commissioner of Education, selected from a list of names submitted by the National Advisory Council of Indian Education, ^{167/} and appointed by the Commissioner of Education.

The Council, created by this legislation, consists of 15 Presidential appointees who must be Indian or Alaskan natives, and representative of the entire Native American community. ^{168/} The Council has responsibility for advising the Commissioner on the administration of Title IV programs, including the establishment of regulations; review of funding; evaluation of all Indian Education projects; and submission of annual reports to Congress. ^{169/}

Whether the Commissioner lives up to his/her responsibility to assure that the Indian community has a genuine role in formulating, supervising, and evaluating Title IV programs at the local levels; whether the President appoints members to the Council on Indian Education who are genuinely concerned with the educational needs of their people--the answers to these two questions will, to a great extent, determine whether the community control provisions of this act will prevent abuses that have occurred in the Title I, JOM, and Impact Aid programs. No funds were appropriated for Title IV

^{167/} 20 U.S.C. § 1221f.

^{168/} 20 U.S.C. § 1221g.

^{169/} Id.

in FY 73. 17.5 million was appropriated for FY 74 but it will be at least a year before any useful assessment can be made of Title IV's effectiveness.

The Gallup-McKinley school district's budget request for Title IV Assistance this fiscal year reflects some of the improvements the Indian Education Act was designed to bring about. The budget requests \$5,000 for an Indian Parent Committee, but does not specify the duties and powers of the committee, or how members are chosen. Although this request is less specific than might be desired to give full effect to Title IV, nevertheless the underlying intent has been observed--the committee does exist, and it does possess, by statute, an absolute authority to approve whatever program is finally submitted by its district. ^{170/}

The Gallup-McKinley proposal contains some proposals which reflect the purpose of Title IV: bilingual-bicultural programming; American Indian studies; and home/school liaison counseling. Other items may reflect the old problem of use of Federal funds for projects which benefit the population generally, rather than the Indian students specifically, such as the requests for bus stop shelters and library material centers. Although there may be no intent to violate

170/ 20 U.S.C. §241dd(b)(2)(B).

the purpose of the Act by spending Title IV funds on non-Indian students, the budget should be examined carefully by the Office of Education to ensure that all this money is, in fact, spent only for the Indian students of Gallup-McKinley School District.

While the district court found that many of the Gallup-McKinley violations of Title I, JOM, and Impact Aid may not have been intentional, they nevertheless were found to be significant enough to warrant court action.^{171/} This decision may signal a new step forward in Federal judicial supervision of programs paid for by Federal taxpayers and designed to benefit Indian school children, but which heretofore have avoided public scrutiny.

Perhaps this judicial interest will encourage vigilance on the part of the BIA, the Office of Education, and other Federal agencies charged with supervising the welfare of Indian school children. A quarter of a century later, it is well documented that Federal funds for Indian Education have been disastrously misused; only if these funds are properly spent can there be any hope that the dismal failure of Federal and local schools to educate Indian children will be remedied.

^{171/} See Natonabah generally.

EMPLOYMENT

A substantial number of laws have been passed at the Federal and State levels, dealing with the economic and social problems of the Navajo population. A direct result of these laws has been the implementation of programs developed to serve and improve the economic, social, and political status of the Navajo Indian, as well as members of other tribal groups. Despite these attempts, the Indian still maintains the poorest economic position in relation to all other minorities. The unemployment rate, in particular, compared with national averages, reveals an acute problem.

The national economy has recently faced many serious problems, and the results have adversely affected most Americans. The national unemployment rate, for the year 1972, was ^{172/}5.6%. But bleak as the national situation may seem, the Navajo population has far less chance of being employed than other Americans. Department of Interior (BIA) Indian employment statistics for 1973 ^{173/} show the following contrast. Thirty-five percent of the Navajos are unemployed. This percentage translates to 16,567 unemployed out of a total labor force (16 and over) of 47,317. An additional 9,845 members were only temporarily employed. The combined figures equal a staggering ^{174/}56% representing those Navajos who work either part-time or not at all.

^{172/} Bureau of Labor Statistics

^{173/} See Table 20 at A-76.

^{174/} Id.

BIA officials at Window Rock offer another interpretation of these figures. They agree that 16,567 are unemployed but they clarify this figure by indicating that of those 30,750 Navajos classified as employed, only 20,905 are permanently employed--9,845 work only on a part-time basis and most of these Indians work at traditional crafts (rugweaving, silversmithing) because they are unable to find permanent employment.

While sources may vary in their statistics on the problem, the conclusions are undisputed. In every survey, the Navajos' share of 175/ available employment is far less than an equal or proportionate one.

A comprehensive employment survey of the Navajos was done in 176/ 1969. This Navajo Manpower Survey conducted by various State and Federal agencies, in cooperation with the Navajo Tribe estimated

175/ Census Bureau figures vary greatly from those of the BIA and the Navajo Tribe. The Census report on American Indians, 1970 (Table 13 at 166) estimates the Navajo civilian work force at 18,361, with an unemployment rate of 11.3%. This figure is still considerably greater than the general unemployment rates reported by the three States in which the reservation lies: Arizona (preliminary figures, June 1973) 4.2% (based on applications for employment at the State employment agency); New Mexico 7.4%; Utah 6.0% (SOURCE: U.S. Department of Labor). One of the major reasons for differences between Census and BIA figures is that census data are based on self-identification, whereas statistics from other sources are frequently based on tribal enrollment. Persons whose names appear on tribal rolls may classify themselves as some race other than Indian, such as white or Negro, in the Census. Another major reason is that in the Census, about 20% of the Indian population did not report any tribal affiliation.

176/ Navajo Manpower Survey. (Navajo Tribe, Indian Health Service, Bureau of Indian Affairs, Arizona State Employment Service, Office of Navajo Economic Opportunity, 1969.)

that in 1969 32,350 persons were employed, (15,750 men and 16,000 women) of whom 23% were engaged in traditional pursuits such as sheepherding, rugweaving, and silversmithing. The study further indicated that of this total, some 24% were classified as essentially unskilled, 8.8% were classified as skilled, and 3.7 as semiskilled. ^{177/} These figures account for 60% of the employed Navajos.

At the time of the survey, 37.3% of the total Labor Force ^{178/} was employed, while 62.7% were non-employed. The definition of "employed" used in this study is identical to the national definition, making valid any further comparisons of the Navajo with national statistics. In 1969, 37.5% of the employed Navajos ^{179/} were working for the Federal Government. Government employment on the reservation is mainly provided by the Bureau of Indian Affairs and the Indian Health Service. For example, combined BIA salaried and hourly employees totaled 5,172 persons, as of June 1972; of ^{180/} these 3,470 were Indian -- 1,600 male and 1,870 females. An additional 28.3% in 1969 were engaged in the services sector, comprised to a great extent of administrative employment for the

^{177/} 30% were engaged in professional, clerical, service, and farming occupations. The remaining 10% were not reported.

^{178/} Navajo Manpower Survey at 20.

^{179/} Id. at 35.

^{180/} See Table 25 at A-81.

tribe. Some states and local governmental units also maintain reservation operations, but the numbers employed are very small.

These figures indicate that in combination 65.8% of those Navajos employed on the reservation work for Government. Therefore, the area's economy is heavily dependent upon Federal funding to sustain that employment.

Agricultural employment plays a large role in the Navajo economy. Most of the farm labor performed by Navajos is migratory. Considering the employment situation on the reservation, it is perhaps not surprising that many Navajos leave the reservation each summer and fall to find work. Because of the seasonal nature of the work these men and women are unemployed a good part of the year and even when they are employed the living conditions they face are especially severe.^{181/} Not by any standard can the migrant laborer be considered remuneratively employed.

Another factor that contributes substantially to the unemployment rate, is the conduct of industry in the private sector. The great majority of private employment on the Navajo reservation is through companies which contract with the Navajo tribe to perform a variety of services for the development of the reservation. These contracts cover a wide range of activities from generating power to building railroads.^{182/}

^{181/} Navajo Times. May 17, 1973. B1

^{182/} Department of Interior, Office of Equal Opportunity, Special Investigation Report: Navajo Project, Page, Arizona, Jan. 10-21, 1972.

The Navajo Preference Clause, which is included in the enabling agreements before the Navajos enter into a contract with private industry, requires all unskilled labor to be drawn from "local Navajos" available, conditioned only on their ability to meet^{183/} the general employment qualifications of the contractors.

Also, Navajos are to be employed in all craft and other skilled jobs for which they can qualify on a "local" and then on a "non-local" basis.^{184/}

Traditional union hiring hall requirements, and the consequent severe underutilization of qualified Navajo manpower add to the problem in the private sector.^{185/} A problem with unions involves referral policies which give preference to present or former union members, the vast majority of whom are male Caucasians. This policy has caused Indians to be the last to be referred.^{186/-} Few attempts, if any, have been made to circumvent these practices in order to reach the unemployed Navajos, many of whom are qualified to fill all unskilled and some skilled jobs.

^{183/} Id. at 4.

^{184/} Id.

^{185/} Id. at 3-5.

^{186/} Id. at 4.

The Navajo reservation is remote from non-reservation population centers; reservation residents, therefore, have little meaningful interaction with the majority population. Most BIA surveys show, as one might expect, that due to cultural biases and anticipated discrimination, a majority of Navajos indicate ^{186a/}resistance to relocation off-reservation for employment. Thus, a program directed to encouraging and aiding the out-migration of trainable Navajos to areas within the United States where employment opportunities do exist would have limited applicability. Also from a practical standpoint - the concept of a reservation would have little meaning, if its inhabitants had to leave in order to obtain employment.

A number of reasons can be cited for the Navajos' massive unemployment problems. In contrast to the U.S. as a whole, the Navajo area is essentially an underdeveloped area. It is isolated from the growth and prosperity of the "mainstream" U.S. The social and economic isolation experienced by large segments of other minority and ethnic groups is compounded for the Navajo by the geographic isolation of his reservation. The problems of the Navajo have been compounded by the traditional neglect of Indian problems by State and Federal agencies empowered to aid Indians, the lack of heavy industry or other large employers in the region, and the societal and cultural pressures emanating from within as well as from outside the confines of the reservation.

186a/ National Manpower Survey.

The solution to the underutilization of Navajo manpower must then lie in the development of a local economy strong enough to absorb those willing and able to work. This is a massive task but it is not an impossible one.

ECONOMIC DEVELOPMENT

The bleak employment picture described in the preceding section, is reflected in the economic condition of individual Navajos. While there have been some gains in other areas, the economic gap between the Navajos and the rest of the U.S. population is growing.^{187/} From a difference of \$2,710 in 1970, the gap between U.S. and Navajo per capita income stretched to \$3,021 in 1972. Per capita income of the Navajo still remains at less than \$1,000.^{188/}

Referring to this problem as a "developing crisis,"^{189/} the tribe adopted a Ten Year Plan to move its economy forward at a remedial pace. The tribe faces many physical, fiscal and policy problems in undertaking this development.

Land and Water

More than half (55%) of the 25,000 square miles of Navajo land area is classified as desert which supports scattered herds of livestock.^{190/} Nearly two-fifths (37%) is steppe, a semi-arid land also used for grazing, and about 8% is forest and mountain

^{187/} Navajo Ten Year Plan.

^{188/} *Id.* at 8. See Table 3 at A-59.

^{189/} Navajo Ten Year Plan.

^{190/} *Id.* at 9.

country, used for ^{191/}lumber production and with attractive potential for outdoor recreation.

The tribe's development plans call for restoration and conservation of rangelands badly eroded by overuse in the support of livestock. Priority is also given to perfecting Navajo water rights. The Navajo are legally entitled to the water they can use beneficially from the streams which flow through or border the reservation.^{192/} Because of a lack of dams, canals and irrigation systems, the tribe has never been able to make full use of these waters.^{193/}

In 1962, Congress authorized the Navajo Irrigation Project,^{194/} but funding has been grossly inadequate. To complete the project by 1986, the Ten Year Plan estimates the need for \$150 million in funding through 1982.^{195/} Its completion would bring 110,000 acres into irrigated agricultural production.

^{191/} Navajo Ten Year Plan.

^{192/} Id. (See appendix 7 at A-47 for a discussion of legal problems involved in the water rights issue.)

^{193/} Id. at 24.

^{194/} Id. at 25.

^{195/} Id. at 34.

Nearly one-third of all Navajo families spend some time in stock raising and small farms, but with only a few exceptions, ^{196/} these agricultural incomes provide only bare subsistence. The Ten Year Plan recognizes that the planned water diversion system will not be adequate in itself for developing the tribe's agricultural economy. To realize the Irrigation Project's potential, capital investment will also be needed in farm structures, equipment, livestock, other capital goods and in working capital ^{197/} reasonably equivalent to general requirements in the U.S. Since the Navajo have little or no savings to invest in agricultural enterprise, new credit forms and a substantial amount of "seed money" public investment ^{198/} will be needed in equipment, facilities and agricultural technology.

Industrial Development

1. Energy resources:

Navajo energy resources -- oil, natural gas, coal and uranium -- are the major sources of Navajo Tribal income. Oil leases and royalty revenues have made it possible for the Navajo Tribe to meet expenses ranging from government to clothes for school children.

^{196/} Navajo Ten Year Plan.

^{197/} Id.

^{198/} Id.

These funds, however, have not been sufficient for capital development. To the extent that revenues from non-replaceable resources must be utilized to meet welfare needs, they are, in effect, being depleted without generating present or future income. Oil and gas reserves are being depleted; and coal, the other major Navajo energy resource, cannot replace oil and gas revenues. Coal reserves are nevertheless extensive, and are being utilized.^{199/}

Plans are nearing completion for seven coal gasification plants, each costing \$400 million, to be located on the eastern edge of the reservation.^{200/} El Paso Natural Gas Company has proposed three of the plants.^{201/} Texas Eastern Transmission Corporation and Pacific Lighting Service Company of Los Angeles want to build and operate the other four.^{202/}

The gasification plants will, if approved, create jobs for 21,000 persons during a three-year construction period and will produce a permanent total payroll of \$10 to \$12 million for 750

^{199/} Id. at 9.

^{200/} Business Week, May 18, 1973 at 104

^{201/} Id.

^{202/} Id.

203/ employees. In addition, the tribe will receive a share of the gas for leasing the sites. 204/

There has been some opposition inside and outside the tribe to the strip mining operations which would supply the gasification plants. Critics say the land will never be reclaimable for any other use and therefore the tribe is not receiving adequate compensation for that or for the coal mined and the water used. 205/ Replying to charges, the Peabody Coal Company says the royalty rate paid to the tribe is "very high," amounting "to nearly 10 percent of the price of the coal." 206/

2. Timber

The 472,716 acres of commercial timber located on the reservation are another profitable asset. 207/ The tribe operates one of the largest saw mills in the U.S., employing some 500 Navajos, with a payroll of nearly \$2 million. 208/ Members of the tribe are stockholders by virtue of their tribal membership. 209/

203/ Prior experience in energy development has not always meant that Navajos would get a substantial portion of the jobs created. For example, only approximately 8% of the construction crews which built the Four Corners Facility were Navajo.

204/ Business Week, May 18, 1973 at 104.

205/ See Redhouse, Navajo Coal Royalties Too Low? The Navajo Times, January 4, 1973, at A-4; Id. March 10, 1973; and Id. April 12, 1972.

206/ The Navajo Times, February 22, 1973, at A-5.

207/ Navajo Forest Products Industries, Navajo Pine Progress, May, 1970 (hereinafter cited as NFPI Report).

208/ Id.

209/ Id.

Quoting a total sales value of \$7,770,468 an increase of \$2,134,641 over the previous year, the May 1970 Report of the Navajo Forest Products Industries shows a net profit (for the combined enterprises) of \$1,913,419 with capital assets figured at \$16,999,882.^{210/} In operation since November 1958, the various facilities produce such products as Navajo Pine lumber (the primary end product), pulp chips for paper, mulch and landscaping bark and a variety of related products.^{211/}

3. Large Scale Industry

The Quarterly Report of the Navajo Office of Program Development describes the first quarter of 1973 as seeing "the most concerted and productive effort on behalf of the Navajo Tribe to contact and attract industry" of any time in the tribe's history.^{212/} So far, however, only minor successes have been achieved in attracting large scale industry.

210/ NFPI Report

211/ Id.

212/ Quarterly Report - January, February, March 1973, at 1 (hereinafter cited as Quarterly Report).

Fairchild Semiconductor, manufacturer of electronic devices, transistors and integrated circuits, is the first tenant to occupy one of the 13 sites in the 50-acre Shiprock Industrial Park, one of three such parks on tribal lands.^{213/} Fairchild employs 760 Navajos out of 950 employees in a 33,600 square foot facility leased to the company by the tribe.^{214/}

Three enterprises -- Window Rock, Grace-Davidson Chemical Division, the Navajo Block Company, and the Eastern Navajo Prefab Homes Company -- are presently located in the 50-acre Church Rock Industrial Park site just northeast of Gallup.^{215/}

^{213/} New Business and Industrial Opportunity in Navajoland (the Navajo Tribe, Window Rock).

^{214/} Id.

^{215/} Id.

4. Small Businesses.

The most common type of business on the Reservation is the general merchandise store, known as a trading post. It is also considered the "lifeblood" of the Navajo business community because of the credit system it supports.^{216/} Approximately 80 percent of this key sector of the Navajo economy is controlled by non-Navajos,^{217/} and a recent Federal Trade Commission investigation showed it to be rife with abuses.^{218/} Some traders, according to the FTC report, intercepted welfare and social security checks, forcing the recipients to sign the checks over to pay for debts:

Often the customer is not even shown the amount of the check... If the Navajo insists on obtaining his check, he may be confronted with threats of withdrawn credit.^{219/}

Gasoline service stations are the second most common retail businesses and have the greatest absolute number of Navajo entrepreneurs.^{220/} One of the main reasons for this is the low amount of starting capital necessary. There is also a tribal regulation which limits ownership of gas stations to Navajos.^{221/}

In all, only 33 percent of retail establishments on the Reservation are Navajo-owned.^{222/} Many problems stem from the basic scarcity of retail establishments in proportion to the Reservation population. While there are 171 retail establishments on the Reservation, the surrounding

^{216/} K. Gilbreath, Red Capitalism, An Analysis of the Navajo Economy, 11 (1973) (hereinafter cited as Red Capitalism).

^{217/} Id. at 14.

^{218/} See Federal Trade Commission Los Angeles Regional Report, The Trading Post System on the Navajo Reservation (June 1973).

^{219/} Id. at 36.

^{220/} Red Capitalism at 14.

^{221/} Id.

^{222/} Id. at 15.

counties of McKinley, San Juan, Coconino and Navajo have two to three times as many retail establishments -- although the Reservation has two and one-half times as many people as the largest county (Coconino).^{223/} There are obvious disadvantages and even hardships in this situation -- not the least of which are high prices--due to a lack of competition among retailers.

There is only one wholesale business on the Reservation -- a Navajo-owned lumber and construction materials business.^{224/}

In the area of service establishments, the Navajo entrepreneur is proportionately more common than in the retail sector. Fifty percent of the Reservations service establishments are owned by Navajos.^{225/}

One relatively new type of business on the Reservation is the trailer court and the facility for camper trailers. Of the six establishments of this type, five are owned by Navajos.^{226/}

While there is an obvious potential for further development of the Reservations small business sector, it is also certain that even in Navajo hands, this sector alone could not substantially change the economic realities that presently face the tribe as it strives toward economic self-determination.

Slightly larger businesses, owned by the tribe, constitute an intermediary step between the small business sector and industry.

^{223/} Red Capitalism at 20.

^{224/} Id. at 15.

^{225/} Id.

^{226/} Id.

One such recent development is Navajo Optics, which produces 200 pairs of glasses a day at its Window Rock plant. Another, United Electric Co., with 75 employees, has an order for 10,000 electric heating panels from the Navajo Tribal Housing Authority. ^{227/}

5. Traditional Crafts

The Arts and Crafts Guilds have experienced a modest degree of success but have never been able to set up the sort of reservation-wide crafts development program which could begin to return to the Navajo people the economic benefits the industry is capable of producing. ^{228/} A major need is to by-pass middlemen such as traders who offer only a pittance for items sold to tourists at much higher prices.

Recently non-Indians have begun to mass-produce Navajo-type rugs and silver crafted jewelry. The practice poses a threat to the market value of Indian crafts as consumers begin to doubt the authenticity of arts and crafts. ^{229/}

6. Tourism

Much of the Navajo reservation, even the arid and rocky area, is spectacularly beautiful and tourism and outdoor recreation could

^{227/} Business Week, May 19, 1973 at 104.

^{228/} Annual Report of the Navajo Nation, January 1973 at 3 (hereinafter cited as Navajo Annual Report).

^{229/} Id. at 2.

have considerable economic potential. Lake Powell, which fronts on a stretch of the northern border of Navajo country, ^{230/} is viewed by the tribe as a major potential tourist attraction. At present, however, there is no highway and very few roads on the Navajo side of Lake Powell. ^{231/} All roads which have been built so far (and built with public money) lead to non-Indian retail markets, lodges, ^{232/} marinas and camping sites.

A final engineering report has been prepared for the \$18 million Padre Point development on Lake Powell. ^{233/} The tribe also has tentative plans for more than a dozen other major recreation projects. ^{234/} Initial investments would require 20 percent of tribal and 80 percent of public funding, if past funding ratios for this type of tribal enterprise continue to hold true. ^{235/} Therefore, while there is an abundance of planning in this area, ^{236/} development of the Reservation's tourism potential is overwhelmingly dependent on public funding.

230/ Navajo Ten Year Plan at 9.

231/ Id.

232/ Id.

233/ Business Week, May 19, 1973 at 104.

234/ Navajo Ten Year Plan at 23.

235/ Id. at 33.

236/ See Navajo Ten Year Plan, at 22-23, 32-33.

7. Navajo Tribal Utility Authority.

Under the general management of a Navajo, the NTUA provides a broad range of services to the Reservation. At present, however, approximately 61 percent of Navajo homes are without electricity, and 80 percent are without water and sewer service.^{237/} In off-reservation areas of the U.S., 99 percent of the homes have electric service available and more than 90 percent have running water and sewer facilities.^{238/}

Barriers to Economic Development

1. Capital/Credit

The availability of investment capital is as vital to economic development in Navajoland as it is in any developing nation. According to tribal figures, accumulated capital reserves derived from oil revenues now total about \$50 million.^{239/} Few of these funds are available for investment in economic development, but must be carefully guarded against the time when oil depletion reduces tribal income below the amount necessary to maintain essential services.^{240/}

^{237/} Navajo Ten Year Plan at 21.

^{238/} Id.

^{239/} Navajo Ten Year Plan at 11.

^{240/} Id.

The difficulty which Indians have in obtaining credit for businesses has been noted in practically every study on Indian economic development. ^{241/} Special institutions do exist--SBA, EDA and the Tribal Revolving Loan Funds, for example--but these institutions have only a fraction of the loan capital needed to meet current requests and are not structured to render the required services. ^{242/}

The development of franchise businesses on the reservation could help Navajos obtain financial capital and important managerial training.

2. The Process

Starting a business on the Navajo reservation involves endurance; the process is time-consuming and seems designed to confuse, if not discourage, the prospective entrepreneur.

All business activity on the reservation involves a contract between the owner and the Navajo tribe. All such contracts, involving either Indian lands or tribal funds, must be approved by the Secretary of the Interior. ^{243/} In the early 1950's by delegation from the Secretary, ^{244/} authority to approve such contracts was given to BIA Area Directors who now sign off on virtually all business leases.

^{241/} Navajo Ten Year Plan at 31.

^{242/} Id.

^{243/} 25 U.S.C. § 81 (1958), as amended.

^{244/} Pursuant to 1950 Reorg. Plan No. 3 § 1,2 (May 24, 1950) See note under 25 U.S.C. §81.

Those new businesses which do not require the use of reservation land but involve the use of tribal monies, need BIA approval; however, the process is not nearly so complicated as that required for businesses which need tribal land on which to operate.

Land on the Navajo reservation is not individually owned, nor does the tribe actually own it. Navajo land is held in trust by the Federal Government for the tribe which exercises control over use-rights to the land but cannot sell it under this arrangement. Reservation land can only be leased from the tribe ^{245/} with the approval of the BIA. The process is arduous. An individual or company must present his/her site request to the appropriate BIA Area agency (there are 5 agencies on the Navajo reservation) and at the same time get approval for the use of that site from the local chapter in which his site is located. ^{246/} This is because most land is already held through inherited use-right by Navajo families ^{247/} and it is up to that local family with the approval of the chapter to allow transfer of the use-right to land. The request is next submitted to the Tribal Council for approval, and finally to the BIA Real Property Management branch where the lease is drawn on terms deemed fair to the tribe. All of

^{245/} Red Capitalism at 40, 41.

^{246/} Id. at 43.

^{247/} Id. at 40.

this may take up to 5 years or more to complete, with a request often being sent back and forth for further information. ^{248/}

Acquisition of the lease is not the end of the process for the eager entrepreneur. He/She must also get a trader's license from the tribe and file a performance bond guaranteeing payment of rent on the lease. ^{249/}

There are, in addition, a number of other arrangements to be made in connection with starting a business, many of which will also require tribal approval, either by the Tribal Council or its Advisory Council. The Chairman of the Navajo Tribal Council has recently made a statement ^{250/} describing the relationship, as he understands it, between resolutions passed by the Council and BIA's decision as to which of these resolutions require BIA approval. The relationship is by no means clear. Copies of all resolutions are sent to the BIA office where they are separated into 3 categories and stamped "A", "B", or "C". "A" resolutions require Washington approval; "B" resolutions require approval from the Area Director; "C" indicates that no BIA approval is necessary. The standards for this categorization

^{248/} Id. at 49.

^{249/} Id. at 45.

^{250/} Hearings Before the Subcomm. on Indian Affairs of the Senate Comm. on Interior and Insular Affairs, August 30, 1973, Statement by Navajo Tribal Council Chairman Peter McDonald.

are not published nor do they seem to be communicated in any other way.

By any standard the steps prerequisite to starting a business on the Navajo reservation are designed to frustrate, and it is hardly surprising that few have the patience to wait an undertermined period of time for an unpredictable result.

3. Services

Although natural resources and manpower, two prime components of development, exist, many secondary factors affect the development attractiveness to outside companies and capital. A manufacturer's access to markets is an important consideration in plant location. Transportation facilities on the reservation are severely limited. Roads generally have been built only to link the various government facilities--schools, hospitals and government offices. ^{251/} Only 1,370 miles of roads are paved; this is little more than one-third of the ratio of paved roads to square miles in the rural areas of the States surrounding the Navajo reservation. Other modes of transportation are even more limited. No major rail facility has shipping depots on the reservation. Air transportation is limited to small charter services.

251/ Navajo Ten Year Plan at 21.

Companies also often require physical facilities; sewers, paved streets, etc. These do not exist in any substantial quantity.

Another serious factor for the outside private sector developer is the social isolation of the reservation. Companies which would have to relocate predominantly Anglo staff to man the facility--at least until Navajo managerial staff was developed--tend to be unwilling to come to the reservation with its harsh climate, scarce supply of housing, and absence of traditional urban social and cultural facilities.

4. Economic Development: Summary

In many respects, the problems faced by the Navajo tribe in the field of economic development parallel those problems which many developing nations must overcome.

Having traditionally relied on an unscrupulous class of traders who expropriated profits without aiding significantly in the development of an independent economy, the tribe is now attempting new means of retail merchandising.

In terms of development on a larger scale, the Navajos are hampered by their lack of capital for developing the rich natural resources of their lands; hence, the apparent necessity for outside developers. But the primary interests of such outsiders lie in profits alone and they generally are not concerned with the genuine development that is necessary to significantly raise the standard of living on the reservation, except as a byproduct of "progress".

The tribe has some political control, but only a degree of economic independence. Despite such bright spots as the Navajo Forest Products industries, the large developments are essentially controlled by those who control the larger economy. Although these companies pay royalties for the lease agreements, it has been alleged in recent times that considering the damage

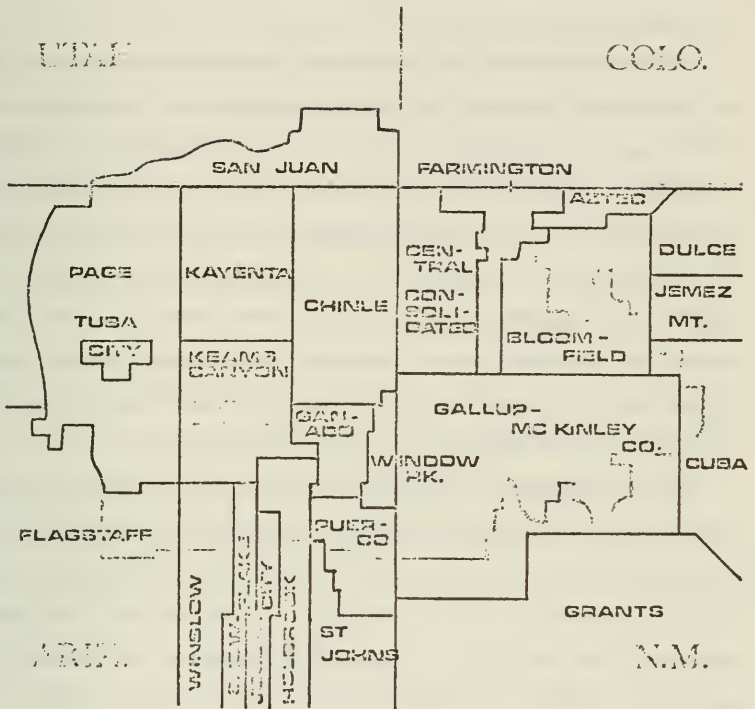
done to the environment, and perhaps the Navajo lifestyle, the price paid by industry is not compensatory.

The Navajo tribe has maintained a tradition and culture that is distinct from that of the larger society. This culture has an impact on what specific types of development tribal members may deem desirable or undesirable. For example, traditional Navajos do not believe that natural resources -- particularly the land, because it is sacred -- should be disrupted or changed in the process of development. Another consideration will be the potential impact of any type of industrialization on the lifestyle of a basically rural people.

Nevertheless, the tribe has continued cautiously with an ambitious ten year development plan which portends better things. Hopefully, when concerned Navajos with sufficient expertise continue the present trend towards control of those programs which determine the destiny of the people, some success will result. But until the Federal Government becomes more concerned with the plight of the tribe, caused in no small part by past Federal action and inaction, the full development of tribal resources, on terms defined by the Navajo people, will remain a very distant goal.

(See Exhibit No. 6 for appendix 1 of this report.)

APPENDIX 2



 PUBLIC SCHOOL DISTRICTS 

APPENDIX 3

RESERVATION MANPOWER ANALYSIS

1. The Navajo Reservation

A. Availability of Programs and Services:

1. Manpower Program Inventory -

The Navajo Reservation located in the Southwestern state of Arizona, New Mexico, and Utah has by far the largest complement of Manpower Programs. Of the reservations sampled the Navajo receives the most funds and program slots. A program inventory has shown that the Navajo Reservation has the availability of the following Manpower Programs: (1) CEP; (2) NYC; (3) MDTA (OJT and Institutional); (4) NAB/JOBS; (5) Public Service Careers; (6) Operation Mainstream; (7) E.E.A. (PEP); and (8) WIN. In addition to these programs the Employment Security Commission of Arizona provides some services as does the Bureau of Indian Affairs through their Social Services and Employment Assistance departments.

While adhering to the basic concept and structure mandated by the Department of Labor the Navajo apply their Manpower Programs to meet their most pressing needs. These needs were found to primarily exist with the youth and the older worker who lack primary vocational skills and basic education. The following is a narrative discussion of the specific stresses and services undertaken by each program on the Navajo Reservation.

a. Concentrated Employment Program (CEP):

The Navajo CEP is a comprehensive approach to solving the educational and unemployment problems on the Navajo Reservation. This CEP's primary purpose is to find meaningful employment opportunities for its enrollees on the Navajo Reservation utilizing primary vocational skills. To fulfill this purpose Navajo CEP stresses two of its program functions, vocational

training and work experience.

Vocational training within Navajo CEP is a complete and thorough approach to meeting the needs of the reservation and its residents. The training sub-contractor to Navajo CEP, the Arizona Department of Vocational Education, offers training courses for clerical skills, sales clerk skills, welding, auto mechanics, building construction skills, janitorial skills, culinary skills, teacher's aides, cartographic engraving (a process of topographical map production) and refractory lense manufacturing. The length of these training programs varies from eight (8) weeks to a maximum of twenty-six (26) weeks. The type and structure of these programs allows both men and women to participate equally among them.

While the skill areas represented are quite extensive and vary with respect to sophistication, beginning wage, and length of training each skill training class is tied directly to a pre-committed job. This approach prevents training without consideration of the job market, as the training areas are tied directly to employment opportunities. Vocational training for Navajo CEP has resulted in one-third (1/3) of all placements flowing directly from this component, with the average starting wage being approximately \$2.20 per hour.

The other primary component of Navajo CEP is Work Experience. This component takes the form of two (2) programs internally labeled "operation mainstream" and "On-the-Job." The basic approach utilized by this component is to place an enrollee with an employer for a certain period of time during which the employer trains the enrollee in the skill area desired. During this training phase Navajo CEP subsidizes the enrollee/trainee's salary. Upon completion of the Work Experience component the enrollee becomes a fulltime employee and is no longer subsidized by Navajo CEP.

The training areas which are serviced by the Work Experience component are as numerous as the skill training areas. A partial list of the skill areas would include health, forestry, building construction, consumer services, clerical, sales and the skill crafts. Again, this component is structured so that both male and female enrollees participate equally. The success of this component has been exceptional in that over 50% of all placements have resulted from this component.

Aside from the above services it can be seen that Navajo CEP offers a full line of program services. These services include outreach and intake, assessment and orientation, counseling, basic education (this includes a special CED program), supportive services, job development and placement, and follow-up. This program is relatively new to the Navajo Reservation and it offers a comprehensive approach to reducing unemployment; an approach heretofore not experienced on the Navajo Reservation.

This CEP's experiences throughout its first three (3) contracts have been very meaningful. Job placements have reached the 600 mark and are expected to increase. However, in spite of increasing performance Navajo CEP has been realizing yearly decreases in funding, a fact that greatly distresses those working with CEP. However, irrespective of numbers of placements and trends in funding levels Navajo CEP represents a well received and utilized manpower program on the Navajo Reservation.

b. Neighborhood Youth Corp (NYC):

The NYC program found on the Navajo Reservation is the most popular manpower program and the most widely known program of all manpower programs. As with all NYC's the target population is young people, ages sixteen through twenty-one. The popularity and notoriety of this program stem from

the fact that approximately 30% of the reservation population is between the ages of nineteen through twenty-four and approximately 15% of the reservation population is between the ages of sixteen through twenty-one. This population figure represents over 8,000 reservation youth who are potentially eligible for NYC participation. Of this group approximately 75% are unemployed. Therefore, it is readily apparent why NYC is a favored program, as NYC is directed at a specific group of individuals who want and need a job. NYC meets this need.

Again, NYC falls within the specific guidelines and objectives mandated by the Department of Labor. These guidelines and objectives generally allow for valuable work experience situations for the youth, both on-going students and school dropouts. The Navajo NYC places its enrollees primarily in governmental agencies, generally the Navajo Tribe, whose work tasks cover all employment areas from clerical to warehousemen. The National Parks Service annually provides approximately 350 training slots outside the reservation while also acting as a major employer, employing some of the NYC enrollees at a wage of \$2.00 to \$2.50 per hour.

The Navajo NYC annually serves a vast number of Navajo Youth. Last year the Navajo NYC served approximately 2,000 people within its three (3) programs: in-school, out-of-school and summer. For this year this manpower program is projecting a service level of approximately 1,300 high school aged Navajos. A number of these enrollees will return to school fulfilling another objective of NYC. Also, a number of enrollees will convert from their NYC subsidized work experience positions to full-time permanent employees with those employers who have been providing the NYC slots. Aside from the National Parks and Ranger Services, the Navajo Tribe and the Bureau of Indian Affairs absorb enrollees into various positions such as dormitory

aides, secretaries, file clerks, warehousemen, laborers and into other occupational areas. This approach works well as the employer has trained his prospective employee in his desired method and skills and he therefore, knows the quality of employee he is employing. This approach also allows for greater upward mobility within this employer's firm and appears to have resulted in a permanent employment situation for the new employee. With all these elements considered it is easy to justify NYC's success and popularity.

c. Manpower Development and Training Act Programs (MDTA):

Throughout the last few years there have been numerous MDTA funded training programs, both institutional and OJT. The number, type, size, and structure of these programs seems to vary with the availability of MDTA funds on the State and Federal levels and with the desires of the Navajo Tribe as to the need for specific programs.

At the time of this field evaluation on the Navajo Reservation there were three (3) MDTA funded programs. These programs are: (1) Pre-apprenticeship training program located at Page, Arizona; (2) Ironworkers Program located at Window Rock, Arizona; and (3) Clerical Up-grade program located at Fort Defiance, Arizona. The first two programs are primarily intended to train and refer Navajo Indians: in apprenticeable skills and to apprenticeship programs with various construction contractors on and around the Navajo Reservations. It was found that while a great number of Navajos had completed the pre-apprenticeship training programs not all of them were presently employed as apprentices with available contractors. At Page, Arizona; whose practices have had a direct result on the employment of Navajo enrollees completing the Page MDTA program. The Ironworker's pro-

gram has also experienced less than 100% placement which has been attributed to the low level of construction projects utilizing these skills on or around the Navajo Reservation.

The Clerical Up-grade program, through a small program, is providing a needed and well received service. Basically, this program allows working clerical personnel to attend, twice a week, a program designed to teach; up-grade or re-introduce basic secretarial skills such as typing, stenography, or use of office machines. The material imported thus allows these people to perform better on their present job, and assures them greater vertical mobility within their employing agency due to their new or improved skills. This type of program has been utilized numerous times in the past and it has continually been successful.

As stated above there have been numerous MDTA funded programs on the Navajo Reservation. A partial listing of these programs would include: (1) forestry aide training for the Navajo Forest Products Industry; (2) Small and large appliance repair for the Navajo Tribal Utility Authority (NTUA); (3) Electrical Hot Lineman again for NTUA; (4) Electronic Assembly for General Dynamics; and (5) for a contract period, all Navajo CEP Vocational Training was MDTA funded. Again, this is only a partial listing of programs which were available at one time. The purpose of these programs was to provide an employer with a skilled labor pool but secondly, it also resulted in creating employment opportunities for someone who was unemployed and lacked a primary vocational skill.

It was also learned that two new projects had been submitted for MDTA funding. These projects are aimed at Navajo Tribal Enterprise to provide skills in two (2) skill areas not yet developed. The first project is for water and sewer technicians for the Navajo Tribal Utility Authority and

the second project is to train optical technicians for a future enterprise. No Navajo Indian, as of yet, possesses skills in either area and the need for these skilled people was expressed for all. So while MDTA funds will allow these people to receive these skills they will also create new industries and employment opportunities. It was found that MDTA funded projects meet an immediate and pressing skill need and while meeting this need create more employment opportunities.

d. Job Corps:

At one time there existed three (3) Job Corps Centers on or near the Navajo Reservation. However, it was found that very few Indians participated in these centers. The exact reason for this occurrence is not known; however, one proposed theory is that the Navajo Indians did not want to participate in the programs at these centers due to the prominence of other ethnic minorities. Another plausible reason given is that the skill training given could not be utilized on the Navajo Reservation; thereby requiring the person to move to a metropolitan area to utilize this skill. Whatever the reason, very few Navajo Indians have participated in the Job Corps program at these three (3) centers or any of the other centers.

Presently, there is a Job Corps center in Montana funded and operated solely for American Indians. The concept utilized by the Kicking Horse Job Corp Center is to provide vocational skills to all American Indians who wish to avail themselves of the opportunity. Therefore, any Indian who meets the Department of Labor intake criteria is eligible to utilize this center, irrespective of his place of residence. However, it was found that on the Navajo Reservation that recruitment for this Indian program was almost non-existent. Very few people even indicated any knowledge of the existence of

this specific program and that its purpose and stress is for American Indians. Therefore, while the referral potential exists the affect of this program on the Navajo Reservation is minimal, due to the lack of knowledge of its presence.

e. NAB/JOBS:

At the time of the field study on the Navajo Reservation only two NAB/JOBS contractors were found. These organizations were the Morrison-Knudsen Company and Fairchild Camera Company. In addition to the above contractors another firm, Neilson Construction Company, is utilizing its NAB/JOBS contract on the Navajo Reservation, even though the contract was issued primarily for its Colorado operations.

The employment areas encompassed by these contracts are construction skills and metal mechanic skills. Morrison-Knudsen is presently constructing a coal fired electrical generating plant and a localized railroad to transport the required raw materials in the Page, Arizona area. The specific jobs given by Morrison-Knudsen include welders, ironworkers, boilermakers, carpenters, and other skilled construction crafts required in heavy industrial construction. Neilsons is presently involved in road and related types of construction. Fairchild Camera Company located at Shiprock, New Mexico is primarily engaged in the assembly of electronic components. They are also establishing a complete machine shop for which they have received a NAB/JOBS contract to provide their skilled labor.

NAB/JOBS contractors have come and gone in the same manner as MDTA programs. A listing of previous NAB/JOBS programs or contracts was not obtainable but it was confirmed that other contracts have existed. It was also found that the only planned NAB/JOBS program specifically for a tribal

concern is a forestry project to be run by the Navajo Forest Products Industry, an enterprise of the Navajo Tribe, located at Navajo, New Mexico.

The NAB/JOBS program has provided a realistic and practical avenue by which Navajo Indians could enter a high skill occupation by receiving meaningful training in that particular skill area. It was found that without the NAB/JOBS program many Indians would not have been able to receive training and the subsequent employment opportunities. However, in total, the NAB/JOBS program has had minimal effect due to the cost of the program, the lack of interested industries willing to undertake this type of program, the general lack of industry and due to the large number of unemployed Indians. What has been provided has worked well; to the advantage of the employer and the Indian trainee/employee.

f. Public Service Careers (PSC):

On the Navajo Reservation only one operational PSC program was found. This program operated by the local CAP-Headstart Program, is intended to up-grade teachers' aides and thus allow them to eventually become qualified teachers, and to up-grade present teachers to allow them to offer better instructional services. The CAP-Headstart program has structured its salary scale so that every PSC participant will receive salary increments in accordance with their rate of advancement in the program. The incentive of salary increases coupled with increased responsibilities, duties, and prestige has resulted in a favorable image of PSC within the CAP. The actual training and formalized education is done under contract by Utah State University. Presently, thirty (30) Headstart staff are participating in this PSC.

Two principle employers, the Bureau of Indian Affairs and the U.S. Public Health Service, have existing PSC program which are not being utilized

on the Navajo Reservation. It was found that these PSC programs had been created within the top level of these agencies at their respective Washington, D.C. offices and then disseminated to the various field offices. One reason given for the lack of a PSC among these Federal agencies on the Navajo Reservation is the recent "freeze", prohibiting the employment of new people for Federal positions. A program with entry level and up-grade features would be impossible because of this freeze. However, that was the only reason given by both agencies for the absence of PSC on the local level.

PSC on the Navajo Reservation has been, for all practical purposes, non-existent. While there is one program available it serves only thirty (30) existing staff and, as of yet, has not resulted in creating new entry level positions by up-grading present employees.

g. Operation Mainstream (OM):

The Navajo Reservation operates a small Operation Mainstream program administered by the local Neighborhood Youth Corps Office. This program is funded every six (6) months for approximately fifteen (15) slots. With such very few people to handle, the NYC is very selective when determining who the participating training agent shall be. In general though, NYC's approach has been to utilize cluster placements with two (2) or three (3) agencies. To date, this program has been well received and is very successful in that the majority of the participants have been placed on permanent jobs upon the completion of the training program. The training agents have also been very cooperative. This is due partly to the fact that OM fully subsidizes the enrollees wages while undergoing training, thereby, not resulting in minimal training cost to the employer/trainer, and due to the fact

that the employer/trainer will have a fully trained and knowledgeable employee upon completion on the program. For public agencies, the absence of any costs during training is important as these public agencies rarely have existing vacancies and because they budget for operational funds far in advance of the actual receipt of funds. Therefore, they can budget immediately for an additional position and upon completion of the training program the funds should be available for the employment of that person. O.M. has also been instrumental in assisting two (2) non-profit organizations in securing trained personnel with minimal costs to them. O.M. therefore, has been beneficial in assisting unemployed people and in assisting employers in acquiring fully trained personnel.

h. Emergency Employment Act-Public Employment Program (EEA):

The Navajo Tribe operates the largest Indian EEA or PEP program in the United States. Of the eight million dollars allotted for American Indians the Navajo Reservation received \$3,003,200.00 for 489 slots, which has subsequently been increased to 643 slots.

The EEA program on the Navajo Reservation has been utilized to the best extent possible while meeting some of the most pressing problems of the Navajos. A primary problem of the Navajo Tribe has been securing adequate manpower to fulfill its social commitments to the Navajos especially in light of decreasing revenues and increasing costs. EEA is meeting that need.

The employment opportunities created by EEA are numerous. They can be basically classified as unskilled, skilled, or professional. In filling its program slots the Navajo tribe has only had problems in finding eligible professional candidates for those specialized program slots. With an unem-

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ployment rate of 62.7%, or 20,250 Navajos of a labor force of 32,350 it is readily apparent why the Navajo Tribe has had very few problems filling the unskilled and skilled positions. The salary range extends from a low of \$1.60 per hour to the allowable maximum of \$12,000 per annum.

The specific employment areas, as stated above, are very numerous. One tribal department with the greatest need for additional manpower was the police department. Before EEA it was a normal occurrence for a police officer to work a 12-hour shift; and due to the Tribe's financial situation not receive over-time pay. However, with the addition of fifty (50) EEA funded policemen and nineteen (19) clerks this problem has been partially solved. This has also been the case with other Tribal and Tribally created departments or organizations. Such is the case with the local alcoholism program. With the assistance of EEA, a detoxification center was created and is meeting another social need.

E.E.A. therefore, has been very instrumental in employing over 600 heretofore unemployed Navajos and in turn allowing the tribe through its increased manpower to meet its social obligations to the Navajo people.

i. Work Incentive Program (WIN):

As vast as the Navajo Reservation is, there exists only one small WIN program for Navajos. This WIN program, administered and operated by the Utah Employment Service, extends services only to those Navajos who reside in the Utah portion of the Navajo Reservation. This program though, is not specifically aimed at the Navajo people as the sole participant. While no specific number of program slots are set aside for the Navajos they do constitute the principal recipients class. The previous program year realized 90% of 300 persons served as being Navajo Indians. At the time of this field study

75% of a 256 caseload were Navajo Indians. It is assumed that a similar experience will be realized during the up-coming program year.

While the general structure conforms to mandated guidelines controlling WIN programs the local control has resulted in a program structured to meet local training needs. The Navajo WIN program encourages male and female welfare recipients to undergo vocational training by providing every participating recipient \$30.00 per month in addition to his basic welfare payment. The concept supporting this approach is that the welfare receipt upon completion of this training will secure permanent employment; thereby, removing him from the welfare rolls and making him a productive member of the local economy. However, this resultant employment aspect is not being realized. It was learned that less 10% of WIN participants secure permanent employment after training.

While placement figures are very low the program is providing training for welfare recipients in a variety of employment areas. Currently, training is being offered in General Business (clerical), agriculture, and general home construction or building trades. With regards to the few placements that have resulted from these training areas it was found that those who do secure jobs do so as secretaries (salary range - \$2.00/hr.); construction workers and heavy equipment operators (salary range - \$5.00/hr.); or custodial workers (salary range - \$2.00/hr.). During the approaching program year vocational training will be given in general business (twenty slots); business pre-technical training (thirty slots); public service areas (twenty slots); building trades (sixty slots); agriculture (thirty slots); and other training areas (twenty slots). In addition to the above training areas forty-five (45) ~~slots~~ have been committed to this WIN program by a MDTA sponsored pre-apprenticeship training program.

The training agent utilized by this WIN program is Brigham Young University who also provides "Adult Basic Education" to WIN participants. Total program slots allocated for the next program year will be 225 slots, a reduction from previous years' levels.

The state county (San Juan) served by this program is greatly in need of WIN and other manpower services. The WIN coordinator interviewed stated that 41% of the county population is on welfare and there exists no immediate solution to this problem, as there is a definite lack of industrial development of any type in the area. This also causes the poor placement record of this program as the participants could secure a job if they were available or if they were willing to relocate to another area of the reservation, which they do not wish to do. Therefore, this problem will probably continue as no solution appears in sight.

j. State Employment Service:

The Navajo Reservation due to its unique geographical location has Employment Service (ES) office throughout the reservation representing three (3) State Employment Security Commissions: Arizona; Utah; and New Mexico. However, their services are minimal, as they basically provide only intake and referral services.

The State E.S. personnel that are operating solely as a component or sub-contractor to a manpower program, such as the Arizona and New Mexico E.S. sub-contractors to the CEP, extend greater and more numerous services to the Navajo people. However, this is solely a result of their contractual commitment to that manpower program and those contractual services are limited to the participants of that program. The services rendered by the E.S. participating with a manpower program are more extensive in

that they encompass most all manpower services.

Normal state E.S. services are restricted to: (1) assessment; (2) placement (including job development); (3) vocational guidance; and (4) referral to training. These services constitute the maximum level of services provided, but even they are not all performed in every E.S. Office. The primary factors limiting E.S. services are the lack of trained and qualified staff and the limited budget levels which prevent more staff from being hired.

The Arizona portion of the Navajo Reservation is served by a total of ten (10) E.S. employees, including clerks and secretaries. This portion of the Navajo Reservation covers 15,000 square miles and constitutes over 50% of the Navajo population. Every staff member contacted expressed a need for more funds for increased staff and travel.

The state E.S.'s are aware of the need to utilize Navajo people as E.S. employees. All states have hired a relatively large number of Navajos to staff their field offices where they can serve their own people. However, it was found that the Navajo field office managers had very little control over the operations of that particular office as a "district" office located off the reservation and staffed primarily by non-Navajos controlled the field offices on the reservation. The Navajo E.S. field managers felt that more effective services could be offered if the control office was on the Reservation and staffed by Navajos. However, the state officials have yet to accede to this request.

A listing of services not provided by the E.S.'s includes counseling, training (both skill and education), orientation, outreach and recruitment, work experience and on-the-job training opportunities (aside from referral), and supportive services. Of these services it was found that counseling

services are the most demanded and sought after element. The Navajo Tribe, as of the date of this report, is seeking an "Operation Hitch-hike" program under which counseling services are an integral component. The expressions stated by various tribal representatives indicated that a large number of Navajos, to become gainfully and permanently employed, required, in addition to skill training, a great deal of professional counseling in areas of employment, personal finances, use of alcohol and other related areas. Therefore, since this service is not available they are taking direct action to secure this service.

A similar situation exists for job development and placement activities. Basically, tribal officials felt that the state E.S.'s were not providing the degree of service required and have undertaken the task of providing their own job development and placement activities. These activities exist under the Tribal Job Development Program and an EEA (PEP) job development program. In addition to job development and placement these agencies also undertake outreach and recruitment tasks which are also not provided by the E.S.'s.

The three (3) state E.S.'s due to budget limitations and policy procedures, therefore, provide minimal services. While these services are negligible in scope they are meeting a need of the Navajo Reservation. Where the E.S.'s have fallen short in providing services the Navajo Tribe through other means is attempting to make these services available.

k. Bureau of Indian Affairs - Employment Assistance (BIA):

The Bureau of Indian Affairs Employment Assistance program is not a Department of Labor associated manpower program. However, the services BIA offers are identical to many services provided by DOL programs.

This section therefore, recognizes the nature of these services and is ^{A-21} simply an illustration of another "manpower" agency.

BIA has annually served many Navajo people in a variety of ways. The basic operational approaches utilized by BIA are: (1) vocational training; (2) direct employment and; (3) on-the-job training. During fiscal year 1971 BIA served approximately 6,413 family units in the following areas: (1) Adult vocational training - 1,302; (2) direct employment - 3,355; and (3) on-the-job training - 656. The effects of BIA are far reaching when considering the number of people served. The local economy also prospers as evidenced by the FY 1972 funding level of \$1,567,000.00.

The goal of BIA is to provide a means by which Navajo Indians might become employed through education and training. This approach coincides with the underlying philosophy of most Department of Labor manpower programs. However, the means of implementation and actual operation are distinctly different.

DOL programs are primarily localized programs; whereby, very few program participants are forced to move from their reservation to receive training or employment. Also, DOL programs are structured so that ideally, training is related to the local labor market and sufficient funding is provided so that the actual training may be given locally. DOL programs also provide job development activities enabling local employment opportunities to be tapped, once the participants completes training. However, this approach is not utilized by BIA.

Of the three (3) major components of BIA, on-the-job training is the only one utilized primarily on or around the Navajo Reservation. Local employers enter agreements with BIA to provide OJT slots which are then funded by BIA. This approach is well utilized by BIA and serves well

to meet the needs of both the labor pool and the labor market. As the employers make a contractual commitment to retain the trainee as a full time employee upon completion this approach generally realizes a relatively high success in employment placements. This program is also well received by the employer as he gains an employee who is trained by the employer and at very little or no cost to the employer. This approach is mutually beneficial as all parties prosper.

However, this is not necessarily the result realized with the direct employment and vocational training components of BIA. It is conceded that a portion of the direct employment opportunities do exist on the reservation and that a portion of the vocational training opportunities will impart skills that conform to the demands of the labor market. But, it is also recognized that a portion of the employment and training opportunities require the Navajo to permanently relocate to some distant location. The relocation effort of BIA may or may not be effective. However, there are now Navajos who possess a salable skill and are now permanently employed in these distant locations who might otherwise be unemployed and not possess a salable skill if they had not relocated.

BIA, irrespective of its local or relocation effort, does provide a service which meets the needs of the Navajo Indians. They are receiving training and as a result of job development efforts are receiving gainful employment. With the altering of BIA policy from relocation services to localized internal services, a greater stress to conform to the local labor market will have to be realized as the relocation effort will not afford BIA an external outlet for their participants. However, due to the lack of local training resources relocation for training purposes will probably continue. BIA therefore, will never be able to remove itself

from relocation as long as local resources are void. Also, the economically depressed reservations might force BIA to continue to seek external outlets for trained Navajos as long as training is not related to the reservation labor market demands and the reservations remain in their depressed states.

BIA's services are attempting to meet the Navajos' needs. These services are necessary and they cannot be eliminated nor reduced.

1. Bureau of Indian Affairs - Welfare Services:

The BIA Welfare Services does not directly provide any manpower or manpower related services. BIA's primary goal is to provide the necessary social and financial services required to assist Navajo Indians. For informational sake, a listing of these services includes general assistance payments, child welfare, aging services, child day care services and family counseling. While the problems, results and effects of these services are important they are not a direct responsibility of this report. The section relating to special group needs (VI - C), addresses itself to manpower efforts undertaken for welfare clients.

BIA welfare services, however, does fund a tribal program that resembles certain manpower program approaches and has direct results on the labor pool. This program, the Tribal Work Experience Program (TWEP), is a Tribally administered and controlled program which receives its funding solely from BIA. The approach utilized by TWEP is basically short-term work experience (OJT) slots for welfare recipients. Each participant receives \$30.00 per month in addition to his basic welfare payment. The total project funding is for \$17.5 million per year.

The work experience slots are quite numerous and are involved in social projects such as home improvement, community improvement, hay and grain dis-

tribution and water hauling. All these projects are for the betterment of the reservation as a whole and assist the Tribe in fulfilling its social commitment to the Navajos. In addition to the Work Experience slots, TWEP also provides on-the-job training slots and adult basic education.

The approach utilized by TWEP is similar to a WIN program. However, one distinguishing factor is the lack of formalized vocational skill training. The TWEP participants must possess a basic skill or participate in a program (OJT) which might give that skill. The primary employment areas within which TWEP participants are "employed" are low skill areas. Even though this program receives \$17.5 million per year, no funds are set aside for skill training as the bulk of these funds are for direct welfare payments.

It was expressed by the BIA Welfare people that TWEP was not successful as it did not meet its goal of placing participants in permanent jobs. The reasons given for this failure were that the objective of the program was not known and that the economically depressed nature of the reservation did not present sufficient employment opportunities to absorb TWEP participants.

TWEP's effect on the reservation is to place two (2) to three (3) thousand Navajos on jobs presenting them the opportunity to secure permanent employment and to place them into work situations; whereby, the results are beneficial improvements to the Navajo Reservation, as a whole. TWEP is definitely meeting, at least in part, a manpower need of the Navajos by providing training and employment opportunities.

m. Summary:

As can be seen from the above text the Navajo Reservation has access to many and varied programs. These programs serve the youth as well as the older person. Program slots are as numerous as the opportunities they present. Total funds expended for manpower programs approximates \$14,230,000. However, the unemployment problem still persists. It is assumed that without this yearly influx of Federal manpower monies the problem that would result is inconcievable. At least in part the Federal Manpower funds expended on the Navajo Reservation are reducing unemployment, or at least stabilizing it.

Funding levels for all programs referenced above and their available slots can be seen on the following chart.

SOURCE ..Navajo Briefing Information, National Indian Training and Research Center, August, 1973.

HIGHLIGHTS

OF NAVAJO EMPLOYER DEMAND SURVEY 1969*

Twelve thousand six hundred and thirty-one persons were reported employed in nonagricultural industries on the reservation in November of 1969; 42.6% of these persons were female. Sixty-six and six-tenths percent of the nonagricultural employed (8,412) were Navajo.

Most of the reported nonagricultural employment on the reservation was heavily concentrated in three major industrial categories: services (37.5%), government (35.0%), and manufacturing (16.3%).

There were a total of 381 current job openings reported by nonagricultural employers on the reservation in November of 1969. About 60% of these openings were reported by one agency, the Bureau of Indian Affairs.

If the number of current job openings in November of 1969 (381) is compared with the number of Navajo who were found to be without work and wanting jobs in February of 1967 (14,900) -- assuming there has been little change in unemployment since 1967 -- it can be estimated that a nonagricultural job was available for only about one in every 40 Navajo jobseekers during the survey period.

Approximately 1,060 job openings, other than current job openings, were anticipated by reservation employers in the next year for which workers would be actively sought. Forty-three and four-tenths percent of all anticipated openings were in the manufacturing industry (electronics assembly), 24.5% were in government, 15.9% were in services, and 10.0% were in the transportation, communication and electric services industry.

The professional, technical, and managerial occupational category was by far the largest occupational group present on the Navajo Reservation. About 41.8% of all nonagricultural employed persons were reported to be in this occupational category. Half of those employed in this occupational category were Navajo (50.2%), and almost half were women (48.2%). There was a smaller percentage of Navajo in this occupational category than in any other.

(continued)

The largest concentration of current job openings was found in the professional, technical, and managerial occupational category; 171 of the 381 current job openings (44.9%) were in this occupational group. The great majority of job openings within this group, 69.6%, were occupations in education. In fact, 119 or almost one-third (31.2%) of all current job openings were in education.

The second largest number of current job openings were found in the clerical and sales occupational category. The 63 openings reported in this category represented 16.5% of all job openings. The bench work occupational category had the third largest number of openings (45), all but one of which were in the assembly and/or repair of electrical equipment.

Four hundred and forty-six job openings, 41.6% of all openings, other than current openings, anticipated in the next 12 months, were occupations in the assembly and repair of electrical equipment; 154 anticipated openings were reported in education; 75 in food and beverage preparation and service; 48 in stenography, typing, filing, and related occupations; 25 in transportation (service station attendants); and 25 in administrative specializations occupations.

Hiring methods used by Navajo area firms and agencies in order of frequency used were: direct company application (85.6%), friends and relatives (82.7%), State Employment Service (61.2%), advertising and want ads (47.4%), and employment assistance (BIA - 44.4%).

Mixed feelings prevailed among Navajo employers about training programs offered on the reservation. Three-quarters of the firms reporting thought vocational training programs would be of help to them in obtaining qualified employees. A majority of those firms responding, however, felt that the training programs which had been provided to on-reservation Navajo had been inadequate. The most common type of complaint listed was that training programs did not supply the types of trainees or training really required by firms.

* Arizona State Employment Service, June 1970.

APPENDIX 5
FEDERAL PROGRAMS

The Federal government, in its trustee function, is primarily responsible for providing social services for Indian reservations. The Government provides programs in the area of housing, employment, medical care and welfare assistance. In addition, Indian reservations, as separate political and legal entities, receive revenue sharing funds.

The number and quality of programs for Indian reservations has increased considerably over the last two decades. The President's proposed Indian Self-Determination legislation would also increase programs for Indian reservations.

NAVAJO REVENUE SHARING

According to an Office of Revenue Sharing official a total of \$2,309,439 was paid to the Navajo Tribal Council. \$1,773,574 was paid for the first two periods and a sum of \$535,865 for the third and fourth periods.

To date, there is no data as to what is being done with the money received by the Navajo Tribal Council. The Office of Revenue Sharing is hopeful of receiving two reports in the near future concerning the use of this money.

HEALTH PROGRAMS (BACKGROUND)

By treaty and by law, reservation Indians of one-fourth or more Indian blood are entitled to free comprehensive medical care. A Federal health program was first made available for Indians in 1832, at which time Congress appropriated a meager \$12,000 for a health program. Four years later the Federal health program was extended to provide limited health services to the Ottawa and Chippewa Indians under treaty provisions.^{1/} By 1880 the Bureau of Indian Affairs had four Indian hospitals and a total physician staff of 77 doctors. From that time until 1955, Indian health facilities continued to expand slowly, but Congressional appropriations were minimal. The results were that Indian health programs were deplorably inadequate, and Indian disease and death rates were many times greater than for other Americans.

In 1955, Indian health care was transferred to the Public Health Service, Department of Health, Education and Welfare. In that year, the Federal budget for Indian health was \$24.5 million; by 1958, this figure had more than doubled to over \$50 million, and in fiscal year 1972 it was more than \$153 million.^{2/} At the present time, the Indian Health Service (IHS) operates 51 hospitals, 77 large clinic facilities and several hundred field health stations.^{3/}

1/ 25 U.S.C. §13. See Also, Sorkin, p. 51.

2/ Sorkin, p. 51.

3/ Information furnished by the Indian Health Service.

The Office of Economic Opportunity has also contributed some funds for improved health services for Indians, but in 1968, funds for local and national health programs through OEO programs was less than \$1.5 million.^{4/}

Despite these increased funds and greatly improved facilities and staffing, Indian health is still about 20 to 25 years behind that of the general population.^{5/}

^{4/} Indian Health Programs, 1955-72, HEW, Publication No. 72,502, 1972.

^{5/} Sorkin, p. 167.

SUBJECT: INDIAN HEALTH SERVICE (General Information)

- a component of HEW (Health Services and Mental Health Administration of the Public Health Service)

Objectives:

In this effort, the Indian Health Service has three major objectives:

- To assist Indian tribes in developing their capacity to man and manage their health programs through activities such as health management training, technical assistance, and human resource development and provide every opportunity for tribes to assume administrative authority through contracts and delegation.
- To act as the Indians' and Alaska Natives' advocate in the health field to generate other interests and resources which can be utilized.
- To deliver the best possible comprehensive health services, including hospital and ambulatory medical care, preventive and rehabilitative services, and to develop or improve community and individual water and sanitation facilities and other environmental factors affecting good health.

Organization of the Service

- Headquarters is maintained for overall operations and to provide guidance and advice to field offices.
- Field Administration is divided into eight area offices and four program operations.
- Areas are divided into service units. The Navajo Reservation has eight service units.
- The Office of Research and Development is located in Tucson,

SOURCE: HEW. Public Health Service. Health Services and Mental Health Administration. 1972

Health and Medical Care --

There exists on the Navajo Reservation six (6) U.S. Public Health Service (PHS) hospitals of varying size. In addition to these services PHS also provides numerous clinics, mobile clinics, and field health personnel to meet the local health needs. These services are fairly extensive and exist in most every community that has a relatively large population base. The cost to the individual Navajo is nothing with the only exceptions being for specialized eye glasses and specialized dental work. In addition to the on-reservation services there are two hospitals located in towns bordering the Navajo Reservation. Even though the Navajo population still experiences certain classes of medical problems the present services are well received by all. Of all respondents interviewed 71% felt this service was good to excellent and 97% felt that the service was fair to excellent.

In addition to this Federally provided service there are seven (7) private hospitals and numerous private physicians near the reservation providing health or medical services to those who wish to utilize them at their own cost.

SOURCE: American Indian Consultants, Inc. The Evaluation of Manpower Services and Supportive Services to American Indians on Reservations under Programs for which the Department of Labor and the Department of Health, Education and Welfare are responsible. (Prepared for Dept. of Labor Manpower Administration). July, 1972.

SUBJECT: INDIAN HEALTH SERVICE - NAVAJO AREA WORKLOAD STATISTICS
APRIL 1973

Inpatient Services

There were 1,467 admissions in April, 6% less than in March reflecting the usual seasonal decrease. April admissions were, however, 2% greater than the average of the 3 preceding years, although 1% less than last year. Chart I shows that admissions are on the increase although the monthly data show wide fluctuations.

In the 10 month period July-April there have been 15,322 admission, 2% more than last year. Shiprock hospital has reported 19,496 admissions, 14% more than last year, Tuba City has reported 16,880, 7% more than last year. There has been an 8% decrease at Crownpoint, 7% decrease at Winslow. Both Gallup and Fort Defiance reported little change.

ADPL continues to decrease. The seasonal trend is more obvious in ADPL than admissions and we note the sharp (11%) April decline from March. ADPL for the July-April period is 3% less than last year and stood at 384.5.

Ambulatory Patient Care Services

There were 40,011 ambulatory patient care services (individual encounters) in April, 21% more than last year. In the 10 month period July-April, there have been 394,361 services (individual encounters), 7% more than last year. Chart II shows the seasonal changes in APC services and the long term increasing trend.

The principal providers of ambulatory patient care services in the July-April period were:

<u>Facility</u>	<u>July-April 1972</u>	<u>July-April 1971</u>	<u>%Change</u>
Gallup Indian Medical Center	66,215	66,249	0
Shiprock Hospital	51,611	47,539	8.6
Ft. Defiance Hospital	54,978	47,761	15.1
Tuba City Hospital	40,358	32,630	23.7
Chinle Health Center	33,588	33,774	- 0.6
Crownpoint Hospital	23,905	24,835	- 3.7
Kayenta Health Center	19,605	12,867	52.4
Winslow Hospital	16,621	18,001	- 7.7

Public Assistance Programs in Arizona

Public Assistance in Arizona is financed by the State and Federal Governments jointly. All programs are administered by the State Department of Public Welfare through a County Welfare Office located in the county seat of each of the 14 counties of the state.

The programs are administered in conformity with the State Civil Rights Act and the Federal Civil Rights Act of 1964. The latter act states in part, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Old Age Assistance

Old Age Assistance is a program which provides money payments to needy people 65 years of age or older who can no longer support themselves and who have no relatives who will do so. It also provides for required visiting nurse or home health aide services through a vendor payment procedure.

Assistance to the Needy Blind

Assistance to the Needy Blind is a program to assist needy blind persons who cannot earn their own living, have not enough money to live on, and no relatives who will support them.

Aid to Dependent Children

Aid to Dependent Children is a program to assist parents or relatives to provide economic security and proper care for minor children when it is impossible for the family to do so by its own efforts because of unemployment, death, sickness, desertion, etc. When there is a possibility of overcoming the problems causing need, assistance will be considered a temporary means of support until the family can become self-supporting.

Aid to the Permanently and Totally Disabled

Aid to the Permanently and Totally Disabled is a program to help needy persons who are unable to support themselves by working, or from other resources, because they are severely disabled and their health cannot be restored through medical help.

General Assistance

General Assistance is a program to help needy persons who are unable to support themselves by working or from other resources because they are temporarily disabled or their disability is not severe enough to qualify them as being permanently and totally disabled under the definition of disability for that program.

Emergency Relief

This program provides assistance on a short time basis to persons or families who, because of an emergency, are in dire and immediate need and eligibility for any other form of assistance has not yet been established or cannot be established.

Tuberculosis Control Program

The Tuberculosis Control Program of 1955 provides medical care to persons with tuberculosis, financial assistance to persons receiving home care, and assistance to the dependents of the patient. Funds appropriated to the Department of Public Welfare are used for assistance to those eligible for home care treatment or those dependent on the person who has contagious and communicable tuberculosis.

Surplus Commodities

The State Department of Public Welfare is responsible for distributing Federally donated foods. These foods are made available by the U. S. Department of Agriculture to eligible persons in all counties. (The Navajo Tribe assumes responsibility for distribution on their Reservation.)

Welfare Problems

There are presently three (3) welfare systems in operation on the Navajo Reservation. The Navajo Tribal Welfare Office: This Office is funded by the Navajo Tribe to provide Navajos with emergency assistance. This program gives financial assistance on a one-time basis to Navajo individuals or families. It provides for funeral expenses, financial crises, homes that have been fire-damaged and aids in obtaining building material for home construction or renovation. It also provides for

SOURCE: (Bulletin) Public Assistance in Arizona. Department of Public Welfare, Phoenix, Arizona

health items such as hearing aids, eyeglasses and wheelchairs. The major problem existing in the Navajo Tribal Welfare program is a lack of funds to adequately handle all the applicants. There are not enough funds or programs to handle the emergency needs of Navajos.

The B.I.A. Welfare Department: This program provides a General Assistance fund to Navajos in need of welfare but do not qualify for Arizona or New Mexico state welfare. It also works in conjunction with the Navajo Tribe's Tribal Work Experience Program which provides work (some training) for those Navajos on welfare. It is solely a volunteer program and provides \$30 per month for employment costs and does NOT provide salaries or stipends.

Arizona State Welfare: There are two major problems existing in State welfare procedures. First, Navajos are having a difficult time qualifying for state aid. They, in many cases, cannot substantiate that their children are deprived of parental support. This prolongs their applications. Second, paper work is lengthy and the network is complicated which leaves the Navajo sometimes having to wait many weeks before he receives his welfare check.

HOUSING

Substandard housing is more often the case than not on Indian reservations. In 1966 BIA estimated that of 76,000 houses on Indian reservations and Alaskan villiages, 76 percent or 57,000 were substandard, and overcrowded. In addition, over two-thirds of these (42,000) were considered too run down to even merit improvements.^{6/} Between 1965 and 1968 fewer than 5,000 new units were built.

Since conventional credit is exceedingly difficult for individual reservation Indians to obtain, several Federal programs have specifically concentrated on alleviating the critical housing problem.

The BIA funds a housing improvement program. From 1964 to 1968 some 2,600 units were constructed or improved. New homes are built at an average cost of \$11,000 each. OEO also funds a home improvement program which by 1968 was funded at \$413 million. However, since so many Indian homes are too dilapidated for improvements to be of much help,^{7/} this program has had minimal impact on improving reservation housing.

As with other low income persons, reservation Indians are eligible for low rent housing and other public housing programs. The Housing Assistance Administration (HAA) of the Department of Housing and Urban

^{6/} Presentation made to the Phoenix Indian Health Board, February 1972.

^{7/} Alan Sarkin, American Indians and Federal Aid, Brookings Institution, Washington, D.C., 1971, p. 172-176.

Development (HUD) funded construction between 1964 and 1968 for over 2,000 units on reservations.

In addition to conventional low rent housing aid, the HAA has sponsored "mutual help" programs; Indians contribute labor and land and the government provides materials and technical assistance. A possible advantage of mutual help over other public housing is that ownership may eventually go to the Indian family who helped build the home. However, many heads of household have other jobs, if only part time, which limit the time they can expend on construction.^{8/} Since many are unskilled in construction, to begin with, the potential for training in this area (as envisioned by the legislation) is dependent on the time actually on the job.^{9/} Between 1965 and 1969, nearly 2,000 mutual help units were built, but actual construction has been much slower than anticipated.^{10/}

Finally, both BIA and OEO have provided assistance to Indians seeking loans for housing improvement and housing construction from conventional and other governmental sources. From 1960 to 1965 about 3,300 families received some assistance in financing for new homes and about 7,500 families received loans for home improvement.^{11/}

^{8/} Id.

^{9/} Id.

^{10/} Id.

^{11/} "Indian and The Federal Government," Bureau of Indian Affairs, Department of the Interior, October 1966, Mimeo.

In addition to individual housing programs, HUD and the EDA have funded programs for construction of community centers, parks, playgrounds and other community facilities. About \$2 million was budgeted by EDA from 1963 to 1965 for this kind of activity. HUD funded several neighborhood centers and urban planning grants and is reviewing additional projects.^{12/}

^{12/} Id.

HOUSING PROBLEMS ON THE NAVAJO RESERVATION

The paramount problem with housing is the lack of financial support for housing projects due to a moratorium on housing imposed by George Romney, Secretary of HUD in January 1973. This has affected housing programs in FHA, Public Housing and the Farmers Home Program. Until the moratorium is lifted, there will continue to be a shortage of funds for these much needed housing programs.

Presently, there exists a great shortage of housing for employees in the Window Rock-Ft. Defiance area, Chinle, Tuba City, Crownpoint and Shiprock areas. Existing housing is substandard for many Navajos especially the elder of whom many still live in hogans.

The Navajo Tribal Utility Authority has brought electricity to most homes (including hogans). This adds some comfort to the dwellings. Water is still transported from Navajo Tribal constructed wells. Limitation is a major problem for the older dwellings. Sewer often backs up during heavy rainstorms.

Present unsubsidized housing projects represent two problems. (1) Many are overdesigned which makes the homes costly, and contract needs are, in effect, too high for allocated funds. (2) Unsubsidized housing projects are a financial burden to the Navajo whose average annual income is \$1,500 a year.

SOURCE: The Navajo Times. The Navajo Housing Authority.

APPENDIX 6

NAVAJO TRIBAL ECONOMIC DEVELOPMENT POLICY

CONCERNING PRIVATE CAPITAL INVESTMENT IN NAVAJOLAND

Adopted March 3, 1964

The Navajo Tribe invites and encourages investment by private capital to develop the extensive natural and human resources of the Navajo reservation. The Navajo Tribe is convinced that mutual benefits will result and that job opportunities and technical training, leading to a better living standard for the Navajo people, will be generated. The Navajo Tribe will participate in the economic development of the reservation preferably by using its land instead of its money.

In this respect, the following Tribal policies on economic development prevail:

I. Investment and leasing:

A. Tribal Participation.

1. The Tribe favors private financial investment wholly, except where it is of advantage to the Tribe to participate in order to provide employment for Navajo individuals in substantial numbers.

B. Land Leasing.

1. Commercial and recreational business site leases.

- a. The Tribe may negotiate a cash rental on leases for select business and commercial sites, or the Tribe may require an interest in the enterprise which may be determined by the prevailing percentages for each type of business reflected throughout the intermountain region and further tempered by the local situation.

2. Industrial site leases.

- a. The Tribe will negotiate leases of Tribal lands to industry interested in locating on the Reservation subject to local approval.
- b. The Tribe may construct or cause to be constructed industrial buildings which may be rented to industry wishing to locate on the Reservation. The size and specifications of the buildings will be negotiated by the Tribe and industry. The terms of lease and rental will be negotiated for each individual proposal.
- c. Equipment and machinery will be the responsibility of the firm establishing the industry.
- d. Working capital required by industry will not be provided by the Tribe

C. Assurance and Protection.

1. The Tribe favors and will legislate to the effect that all investment in the form of equipment and permanent structures will be protected through formal legal procedures.

II. Utilities:

A. Water.

1. Water is available in some locations through the Navajo Tribal Utility Authority for which special industrial and commercial rates will be charged.
2. Where water is not available, the investor may develop his own water supply for which no charge will be made. However, the Tribe may require that a domestic watering point be made

available to local Navajos.

3. Where the water required by industry is insufficient, the Tribe will consider the development of the water source and its delivery to industrial sites.

B. Electricity.

1. Electric power is available in some locations through the Navajo Tribal Utility Authority and special industrial and commercial rates will be charged.
2. Where electric power is not available, the investor may develop his own power source.
3. Where the power load required by industry is sufficient, the Tribe will consider the construction of power lines to the industrial site.

C. Fuels.

1. Natural gas is available in some locations through the Navajo Tribal Utility Authority and special industrial and commercial rates will apply.
2. Where natural gas is not available, the investor may develop or provide his own fuel source.
3. Fuel oil, propane gas and coal are also available.
4. In the case where coal is available, certain existing mining and royalty regulations will apply.
5. Where the natural gas required by industry is sufficient, the Tribe will consider the construction of gas lines to the industrial site.

D. Waste Disposal.

1. Sewer systems on the Reservation are generally limited. An industry may be required to develop adequate lagoon or sewage treatment facilities which can be placed on tribal land without charge. Land leases for industrial purposes will provide for sewer facility areas.
2. Where the establishment of sewer systems is mutually beneficial to industry and the Navajo Tribe, the Tribe may share the cost of the systems for joint use.
3. All industrial waste will be subject to control.

III. Mineral Resources:

- A. There are many undeveloped minerals deposits on the Reservation that may be utilized by industry. The Tribe may negotiate with industry for the industrial use of minerals.

IV. Housing and Community Facilities:

- A. The Tribe will assist and participate in the establishment of housing development for public use and particularly to satisfy the needs of industry. The Tribe will encourage and support comprehensive development of communities and public facilities.

V. Manpower and Training.

A. Labor Force.

- a. A large adaptable labor force is available on the Reservation to meet all industrial labor requirements. Navajos have a marked aptitude for jobs requiring patience and manual dexterity. They are easily trained as skilled craftsmen and artisans.

B. Training.

- a. Entry and on-the-job training programs are available to qualified industries from Federal agencies subject to appropriations.

Water Rights

Those rights are the catalyst for all economic development. Without them the reservations are virtually uninhabitable, the soil remains untilled, the minerals remain in place, and poverty is pervasive. ^{13/}

One of the primary problems facing the Navajo nation in terms of economic development is control of the water resources. ^{14/} For as long as the Navajos have lived on the reservation (1868), ^{14/} the Federal government has ostensibly been of the opinion that the Indian has pre-emptive rights to the waters, primarily the Colorado River, which traverse the reservation. ^{15/} While there is some dispute as to whether the rights vested from the time of settlement or from the time of the establishment of the reservation, it is clear that the Navajos are entitled to enough of the flow of the big Colorado River to "irrigate all irrigable land capable of being used for agricultural pursuits." ^{16/}

It should be noted in this respect that in the largely arid Southwest, access to an adequate water supply is necessary to any large scale development of any area. For example, the Imperial Valley area in California was developed largely through massive irrigation

^{13/} E. Swenson, "Ripping Off Navajo Water Rights: A Case Study in the Exercise of Political Power," 2, for Subcommittee on Administrative Practice and Procedure, Senate Committee on the Judiciary, 92nd Cong., 1st Sess. (1971) (hereinafter cited as Swenson).

^{14/} Treaty of 1868.

^{15/} Swenson at 5.

^{16/} Id.

projects which allowed the region to support an extensive agricultural expansion. But the necessity for water is not limited to the agricultural sector of the economy. In order for any type of development, water must be present in order to supply, if nothing else, the basic health and sanitation needs of the people. But in the Indian context, the need appears to be even greater. In terms of development, water is a nearly indispensable source of electric power. In fact, the Navajo reservation at present supplies much of the power requirements for large parts of the central Arizona region.^{17/}

Further, if large scale economic development is to be anticipated, even greater demands upon the water supply are necessary. For example, the Burnham Coal Gasification Plant, which will seek to transform subbituminous coal into usable high Btu gas for home and industry consumption will require a large volume of water to be extracted from the San Juan River.^{18/} Similar industrial and extractive concerns will greatly increase the demands that the Navajo people are to put on the water supply. Therefore, if the Navajo expects to develop industry sufficient to alter current reservation economics, an adequate water supply is an absolute necessity.

But it is in the area of traditional ways of life and their maintenance that water rights are perhaps paramount. "The game they hunt, the herds they graze, and the crops they raise on their reservations are all dependent on water. Take away or seriously lessen the Indian's access to abundant water and you have taken away his ability

^{17/} Id. at 34.

^{18/} Gas from Coal, El Paso Natural Gas Co., Burnham Gasification Company Pamphlet (hereinafter cited as Gas from Coal).

to remain Indian; hence, the Indian's insistence of protecting his water rights."^{19/} Therefore, it is necessary to examine the major sources of Navajo water rights, the degree of protection that the Federal government has extended to the tribes under the government's trust responsibility, current and future uses, and the nature of the Navajo's claim to such waters in order to properly assess the development potential of the Navajo community.

The Source: The Colorado River

The Navajo Nation is located in the heart of the Colorado River Basin, and stretches across three States: Arizona, New Mexico and Utah. Portions of the mainstream of the Colorado River and one of its tributaries, the San Juan River, form the Northern and Western boundaries of the reservation. Another tributary, the Little Colorado River, drains into the Colorado by flowing through the Southwestern part of the reservation. The mainstream of the Colorado River rises in the Rocky Mountains of Colorado and flows for 1,300 miles through the States of Colorado, Utah, Arizona, and along the Arizona-Nevada and Arizona-California boundaries, finally reaching Mexico where it empties into the Gulf of California. The basin is an immense area draining over 242,000 square miles, receiving water from tributaries in Wyoming, Colorado, Utah, Nevada, New Mexico, and Arizona. The basin is subdivided into two parts. The upper basin includes the mainstream above Lee's Ferry, Arizona, as well as the tributaries

^{19/} U.S. Commission on Civil Rights, Southwest Indian Report 128 (May 1973).

of the Green River, the Gunnison River, and the San Juan River. The lower basin includes the mainstream of the Colorado below Lee's Ferry, as well as the tributaries of the Gila and Little Colorado Rivers. The mainstream Colorado is gigantic: the annual flow at Lee's Ferry usually varies from 13 to 17 million acre-feet. The non-Indian economy of the upper basin reflect the scarcity of water, and is primarily concerned with ranching, mining, and some agriculture.^{20/}

The National Water Commission, in its Final Report to the President and the Congress entitled Water Policies For the Future, issued in June, 1973, took the following propositions as settled in the area of determining the rights of Indian tribes to waters appurtenant to the reservation:

1. The cases of Winters v. United States and Arizona v. California, established beyond dispute that water rights may attach to Indian reservations upon creation of the reservations by any lawful means (treaties, acts of Congress, executive orders, etc.).
2. The priority and quantity of these Indian water rights present questions of law which involve, at least in part, an interpretation of the documents creating each reservation and may involve for some reservations the question of aboriginal rights.
3. Indian water rights are different from Federal reserved rights for such lands as national parks and national forests, in that the United States is not the owner of the Indian rights but is a trustee

^{20/} Swenson at 3.

for the benefit of the Indians. While the United States may sell, lease, quit claim, or otherwise convey its own Federal reserved water rights, its powers and duties regarding Indian water rights are constrained by its fiduciary duty to the Indian tribes who are beneficiaries of the trust.

4. The volume of water to which Indians have rights may be large, for it may be measured by irrigable acreage within a reservation (i.e., land which is practicably susceptible to irrigation) and not by Indian population, present use, or projected future use. It may also be measured by other standards such as flows necessary to sustain a valuable species of fish relied upon by the tribe for sustenance.

5. Development of supplies subject to Indian water rights was not illegal. Ordinarily, therefore, neither Indian tribes nor the United States as the trustee of their property can enjoin the use of water by others outside the reservation prior to the time the Indians themselves need the water.

6. The future utilization of early Indian rights on fully appropriated streams will divest prior uses initiated under both State and Federal law (and often financed with Federal funds) and will impose economic hardship, conceivably amounting in some cases to disaster for users with large investments made over long periods of time. The existence of unquantified Indian claims on streams not yet fully appropriated makes determination of legally available supply difficult and thus prevents satisfactory future planning and development.

7. The monetary value of unused Indian water rights is difficult but not impossible to determine. It should be possible on a case-by-case basis to establish a fair market value for unused Indian water rights. The problem of valuation is no more difficult than with other species of property that are not the subject of everyday commerce. ^{21/} Therefore, in terms of the Navajos' rights to the waters of the Colorado, it appears that, pursuant to the Winters doctrine, the tribe has federally protected rights which are prior and superior to all rights of the States which were created after the reservation land was reserved for Indian use. Further, these rights are not based on diversion of the waters as would be the case of others claiming rights, but is vested, if not from the time of Navajo settlement, then from the time of creation of the reservation in 1868. ^{22/}

However, it should be noted that both the Federal government and the various States have been less than diligent in their efforts to secure for the tribe its entitlement to waters from the lower basin. Instead, while the Federal government assumed a benign role in the various controversies between the various lower basin States, notably California and Arizona, over an equitable distribution of the flow of the Colorado, these States aggressively pursued such massive federally

^{21/} National Water Commission, Final Report to the President and the Congress, Water Policies for the Future (June, 1973).

^{22/} Swenson at 1.

assisted plans as the Boulder Canyon Project and the Central Arizona Project (CAP) which sought to utilize the waters for the burgeoning urban and agricultural populations that were developing after World War II. For example, the CAP was an effort to provide water for the agricultural interests in Arizona which consume more than 90 percent of the available water, and the cities of the central State area.^{23/}

The dispute between California and Arizona culminated in Arizona v. California,^{24/} in which the Supreme Court decided to allocate California 4.4 million acre-feet of consumptive use plus half of any surplus in the lower basin area of the Colorado, 3,000,000 acre-feet plus 4 per cent of the surplus to Nevada, and 2.8 million acre-feet plus half of the surplus, less Nevada's allocation if Nevada chose to contract with the Secretary of Interior for its share.^{25/}

In terms of Federal and Indian allocations, the Court awarded one million acre-feet, primarily for the use of the various tribes, including the Navajo.^{26/} Ostensibly, this allocation conformed to the formula for the irrigation of all lands for the five lower basin tribes for all lands that could be used for agricultural purposes, conservatively estimated^{27/} to be 12 million acre-feet. In this

^{23/} Swenson at 32.

^{24/} United States v. Arizona, 295 U.S. 194 (1935).

^{25/} Swenson at 14.

^{26/} Id. at 15.

^{27/} Id. at 25.

connection, it is interesting to note that the Government intervened not to protect the tribe's superior and prior rights to the waters, but only their rights to use the waters.^{28/} Therefore, it would appear that the Government, who, through its trust responsibility should have asserted the affirmative rights which the tribe had through settlement and treaty, instead left the exact extent of the rights less clearly defined than they could have been. As a result, the allocations granted to the other States limited the extent of the tribe's rights to the water. Had the Government been more aggressive in asserting these rights, the tribe probably would have a more equitable share of this precious resource than it presently receives.

Further, with respect to the waters of the upper basin, the tribe agreed to limit its claim to the 50,000 acre-feet which Arizona was awarded, also agreeing to allocate 34,100 feet for the use of the Navajo Generating Plant, which would supply the area of Central Arizona with its needs, leaving the tribe with some 16,000 acre-feet, thus precluding massive economic development for the tribe.^{29/} It is within this context that present and future attempts at economic development of the Navajo reservation must be viewed.

^{28/} Id. at 16.

^{29/} Id. at 34.

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TABLE 1

SOCIAL CHARACTERISTICS OF THE NAVAJO TRIBE: 1970

RELATIONSHIP TO HEAD OF HOUSEHOLD	
Total population	96,743
Under 18 years old	51,401
Living with both parents	37,092
Percent of all under 18 years	72.2
Head of Household	18,908
Head of family	16,779
Female head	3,238
Primary individual	2,129
Female primary individual	1,069
Wife of head	12,630
Other relative of head	59,855
Nonrelative of head	2,719
In group quarters	2,631
Inmate of institution	931
Other	1,700
FAMILIES BY PRESENCE OF CHILDREN	
Total families	16,779
With own children under 18 years	13,057
With own children under 6 years	8,711
Husband-wife families	12,782
With own children under 18 years	10,241
With own children under 6 years	7,105
Families with female head	3,238
With own children under 18 years	2,295
CHILDREN EVER BORN	
Women ever married, 15 to 24 years old	2,801
Children per 1,000 women ever married	1,555
Women ever married, 25 to 34 years old	5,352
Children per 1,000 women ever married	3,700
Women ever married, 35 to 44 years old	4,079
Children per 1,000 women ever married	6,008
PLACE OF BIRTH	
Total population	96,495
Foreign born	48
Native	96,447
Born in State of residence	75,356
Born in different State	15,732
Northeast	40
North Central	251
South	455
West	14,986
Born abroad, at sea, etc.	554

SOURCE: Census, Table 11 at 146.

TABLE 2

OCCUPATIONS OF NAVAJO POPULATION
AND URBAN AND RURAL RESIDENCE

MAJOR OCCUPATION GROUP	TRIBE	ON RESERVATION
Male employed, 16 years old and over	10,019	4,911
Professional, technical, and kindred workers	1,039	490
Managers and administrators, except farm	348	266
Sales workers	168	91
Clerical and kindred workers	582	371
Craftsmen, foremen, and kindred workers	2,190	1,069
Operatives, including transport	2,344	1,018
Laborers, except farm	1,510	663
Farmers and farm managers	96	94
Farm laborers and foremen	549	141
Service workers, except private household	1,183	708
Private household workers	10	-
Female employed, 16 years old and over	6,269	3,428
Professional, technical, and kindred workers	517	319
Managers and administrators, except farm	66	65
Sales workers	188	82
Clerical and kindred workers	1,635	1,039
Craftsmen, foremen, and kindred workers	111	44
Operatives, including transport	1,192	647
Laborers, except farm	54	30
Farmers and farm managers	64	53
Farm laborers and foremen	63	21
Service workers, except private household	1,960	940
Private household workers	419	188
URBAN AND RURAL RESIDENCE		
Total population	96,743	56,949
Urban	16,276	-
Rural nonfarm	70,223	48,127
Rural farm	10,244	8,822

SOURCE: Census, Table 14 at 172,176.

TABLE 3

FAMILY INCOME AND POVERTY STATUS OF NAVAJO POPULATION: 1970

INCOMES OF FAMILIES	TRIBE	ON RESERVATION
All families	16,779	9,733
Less than \$1,000	3,761	2,412
\$1,000 to \$1,999	2,151	1,325
\$2,000 to \$2,999	1,882	1,063
\$3,000 to \$3,999	1,372	793
\$4,000 to \$4,999	1,298	753
\$5,000 to \$5,999	1,099	624
\$6,000 to \$6,999	1,114	668
\$7,000 to \$7,999	838	466
\$8,000 to \$8,999	682	344
\$9,000 to \$9,999	659	315
\$10,000 to \$11,999	789	381
\$12,000 to \$14,999	717	383
\$15,000 to \$24,999	358	178
\$25,000 and over	59	28
Median income	\$3,434	\$3,084
Mean income	\$4,608	\$4,285
All unrelated individuals 14 years old and over	5,425	1,493
Mean income	\$1,505	\$1,319
Per capita income of persons	\$ 886	\$ 776
INCOME LESS THAN POVERTY LEVEL		
Persons	56,426	36,538
Percent of all persons	60.2	64.5
Percent 65 years old and over	5.0	5.5
Families	9,765	6,040
Percent of all families	58.2	62.1
Mean size of family	5.77	5.90
Mean income deficit	\$2,751	\$2,844
With related children under 18 years	8,304	5,090
Families with female head	2,364	1,395
Unrelated individuals 14 years old and over	3,255	1,042
Percent of all unrelated individ- uals 14 years and over	72.1	77.1
Mean income deficit	1,389	1,312
Percent 65 years old and over	17.9	35.2

SOURCE: Census, Table 14 at 172,176.

TABLE 4

INCOME OF NAVAJOS 16 YEARS AND OLDER IN 1969

	TRIBE	ON RESERVATION
Male, 16 years old and over	24,447	13,556
Without income	6,292	4,002
With income	18,155	9,554
\$1 to \$999 or loss	5,734	3,254
\$1,000 to \$1,999	2,820	1,547
\$2,000 to \$2,999	1,944	991
\$3,000 to \$3,999	1,490	716
\$4,000 to \$4,999	1,530	814
\$5,000 to \$5,999	1,323	637
\$6,000 to \$6,999	1,198	708
\$7,000 to \$7,999	829	372
\$8,000 to \$8,999	537	266
\$9,000 to \$9,999	284	71
\$10,000 to \$14,999	395	138
\$15,000 or more	71	40
Median income	\$2,269	\$1,984
Mean income	\$3,156	\$2,955
Female, 16 years old and over	25,932	15,214
Without income	12,137	7,452
With income	13,795	7,762
\$1 to \$999 or loss	6,192	3,572
\$1,000 to \$1,999	2,499	1,358
\$2,000 to \$2,999	1,531	701
\$3,000 to \$3,999	1,262	672
\$4,000 to \$4,999	840	484
\$5,000 to \$5,999	637	412
\$6,000 to \$6,999	453	330
\$7,000 to \$7,999	167	115
\$8,000 to \$8,999	52	41
\$9,000 to \$9,999	68	25
\$10,000 to \$14,999	59	44
\$15,000 or more	35	8
Median income	\$1,282	\$1,228
Mean income	\$2,034	\$2,032

SOURCE: Census, Table 13 at 162, 166.

TABLE 5
 POPULATION ESTIMATE
 NAVAJO AREA
 MEDIAN AND MEAN AGE
 IN YEARS BY SEX
 JANUARY 1, 1972

	Median	Mean
Both Sexes	18.4	24.2
Single	12.3	14.9
Married	40.1	43.8
Widowed	63.6	63.8
Divorced	43.5	46.6
Head of Household	42.4	46.6
Males	18.0	24.0
Single	12.3	14.9
Married	41.9	45.8
Widowed	67.3	68.1
Divorced	43.4	46.5
Head of Household	42.3	46.3
Females	18.8	24.3
Single	12.3	15.0
Married	38.5	42.0
Widowed	62.7	62.8
Divorced	43.6	46.6
Head of Household	42.9	47.5

TABLE 6

NAVAJO POPULATION BY SEX, AGE AND WHETHER LIVING ON RESERVATION: 1970

POPULATION

Number.....	96,743
Percent.....	12.7

SEX

Male.....	47,065
Female.....	49,678

AGE (years)

Under 6.....	17,689
6 to 15.....	28,675
16 to 24.....	17,397
25 to 44.....	20,363
45 to 64.....	9,041
65 and over.....	3,578

LIVING ON RESERVATION [/]

Number.....	59,850
Percent.....	61.9

SOURCE: Census, Table 16 at 188.

[/] Includes Navajos in Joint Use Area (Navajo-Hopi).

TABLE 7
 NAVAJO INDIANS BY AGE (YEARS)

AGE	TOTAL TRIBE	ON RESERVATION ^{1/}
Male, all ages	47,065	27,317
Under 5 years	7,166	4,036
5 to 9 years	7,703	4,869
10 to 14 years	6,533	4,081
15 to 19 years	5,397	3,047
20 to 24 years	4,177	2,025
25 to 29 years	3,058	1,446
30 to 34 years	2,676	1,494
35 to 39 years	2,235	1,162
40 to 44 years	1,818	1,056
45 to 49 years	1,507	954
50 to 54 years	1,131	691
55 to 59 years	1,037	688
60 to 64 years	819	550
65 to 69 years	621	435
70 to 74 years	459	284
75 years and over	728	499
Female, all ages	49,678	29,632
Under 5 years	7,287	4,383
5 to 9 years	7,811	4,936
10 to 14 years	7,208	4,207
15 to 19 years	6,264	3,744
20 to 24 years	4,215	1,978
25 to 29 years	3,296	1,682
30 to 34 years	2,934	1,677
35 to 39 years	2,541	1,479
40 to 44 years	1,805	1,172
45 to 49 years	1,499	1,025
50 to 54 years	1,087	734
55 to 59 years	1,034	708
60 to 64 years	927	636
65 to 69 years	741	473
70 to 74 years	325	258
75 years and over	704	540

SOURCE: Census, Table 12 at 152, 156.

^{1/} These figures do not include Navajos living in the Joint Use Area (Navajo-Hopi) in Arizona. That area has a total Indian population of 7,726.

TABLE 8

NAVAJO RESERVATION POPULATION ACCORDING TO STATE, AGE, SEX: 1970 ^{1/}

	POPULATION		SEX		AGE (years)						
	Number	Percent	Male	Female	Under 6	6-15	16-24	25-44	45-64	65 and over	
Total	56,949	26.6	27,317	29,632	10,419	17,760	9,127	11,168	5,986	2,489	
In Arizona	36,999	17.3	18,013	18,986	6,773	11,495	5,989	7,303	3,796	1,643	
In New Mexico	17,700	8.3	8,240	9,460	3,212	5,509	2,784	3,424	1,990	781	
In Utah	2,250	1.1	1,064	1,186	434	756	354	441	200	65	

SOURCE: Census, Table 17 at 190.

^{2/} Figures do not include Navajo living in Joint Use Area (Navajo-Hopi) or on trust lands outside reservations.

TABLE 9

NAVAJO HOUSEHOLDS WITH AUTOMOBILES AVAILABLE: 1970

	<u>TRIBE</u>	<u>ON RESERVATION</u>
TOTAL HOUSEHOLDS	18,731	10,531
AUTOMOBILES PER HOUSEHOLD		
1	8,248	4,896
2	1,783	1,092
3 or more	285	146
None	8,433	4,452

SOURCE: Census, Table 15 at 182, 186.

TABLE 10

HOUSING CHARACTERISTICS OF NAVAJO HOUSEHOLDS: 1970

	TRIBE	ON RESERVATION
Total households	18,731	10,531
In owner occupied units	9,998	6,474
Percent	53.4	61.5
In renter occupied units	8,733	4,057
ROOMS		
1 room	6,917	4,239
2 rooms	3,698	2,107
3 rooms	3,081	1,545
4 rooms	2,516	1,269
5 rooms	1,881	1,141
6 rooms	407	166
7 rooms or more	231	64
Median	2.2	2.0
PERSONS		
1 person	1,749	925
2 persons	2,512	1,265
3 persons	2,217	1,136
4 persons	2,285	1,218
5 persons	2,120	1,170
6 persons or more	7,848	4,817
Median, all occupied units	4.8	5.1
Median, owner occupied units	5.1	5.3
Median, renter occupied units	4.5	4.9
Units with roomers, boarders, or lodgers	337	108
PERSONS PER ROOM		
1.00 or less	5,389	2,547
1.01 to 1.50	2,261	1,172
1.51 or more	11,081	6,812
Units with all plumbing facilities--		
1.01 or more	3,481	1,713
UNITS IN STRUCTURE		
1 (includes mobile home or trailer)	16,324	9,951
2	558	160
3 and 4	381	112
5 to 49	1,363	308
50 or more	104	-
YEAR STRUCTURE BUILT		
1969 to March 1970	1,215	799
1965 to 1968	3,435	2,351
1960 to 1964	3,642	2,324
1950 to 1959	4,609	2,559
1940 to 1949	1,939	853
1939 or earlier	3,891	1,645

TABLE 10
HOUSING CHARACTERISTICS OF NAVAJO HOUSEHOLDS: 1970 (con't.)

	TRIBE	ON RESERVATION
SELECTED EQUIPMENT		
With complete bathroom	6,710	2,891
With more than 1 bathroom	576	137
With piped water in the building	8,194	3,845
With public water supply	8,382	4,351
With public sewer	6,427	2,922
With air conditioning	1,206	496
VALUE		
Specified owner occupied units ^{1/}	5,701	3,660
Less than \$5,000	3,919	2,988
\$5,000 to \$7,499	720	273
\$7,500 to \$9,999	198	116
\$10,000 to \$14,999	491	191
\$15,000 to \$19,999	193	68
\$20,000 to \$24,999	107	14
\$25,000 to \$34,999	55	6
\$35,000 to \$49,999	18	4
\$50,000 or more	-	-
Median	\$3,600	\$3,100
CONTRACT RENT		
Specified renter occupied units ^{2/}	7,312	2,935
Less than \$30	486	327
\$30 to \$39	505	340
\$40 to \$59	1,772	1,228
\$60 to \$79	955	155
\$80 to \$99	631	33
\$100 to \$149	636	12
\$150 to \$199	161	38
\$200 to \$249	5	-
\$250 or more	23	-
No cash rent	2,133	802
Median	\$58	\$47

^{1/} Limited to one-family homes on less than 10 acres and no business on property.

^{2/} Excludes one-family homes on 10 acres or more.

SOURCE: Census, Table 15 at 182, 186.

TABLE 11: Boarding Schools Operated by the Bureau of Indian Affairs

		Fiscal Year 1972			
	Post Office	Enrollment			Grade
		Total	Boarding	Day	
NAVAJO		20,802	18,494	2,308	
Arizona		12,251	10,506	1,745	
Chinle	Chinle	790	790	--	B-7
Crystal	Navajo, N. Mex.	133	107	26	K-5
Dennehotso	Kayenta	274	238	36	K-5
Dilcon	Winslow	742	441	301	K-8
Greasewood	Ganado	618	452	166	K-8
Hunter's Point	St. Michaels	180	180	--	B-5
Kaibeto, Lower	Tonalea	175	113	62	K-1
Kaibeto, Upper	Tonalea	484	470	14	2-8
Kayenta	Kayenta	555	555	--	B-8
Kinlichee	Ganado	256	234	22	K-7
Leupp	Winslow	556	520	36	K-8
Low Mountain	Chinle	208	65	143	K-3
Lukachukai	Lukachukai	575	234	341	K-6
Many Farms Elem.	Chinle	731	731	--	K-8
Many Farms High	Chinle	1,009	1,009	--	9-12
Nazlini	Ganado	149	121	28	K-4
Pine Springs	Houck	74	53	21	K-2
Pinon	Pinon	306	197	109	K-3
Rock Point	Chinle	358	190	168	K-6
Rocky Ridge	Tuba City	143	69	74	K-2
Seba Dalkai	Winslow	145	119	26	K-3
Shonto	Shonto	1,022	960	62	K-8
Teecnospos	Teecnospos	701	657	44	K-6-S
Toyei	Ganado	759	738	21	K-8-S
*Tuba City	Tuba City	1,099	1,099	--	B-8-S
Wide Ruins	Chambers	209	164	45	K-5

Table continued on next page.

*Boarding high school at Tuba City opened after the publication of these statistics.

Continuation from previous page.

TABLE 11: Boarding Schools Operated by the Bureau of Indian Affairs

		Fiscal Year 1972			
Post Office		Total	Enrollment		
			Boarding	Day	Grade
NAVAJO					
New Mexico		6,768	6,206	562	
Baca	Prewitt	40	40	--	B-1
Canoncito	Laguna	134	70	64	K-4
Chichiltah	Gallup	108	74	34	K-2
Chuska	Tohatchi	627	627	--	B-8-S
Crownpoint	Crownpoint	849	849	--	B-8
Dlo'ay Azhi	Thoreau	111	111	--	B-3
Dzilth-Na-O-Dilth-Hle	Bloomfield	387	268	119	B-8-S
Lake Valley	Crownpoint	115	88	27	K-5
Marino Lake	Gallup	126	74	52	K-3
Nenahnezad	Fruitland	327	306	21	K-6
Pueblo Pintado	Cuba	233	188	45	K-4
Sanostee	Shiprock	535	392	143	K-6
Shiprock	Shiprock	624	624	--	1-8
Standing Rock	Crownpoint	50	50	--	B-2
Toadlena	Toadlena	297	281	16	K-6
Tohatchi	Tohatchi	349	349	--	B-8
Torreon	Cuba	51	51	--	B-2
Whitehorse Lake	Cuba	45	38	7	B-1
Wingate Elem.	Ft. Wingate	737	737	--	S
Wingate High	Ft. Wingate	1,023	989	34	9-12
Utah		1,783	1,782	1	
Aneth	Aneth	343	343	--	B-6-S
Intermountain	Brigham City	1,416	1,416	--	9-12-S
Navajo Mountain	Tuba City, Ariz.	24	23	1	B-1

Source: BIA, Statistics Concerning Indian Education, Fiscal Year 1972
Table 4 at 12 (hereinafter cited as BIA Statistics).

TABLE 12: Day Schools Operated by the Bureau of Indian Affairs

Fiscal Year 1972			
	Post Office	(All Ages) Enrollment	Grades
<u>NAVAJO</u>		1,292	
Regular Day Schools		1,209	
<u>Arizona</u>		705	
New Cottonwood	Chinle	428	K-6
Red Lake	Tonalea	174	B-5
Chilchinbeto	Keyenta	103	K-4
<u>New Mexico</u>		504	
Alamo	Magdalena	31	K
Beclabito	Shiprock	60	B-4
Borrego Pass	Crownpoint	52	K-3
Bread Springs	Gallup	60	K-3
Cove	Shiprock	114	K-5
Jones Ranch	Gallup	71	K-4
Red Rock	Shiprock	116	K-2
<u>Trailer School</u>			
Ojo Encino	Cuba, N. Mex.	83	K-3

Source: BIA Statistics, Table 5 at 20.

TABLE 13: Enrollment by Grade in Schools Operated by the BIA

Fiscal Year 1972	
	NAVAJO
Grand Total	22,094
Kindergarten	943
Beginners	2,041
First	2,586
Second	2,357
Third	2,141
Fourth	1,927
Fifth	1,878
Sixth	1,466
Seventh	1,274
Eighth	974
Ungrad. Elem.	1,223
Subtotal Elem.	118,810
Ninth	965
Tenth	819
Eleventh	781
Twelfth	719
Ungrad. Sec.	--
Subtotal Sec.	3,284
Subtotal Elem. & Sec.	22,094

Source: BIA Statistics Table 8 at 24.

TABLE 14: Completions and Number of Graduates of Schools Operated by BIA
Fiscal Year 1972

Area	High School Graduates	8th Grade Completions	Post Graduate Completions
Navajo	609	1,015	--

Source: BIA Statistics Table 9 at 25.

TABLE 15: Bureau of Indian Affairs Higher Education Program: FY 1972*

Area or Agency	Total No. Students	No. Under-Graduate Students	No. Graduate Students	Under Students Earning Degrees	Graduate Students Earning Degrees
Navajo	1,732	1,732	--	100	--

*This table indicates the number of undergraduate and graduate students who received scholarship grants during fiscal year 1972, also the number of students earning degrees.

Source: BIA Statistics Table 15 at 34.

TABLE 16

School Enrollment (3-34 Years Old) On the Navajo Reservation

Total enrolled, 3 to 34 years old	37,266
Nursery School	593
Kindergarten	2,638
Elementary (grades 1-8)	23,995
High School (grades 9-12)	8,649
College	1,391

Source: Census, Table 11 at 146.

TABLE 17
 Years Completed in Any School By Navajos
 25 - 34 Years Old

	TRIBE	ON RESERVATION
Male, 25 to 34 years old	5,734	2,940
Elementary: Less than 5 years	1,209	631
5 to 7 years	911	425
8 years	564	299
High School: 1 to 3 years	978	542
4 years	1,466	764
College: 1 to 3 years	501	230
4 years or more	105	49
Female, 25 to 34 years old	6,230	3,359
Elementary: Less than 5 years	1,705	971
5 to 7 years	1,035	517
8 years	571	324
High School: 1 to 3 years	1,072	581
4 years	1,380	751
College: 1 to 3 years	406	173
4 years or more	61	42

Source: Census, Table 12 at 152, 156.

TABLE 18: ANNUAL SCHOOL CENSUS REPORT OF INDIAN CHILDREN
Fiscal Year 1972

	Total Ages 5-18	Total In School				Total 5-18 Over 18	Not in School 5-18 Only
		Federal Schools 5-18 Over 18	Public Schools 5-18 Over 18	Other Schools 5-18 Over 18	Total 5-18 Over 18		
NAVAJO	57,144	21,292 854	28,535 869	2,820 1,476	52,647 3,199	4,061	
Arizona	31,811	13,658 486	13,939 459	1,727 975	29,324 1,920	2,297	
New Mexico	22,539	6,933 338	12,784 339	967 462	20,684 1,139	1,623	
Utah	2,794	701 30	1,812 71	126 39	2,639 140	141	

Unknown 5-18 Only

436	Navajo
190	Arizona
232	New Mexico
14	Utah

SOURCE: BIA Statistics Table 1 at 8.

TABLE 19

ESEA
TITLE I FUNDS
School Districts in or bordering Navajo Reservation
Fiscal Year 1972

	ALLOCATION	EXPENDITURE
Aztec	45,102.00	45,102.00
Bloomfield	146,723.00	146,420.65
Central	467,219.00	464,381.88
Cuba	164,730.00	160,091.93
Dulce	18,245.00	18,238.46
Farmington	136,195.00	136,074.29
Gallup	744,456.00	727,000.63
Grants	190,495.00	189,997.37
Jemez Mountain	<u>66,430.00</u>	<u>62,600.34</u>
TOTAL	1,979,595.00	1,949,907.55

SOURCE: New Mexico State Department of Education: Fiscal Year 1972
Funds at 1-2.











TABLE 20

POPULATION ON & ADVANCE TO RESERVATION	LABOR FORCE (16 YEARS & OVER)	UNEMPLOYMENT	RATE OF UNEMPLOY- MENT	TEMPORARY EMPLOYMENT	RATE OF UNEMPLOY- MENT & UNDER- EMPLOYMENT
136,686	47,317	16,567	35%	9,845	56%

SOURCE: Department of the Interior, Bureau of Indian Affairs, Estimates of Resident Indian Population and Labor Force Status; by State and Reservation: March 1973 at 15.

TABLE 21

NAVAJO TOTAL EMPLOYMENT
BY EMPLOYMENT SECTOR

Employment Sector of the Economy	Percentage of the Navajo Economy (by 1967 Employment)	Total Number of Navajos Employed
Government		7287 29.3%
Rangeland		8464 34.1%
Service Trades		3011 12.1%
Manufacturing and Processing		928 3.7%
Commercial Trades (including Tourism)		786 3.2%
Mineral Resources		485 1.9%
Forest		400 1.6%
Utilities		194 0.8%
Other		3273 13.2%
Total for All Sectors		24828 100.0%

(Source: Evaluation of Population Support Capacity of the Navajo Reservation, Bureau of Indian Affairs, Navajo Area Office.)

TABLE 22
 NAVAJO WORKERS IN 1969 BY WEEKS WORKED

	Tribe	On Reservation
Male, 16 years old and over	14,956	7,392
50 to 52 weeks	6,806	3,185
27 to 49 weeks	3,012	1,546
26 weeks or less	5,138	2,661
FEMALE, 16 YEARS OLD AND OVER	9,326	4,910
50 to 52 weeks	3,628	2,052
27 to 49 weeks	1,815	934
26 weeks or less	3,883	1,924

SOURCE: Census, Table 14 at 172, 176.

TABLE 23
 PERCENT OF NAVAJOS 14 YEARS AND OLDER IN LABOR FORCE

	TRIBE	ON RESERVATION
Male: 14 and 15 years	2.2	2.6
16 to 19 years	14.7	11.5
20 to 24 years	51.9	42.0
25 to 34 years	71.0	63.7
35 to 44 years	66.9	60.6
45 to 64 years	48.9	44.5
65 years and over	10.1	10.7
Female: 14 and 15 years	2.8	3.5
16 to 19 years	10.9	7.0
20 to 24 years	41.4	40.1
25 to 34 years	42.5	45.3
35 to 44 years	28.3	28.9
45 to 64 years	16.3	15.1
65 years and over	2.3	1.5

SOURCE: Census, Table 13 at 162, 166.

TABLE 24

EMPLOYMENT STATUS OF NAVAJOS 16 YEARS OLD AND OVER AND CLASS OF WORKERS

	TRIBE	ON RESERVATION
EMPLOYMENT STATUS		
Male, 16 years old and over	24,447	13,556
Labor Force	11,946	5,743
Percent of total	48.9	42.4
Civilian labor force	11,477	5,724
Employed	10,019	4,911
Unemployed	1,458	813
Percent of civilian labor force	12.7	14.2
Not in labor force	12,501	7,813
Female, 16 years old and over	25,932	15,214
Labor Force	6,935	3,768
Percent of total	26.7	24.8
Civilian labor force	6,884	3,754
Employed	6,269	3,428
Unemployed	615	326
Percent of civilian labor force	8.9	8.7
Not in labor force	18,997	11,446
Male, 16 to 21 years old	6,003	3,144
Not enrolled in school	2,310	1,193
Not high school graduate	1,321	724
Unemployed or not in labor force	980	609
CLASS OF WORKER		
Total employed, 16 years old and over	16,288	8,339
Private wage and salary workers	9,501	3,518
Government workers	6,442	4,636
Local government workers	2,232	1,763
Self-employed workers	306	167
Unpaid family workers	39	18

SOURCE: Census, Table 13 at 162, 166.

TABLE 25

Wage Board Distribution of Indians and Non-Indians by Area Office: As of June 1972

Wage Level	PHOENIX		NAVAJO		ALBUQUERQUE	
	INDIAN M	NON-INDIAN F	INDIAN M	NON-INDIAN F	INDIAN M	NON-INDIAN F
Up thru \$5,499	1	0	19	1	9	0
\$5,500 - \$6,999	21	1	269	101	29	14
\$7,000 - \$7,999	45	12	81	67	29	20
\$8,000 - \$9,999	59	9	193	18	17	4
\$9,000 - \$9,999	51	14	185	92	27	2
\$10,000-\$13,999	91	1	117	27	17	7
\$14,000-\$17,999	12	0	3	0	1	0
\$18,000- and over	4	1	4	0	0	0
Total Wage System	284	48	871	306	129	41
						18
						1

SOURCE: Grade level distribution by minority and sex-Bureau of Indian Affairs - Albuquerque, Phoenix and Navajo Areas 6/30/72

¹ Non-Indian includes Negro, Spanish Surnamed, Oriental and White.
M-Male
F-Female

Table 26

Grade Level distribution of GS Employees Navajo
Area Office: As of June 1972

Grade	Total ¹	Indians			Non-Indians ²		
		Number	Male	Female	Number	Male	Female
1	95	95	31	64	0	—	—
2	38	38	13	25	0	—	—
3	573	557	130	427	16	6	10
4	1091	999	240	759	92	23	69
5	301	205	91	114	96	43	53
6	95	77	37	40	18	8	10
7	166	77	48	29	89	38	51
8	0	0	—	—	0	—	—
9	1006	145	59	86	861	427	434
10	10	0	—	—	10	8	2
11	254	60	42	18	194	146	48
12	112	28	27	1	84	76	8
13	39	8	7	1	31	28	3
14	22	3	3	—	19	18	1
15	1	1	1	—	0	—	—
16	0	0	—	—	0	—	—
TOTAL	3796	2293	729	1564	1503	817	686

SOURCE: Grade Level Distribution by Minority and Sex, Bureau of Indian Affairs, Albuquerque, New Mexico Area - As of 6/30/72

¹ Includes total area office employment (both Indian and non-Indian).

² Non-Indian category includes Negro, Spanish-Surnamed, Oriental and White.

Exhibit No. 6

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE NAVAJO TRIBE OF INDIANS

Andrew Johnson,
 President of the United States of America.

To all and singular to whom these presents shall come, greeting:

Whereas a Treaty was made and concluded at Fort Sumner, in the Territory of New Mexico, on the first day of June, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant-General W. T. Sherman, and Samuel P. Tappan, Commissioners, on the part of the United States, and Barboncito, Armijo, and other Chiefs and Headmen of the Navajo tribe of Indians, on the part of said Indians, and duly authorized by them, which Treaty is in the words and figures following, to wit:

Articles of a Treaty and Agreement made and entered into at Fort Sumner, New Mexico, on the first day of June, 1868, by and between the United States, represented by its Commissioners, Lieutenant General W. T. Sherman and Colonel Samuel F. Tappan, of the one part, and the Navajo nation or tribe of Indians, represented by their Chiefs and Headmen, duly authorized and empowered to act for the whole people of said nation or tribe, (the names of said Chiefs and Headmen being hereto subscribed,) of the other part, witness:

Article I.

From this day forward all war between the parties to this agreement shall for ever cease. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to keep it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and

forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also to reimburse the injured persons for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Navajo tribe agree that they will, on proof made to their agent, and on notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due them under this treaty, or any others that may be made with the United States. And the President may prescribe such rules and regulations for ascertaining damages under this article as in his judgment may be proper; but no such damage shall be adjusted and paid until examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss whilst violating, or because of his violating, the provisions of this treaty or the laws of the United States, shall be reimbursed therefor.

Article II.

The United States agrees that the following district of country, to wit: bounded on the north by the 37th degree of north latitude, south by an east and west line passing through the site of old Fort Defiance, in Canon Bonito, east by the parallel of longitude which, if prolonged south, would pass through old Fort Lyon, or the Ojo-de-deso, Bear Spring and west by a parallel of longitude 109° 30' west of Greenwich, provided it embraces the outlet of the Canon-de-Chilly, which canon is to be all included in this reservation, shall be, and the same is hereby, set apart for the use and occupation of the Navajo tribe of Indians, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States agrees that no persons except those herein so authorized to do, and except such officers, soldiers, agents, and employes of the government, or of the Indians, as may be authorized to enter upon Indian reservations in discharge of duties imposed by law, or the orders of the President, shall ever be permitted to pass over, settle upon, or reside in, the territory described in this article.

Article III.

The United States agrees to cause to be built at some point within said reservation, where timber and water may be convenient, the following buildings: a warehouse, to cost not exceeding twenty-five hundred dollars; an agency building for the residence of the agent, not to cost exceeding three thousand dollars; a carpenter shop and blacksmith shop, not to cost exceeding one thousand dollars each; and a school-house and chapel, so soon as a sufficient number of children can be induced to attend school, which shall not cost to exceed five thousand dollars.

Article IV.

The United States agrees that the agent for the

Navajos shall make his home at the agency building; that he shall reside among them and shall keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by or against the Indians as may be presented for investigation, as also for the faithful discharge of other duties enjoined by law. In all cases of deprecation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

Article V.

If any individual belonging to said tribe, or legally incorporated with it, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the "land book" as herein described, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of the family, may in like manner select, and cause to be certified to him or her for purposes of cultivation, a quantity of land, not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection which said book shall be known as the "Navajo Land Book."

The President may at any time order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper.

Article VI.

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher.

The provisions of this article to continue for not less than ten years.

Article VII.

When the head of a family shall have selected lands and received his certificate as above directed, the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars,

and for each succeeding year he shall be entitled to receive seeds and implements to the value of twenty-five dollars.

Article VIII.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named under any treaty or treaties heretofore made, the United States agrees to deliver at the agency house on the reservation herein named, on the first day of September of each year for ten years, the following articles, to wit:

Such articles of clothing, goods, or raw materials in lieu thereof, as the agent may make his estimate for, not exceeding in value five dollars per Indian—each Indian being encouraged to manufacture their own clothing, blankets, &c.; to be furnished with no article which they can manufacture themselves. And, in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the articles herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of ten years, for each person who engages in farming or mechanical pursuits, to be used by the Commissioner of Indian Affairs in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper; and if within the ten years at any time it shall appear that the amount of money needed for clothing, under the article, can be appropriated to better uses for the Indians named herein, the Commissioner of Indian Affairs may change the appropriation to other purposes, but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named, provided they remain at peace. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

Article IX.

In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy any territory outside their reservation, as herein defined, but retain the right to hunt on any unoccupied lands contiguous to their reservation, so long as the large game may range thereon in such numbers as to justify the chase; and they, the said Indians, further expressly agree:

1st. That they will make no opposition to the construction of railroads now being built or hereafter to be built, across the continent.

2nd. That they will not interfere with the peaceful construction of any railroad not passing over their reservation as herein defined.

3rd. That they will not attack any persons at home or travelling, nor molest or disturb any wagon trains, coaches, mules or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. That they will never capture or carry off from the settlements women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They will not in future oppose the construction of railroads, wagon roads, mail stations, or other works of utility or necessity which may be ordered or permitted by the laws of the United States; but should such roads or other works be constructed on the lands of their

reservation, the government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head man of the tribe.

7th. They will make no opposition to the military posts or roads now established, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

Article X.

No future treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force against said Indians unless agreed to and executed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in article 5 of this treaty.

Article XI.

The Navajos also hereby agree that at any time after the signing of these presents they will proceed in such manner as may be required of them by the agent, or by the officer charged with their removal, to the reservation herein provided for, the United States paying for their subsistence en route, and providing a reasonable amount of transportation for the sick and feeble.

Article XII.

It is further agreed by and between the parties to this agreement that the sum of one hundred and fifty thousand dollars appropriated or to be appropriated shall be disbursed as follows, subject to any conditions provided in the law, to wit:

1st. The actual cost of the removal of the tribe from the Bosque Redondo reservation to the reservation, say fifty thousand dollars.

2nd. The purchase of fifteen thousand sheep and goats, at a cost not to exceed thirty thousand dollars.

3rd. The purchase of live hundred beef cattle and a million pounds of corn, to be collected and held at the military post nearest the reservation, subject to the orders of the agent, for the relief of the needy during the coming winter.

4th. The balance, if any, of the appropriation to be invested for the maintenance of the Indians pending their removal, in such manner as the agent who is with them may determine.

5th. The removal of this tribe to be made under the supreme control and direction of the military commander of the Territory of New Mexico, and when completed, the management of the tribe to revert to the proper agent.

Article XIII.

The tribe herein named, by their representatives, parties to this treaty, agree to make the reservation herein described their permanent home, and they will not as a tribe make any permanent settlement elsewhere, reserving the right to hunt on the lands adjoining the said reservation formerly called theirs, subject to the modifications named in this treaty and the orders of the commander of the department in which said reservation may be for the time being; and it is further agreed and understood by the parties to this treaty, that if any Navajo Indian or Indians shall leave the reservation herein described to settle elsewhere, he or they shall forfeit all the rights, privileges, and annuities conferred by the terms of this treaty; and it is further agreed by the parties to

this treaty, that they will do all they can to induce Indians now away from reservations set apart for the exclusive use and occupation of the Indians, leading a nomadic life, or engaged in war against the people of the United States, to abandon such life and settle permanently in one of the territorial reservations set apart for the exclusive use and occupation of the Indians.

In testimony of all which the said parties have hereto, on this the first day of June, eighteen hundred and sixty-eight, at Fort Sumner, in the Territory of New Mexico, set their hands and seals.

W. T. SHERMAN

Lt. Gen'l, Indian Peace Commissioner.
S. F. TAPPAN,
Indian Peace Commissioner.

BARBONCITO, Chief.	his x mark.
ARMUJO.	his x mark.
DELGADO.	
MANUELITO.	his x mark.
LARGO.	his x mark.
HERRERO.	his x mark.
CHIQUETO.	his x mark.
MUERTO DE HOMBRE.	his x mark.
HOMBRO.	his x mark.
NARBONO.	his x mark.
NARBONO SEGUNDO.	his x mark.
GANADO MUCHO.	his x mark.
Council.	

RIQUO.	his x mark.
JUAN MARTIN.	his x mark.
SERGINTO.	his x mark.
GRANDE.	his x mark.
INOETENITO	his x mark.
MUCHACHOS MUCHO.	his x mark.
CHIQUETO SEGUNDO.	his x mark.
CABELLO AMARILLO	his x mark.
FRANCISCO.	his x mark.
TORIVIO.	his x mark.
DESDENDADO.	his x mark.
JUAN.	his x mark.
GUERO.	his x mark.
GUGADORE.	his x mark.
CABASON.	his x mark.
BARBON SEGUNDO.	his x mark.
CABARES COLORADOS	his x mark.

Attest:

Geo. W. G. Getty,
Col. 37th Inf'y, Bt. Maj. Gen'l U. S. A.

B. S. Roberts,
Bt. Brg. Gen'l U. S. A., Lt. Col. 3d Cav'y.

J. Cooper McKee,
Bt. Lt. Col. Surgenn U. S. A.

Theo. H. Dodd,
U. S. Indian Ag't for Navajos.

Chas. McClure,
Bt. Maj. and C. S. U. S. A.

James F. Weeds,
Bt. Maj. and Asst. Surg. U. S. A.

J. C. Sutherland,
Interpreter

William Vaux,
Chaplain U. S. A.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

*Exhibit No. 7*PLAN OF OPERATION FOR CHAPTER HOUSES

A Plan of Operation is needed to efficiently carry out the functions and purposes of the Chapter Houses as stated in the Advisory Committee Resolution ACAP-61-60, Policies, Procedures, and Standards Relative to Chapter House Construction.

MANAGEMENT:

The chapter house and permiscs are entirely controlled by the chapter members represented by their Chapter Officers and Council Delegates. All matters pertaining to the management of the Chapter shall be presented to the Chapter at a duly called meeting so that the matter can be placed on the meeting agenda.

The Chapter shall not be held responsible for any mishaps, accidents, loss of items, etc., of the attending people.

RECREATION COMMITTEE:

The Chapter shall appoint five (5) members of the community, with their consent, to form a Recreation Committee which will act as:

1. "Watch Dog", overseer of the building and grounds and in so doing will suggest changes needed.
2. Recommend suitable individuals for responsible positions as Building Custodian, Welding Machine Custodian, Recreation Leader, Food Committee Chairman, etc. The persons selected shall be presented to the Chapter for their approval or disapproval.
3. Recommend the removal of incumbent Custodian. This action would need not less then " _____ " in attendance at a duly called meeting.
4. The Committee shall serve for one year without pay and meet not less than six (6) times a year or whenever required. The Recreation Committee meeting can be held the same day but prior to the regular meeting so that items can be presented to the Chapter when the meeting begins.
5. Recommend changes in the management of the Chapter for the best interest of the people.
6. The Committee will make arrangements with outside organizations for educational, vocational training, or other activities for the benefit of the Chapter. They shall make the necessary suggestions for approved activities and secure

proper materials for these events. Selection of the movies to be shown at the chapter.

BUILDING CUSTODIAN:

The Recreation Committee shall select members of the Chapter by a majority vote at a duly called meeting for consideration. The result of this election by the Recreation Committee shall be made public at the regular chapter meeting and shall have a majority standing vote in electing a custodian. The custodian will assume duties as prescribed by the Chapter. The Building Custodian shall serve for one year and will be paid at the discretion of the people.

DUTIES OF THE BUILDING CUSTODIAN:

1. Responsible for the operation maintenance of the Chapter facilities:
 - a) Generator or electrical power source facilities and all lighting fixtures in and around the chapter premises.
 - b) Cleanliness of building and grounds.
 - c) Any disorders or needed supplies shall be reported at meetings for necessary action and for the approval of the Chapter for payment of bills incurred.
 - d) Secure building and grounds when not in use.
 - e) Confer with the Recreation Committee on the use of the building by outsiders and present the matter to the people at a regular meeting for their approval. If unable to be present when building is to be used by outsiders, the Custodian will delegate a responsible person to be liable for the care of the building.
 - f) The free use of the building will be allowed to agencies concerned with the welfare of the people: (1) Welfare Agencies, (2) Educational, etc., (3) Employment, etc.
 - g) Retain schedule of building use to be posted.
 - h) Act as collector of funds turned in from the use of the chapter facilities. Using the receipt book provided, issue cash receipts and turn in the monies to the Secretary-Treasurer who in turn will issue the Custodian a receipt for money turned in.
 - i) Maintenance of chapter facilities as designated by the people.
 - j) Work in conjunction with the Community Worker to secure needed parts, assistance, suggestions, etc.

BOOKKEEPING SYSTEM - MONIES:

The Chapter will select a bank where all the funds will be deposited as per the Bookkeeping System for chapter houses. This selection will be made at a duly called meeting of the Chapter and voted upon. The Chapter shall elect by majority votes signers of checks for the chapter. All check disbursements shall contain the two or three signatures needed, whichever applies.

This bills to be paid and items to be purchased shall be presented to the people and they shall have majority vote in whether approval or disapproval. And the same shall be reported as per the Chapter Bookkeeping System.

The Secretary or elected member will have all records, letters, etc., pertaining to the financial status of the chapter in his possession. He or she will either mail by money order or deliver in person monies for deposit in the selected bank and will make reports to the people at the next meeting.

Reporting of all check disbursements, balance on hand, and other pertinent information will be made every month.

BOOKKEEPING SYSTEM FOR CHAPTER HOUSES:

A uniform bookkeeping system for all chapter houses on the Navajo Reservation is needed to efficiently carry out the functions and purposes for which they were brought into effect.

These chapter houses are to be self-supporting and with this in mind it is necessary that records of financial condition be kept up-to-date. The records should be of such a nature that the simplicity of it be understood by people other than the keeper of the books.

The simplicity of this system should also be in a manner that non-accountant Community Workers of the Navajo Tribe can audit the records without much difficulty.

CASH RECEIPTS:

All funds received by the chapter, whatever the source, should be reported in the receipt book so that the remittor may have written evidence that the chapter has received the money. It becomes necessary for all people who do remit money to the chapter, be it for use of shower, laundry facilities, sewing, etc., demand a receipt from whoever is in charge of the chapter.

These same receipts become evidence that should appear in the cash receipts journal kept by the bookkeeper.

In the case of events such as dances or movies, there is usually a charge of admission. For purposes of better control of money handled it should be stressed that pre-number tickets be used. Where there is a difference in admittance charges of adults and children, tickets of different colors should be used. The number of the first ticket on hand before each event should be noted so that when subtracted from the ending ticket number, the number of tickets sold and money collected would be better controlled. The person in charge of collecting the gate money should also demand a receipt from the treasurer that the money remitted was received by the treasurer.

The bookkeeper should keep all cash remittances recorded up-to-date in the Cash Receipt Journal. The date of the receipt should be entered in column 1 and receipt number from the receipt book which will have a carbon copy of the bookkeeper in column 2. In column 3 will be entered the name of the person or organization making the remittance with the total of all remittances in column 4. Into columns 5 through 10 will be entered the amount for whatever activity the remittance is for. These columnar break downs will show what activity is worth the time of carrying on. In the other column, 9 and 10, will be entered those activities which do not fit well in the others with a brief explanation.

CASH DISBURSEMENTS:

A pre-numbered check book should be kept by each chapter. When certain bills for service or purchases are approved, all payments by check will be entered in the Cash Disbursement Journal.

In column 1 shall be entered the date of the check and the check number in column 2. The name of the person or organization being paid should appear in column 3. The total amount of each check shall appear in the total column; which is column 4. When the grand total of column 4 of the Cash Disbursement Journal is subtracted from the total of column 4 in the Cash Receipt Journal it will be known just how much money remains in the bank.

The purpose for which a check is written shall be entered in the appropriate column, 5 through 12. Where a disbursement does not fit into any of the columns, 5 through 10, it should be recorded in column 12 with a brief explanation in column 11.

All cash received is to be deposited, intact, immediately after collection is made. The money should be deposited in the nearest bank at which the checking account is set up. When deposits are made by money order, the money order number should be written in column 11 of the Cash Receipt Journal. In column 12 should appear the amount of the deposit made.

Periodically, audits will be made by Community Worker to determine if a set of books are being properly kept and are presented fairly for the people of the community. To reconcile the cash on hand, the auditor shall confirm the bank balance as of a given day and compare column 4 of the cash receipts and disbursements with the deposit columns and then verify the cash on hand or in transit to bank.

All new billings should be filed alphabetically. When these are approved for payment at a duly called meeting, then the date of payment and check number should be written on the bill. The paid bill should then be filed in check number order for verification of the auditor.

When postal money orders are made to send deposits it would be best to have the post master write on the check stubs, the money order fee. This will become evidence of a payment other than by check or reimbursement to depositor.

CHAPTER MOVIES:

The Recreation Committee will select and schedule films to be shown and to be drawn in three (3) months advance. They shall screen the submitted educational films for their selection to be shown. They will submit to the chapter meeting after due considerations of any request by outsiders for movies other than at the chapter house.

The projector will be under the care and maintenance of the elected projectionist of the chapter organization.

The projectionist will be thoroughly instructed and held responsible when on duty. He will be given a chart to check off on their monthly inspection and cleaning. Any parts broken or in need of attention will be promptly reported for replacement or repair. Such request for payment of repairs will be made to the chapter for approval.

The projector will be inspected annually by a qualified person for wear and tear and adjustment.

Movies will be staged every _____.

All the movies shown shall be reported on the form "Movie Report".

Tickets shall be used as per Bookkeeping System of chapter houses.

The movie projector use and movies shown shall be recorded on their respective form.

BUILDING RENTAL (Custodian or elected member)

The building will be rented for the use of outsider for:

1. Dances at the flat rate of ____ at each event (\$15 - \$35)
 - a) Length of time - five (5) hours.
 - b) Check out renters officially for damages, if any, which will be charged them.
 - c) Not liable for fire, loss articles, etc.
2. Rooming:
 - a) Overnight accommodation will be paid in advance at rates established.
 - b) Check out private parties who will be charged at a flat rate of ____ per event.
3. Chapter activity such as potluck suppers, etc., shall consist of:

CANONCITO, NEW MEXICO

The Canocito Navaho Community lies about thirty miles west of Albuquerque, New Mexico, separated from the rest of the Navaho Reservation by about 100 miles of "checkerboard" area, non-Indian lands, and Pueblo lands. Slightly over 1000 residents inhabit its 77,000 acres.

The history of Navaho settlement in Canoncito goes back to the 1700's (or earlier) and is a history of stable, peaceful, industrious, and self-sufficient habitation.

While separated from the major reservation, Canoncito has maintained close ties with the rest of the Navaho. Its Chapter House was built in the 1930's and the community has been represented at the Navaho Tribal Council from the very beginning of the Council.

Originally, the Bureau of Indian Affairs Eastern Navaho Agency at Crownpoint held administrative jurisdiction over the community; in 1940, however, jurisdiction was shifted to the United Pueblos Agency at Albuquerque. Since the community was not consulted before this transfer, it had little or no understanding of the thinking behind it.

In 1949, Congress assigned 50,000 acres of land to be held in trust for the Canoncito Band of Navaho. In effect, this act established Canoncito as a reservation apart from the Navaho Reservation and provided the opportunity for the people of Canoncito to assume more responsibility over their own affairs and to exercise increased leadership in matters affecting them. The community took advantage of this opportunity and demonstrated both interest and ability in managing their own affairs.

Assumption of responsibility by the people of Canoncito was characterized by forward-looking thinking on the part of both elders and young members of the band; motivation to work together to improve the lot of both individuals and total community; energetic cooperation on community projects; leadership of high caliber; and increased understanding of the principles and practices of community development. Evidence of these characteristics was revealed in number of community projects.

Two programs were identified as "top priority" in 1954--improvement of homes and increase in employment. The success of both these programs demonstrated to the community and others that Canoncito's ambition, cooperation, and desire to learn were effective substitutes for its initial ignorance of formal techniques of community development. The success also served to encourage additional projects.

The housing project was designed to provide a house for each family, utilizing the work of the family itself and the volunteer assistance of other members of the community. No one was paid for his labor; the only outside help came from the Navaho Tribe's Public Works Project. Skilled craftsmen, such as bricklayers, taught other their trade, and the people learned to make adobe bricks and build functions for their new homes. Within four years, over 100 new adobe homes were completed. The building of new homes has continued, each new group being more modern than the earlier ones.

Having seen how well their first "do-it-yourself" project had developed, the Canconcito Navaho were confident and enthusiastic about tackling the second "top priority" area-increasing employment. In 1959, "Operation Bootstrap" was launched; its purpose was twofold--to help employed residents commute back and forth between Albuquerque and Canconcito daily, and to find additional job opportunities for the Navaho in the Albuquerque area. With funds allocated from the Tribal Public Works project, Canconcito bought two vehicles to provide daily transportation for workers and to take people who were looking for jobs to Albuquerque and its environs. A second phase of "Operation Bootstrap" involved establishing contact with businesses in Albuquerque to find additional job opportunities for Canconcito Navaho. Approximately twenty such work openings were identified. "Operation Bootstrap" proved highly successful; in addition to showing the feasibility of daily commutation to wage work in the city (later made even more convenient by the installation of an all-weather road in place of the ages-old dirt road) and opening up new employment opportunities, it helped to increase family stability by enabling working fathers to return home each evening. After a year and half of operation, the community's two vehicles were replaced by car pools established by the workers themselves.

Aside from these two large-scale projects, Canconcito has demonstrated its community spirit, energy, and talents in other areas. Although most American Indians have not been actively involved in elections other

other than tribal elections, Canconcito, with over 200 registered voters, participates in state and federal elections. The leadership of Division G of Precinct 14, Bernalillo County, New Mexico, is totally Navaho, both Democratic and Republican. On Election Day, Navaho poll judges and poll clerks staff the polls and have earned praise for their work from the County Clerks.

The community also is actively engaged in encouraging as many students as possible to attend school in the Albuquerque Public School system. At this writing, one-third (100 out of 300) do so.

In 1964, Canconcito established a twelve-member Canoncito Navaho Community Council. This group implements the decisions of the community, initiates projects, and presses for assistance from BIA, Tribal, and State Agencies.

Pleased with their accomplishments but cognizant of all that yet remains to be done to improve the education and economic situation of Canoncito's residents, in May, 1966, Canoncito submitted an EDA application for a Community Facility to serve as a training and manufacturing center. In the building would be facilities for Community Action Projects such as a pre-school class, home improvement training, tutoring, remedial education, adult basic education, and other training programs. The proposed uses of the Community Facility indicate continuing desire on the part of Canoncito residents to work together to improve all areas of their lives.

In view of Canoncito's accomplishments and proven ability to administer its own affairs, the community strongly desires to be allowed to continue such administration. At present, Canoncito administrators its own land; it is responsible for regulations and procedures governing grazing, leasing for commercial purposes and mineral exploration; and improvement of home sites. The Council and Grazing Committee make all regulations affecting livestock. Proud of their success in these areas and convinced that Indian people must be given the right and opportunity to determine their own affairs, the people of Canoncito wish to maintain their authority over land use and livestock as well as to initiate additional community development projects.

August 23, 1967

Memorandum

To: Area Director, Navajo Area Office
From: General Counsel
Subject: Status of Alamo, Canoncito and Ramah Chapter Organizations

Mr. Wilbur Dixon, Director of Public Services Division, has forwarded to me his file regarding the status of Alamo, Canoncito and Ramah Chapter organizations. It appears that on February 7, 1967, the then Director of Public Services Division, Mr. Samuel W. Billison, sent you a memorandum requesting an explanation of the present legal status of these communities. It appears that on January 17, 1967, the Council delegates from these chapters asked for specific information: 'A. Authority which places them under the Navajo Area Office; B. Their rights; and C. Validity of their census numbers.'

Mr. Billison, it appears, requested this information from Mr. Walter O. Olsen, Area Director, United Public Agency.

I would appreciate your referring to Mr. Billison's memorandum of February 7, 1967, and advise me concerning the legal status of these chapters.

Harold E. Mott
General Counsel

cc: Chairman, Navajo Tribal Council
Council delegates, Alamo, Canoncito and Ramah Chapters
Director, Public Services Division
Chrono
File

HEMOTT:ln:8/23d

INTER OFFICE MEMO
THE NAVAJO TRIBEMay 10, 1967

DATE

TO: Director, Public Services Division

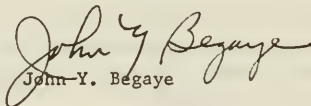
FROM: John Y. Begaye, Assistant Director, Public Services Division

SUBJECT: Status of Alamo, Canoncito and Ramah Chapter Organizations

Attached is a copy each of Chapter meeting minutes of December 2, 1965, a memorandum to the Area Director, Navajo Area Office dated February 7, 1967, and a letter to Walter Olson, Area Director, United Pueblos Agency regarding the present status of Alamo, Canoncito and Ramah Chapter organizations. The copies of the references attached are self-explanatory.

Since there is no reply from the Navajo Area Office and the United Pueblos Agency, the attached reference materials were referred to the Tribal Legal Department, however, the present Tribal government is undergoing re-organization. It was recommended to refer the attached materials to the newly appointed Director of Public Services Division for a follow-up after the new General Counsel of the Navajo Tribe has been appointed.

Whatever the outcome may be should be forwarded to the Council Delegates and Chapter Officers of Alamo, Canoncito and Ramah Chapter organizations.


John Y. Begaye

ATTACHMENTS

DISTRIBUTION:

Area Director, Navajo Area Office
Area Director, United Pueblos Agency
Chairman, The Navajo Tribe
Council Delegate, Alamo
Council Delegate, Ramah
Council Delegate, Canoncito

Public Services Division

7 February 1967

MEMORANDUM

TO: Area Director, Navajo Area Office

THROUGH: Chairman, Navajo Tribal Council

FROM: Director, Public Services Division

SUBJECT: Written Authority on the Status of Alamo,
Canoncito and Ramah

Attached copy of memorandum dated 17 January 1967 is self-explanatory, however, the Council Delegates and Chapter Officers from the above named reservations or communities request a written document from the Bureau of Indian Affairs.

This is to request that your office issue a written memorandum explaining the present legal status of the above named communities which will resolve some of their questions.

Your assistance will be greatly appreciated.

/s/ Samuel W. Billison
Director, Public Services Division

Attachment

Distribution:

Martiano Apachito, Council Delegate, Alamo
Chairman, Navajo Tribal Council
Chavez Coho, Council Delegate, Ramah
Desidero Platero, Council Delegate, Canoncito
Chrono
File

BILLISON/joe

711

Exhibit No. 8

RESULTS OF A
PARTNERSHIP
BETWEEN THE
AMERICAN INDIAN
AND THE
ECONOMIC DEVELOPMENT
ADMINISTRATION

U. S. DEPARTMENT OF
COMMERCE

AUGUST, 1973

FOREWARD

The American Indian is known today as the poorest segment within the population of the United States. Although the Indian tribes have a land base unlike any other ethnic group, their annual incomes are far below and their unemployment rates are far above any other group of citizens of this country.

Beginning in 1967, the Economic Development Administration developed a program with special emphasis on economic development on Indian reservations and trust lands. The direction of this program is in all fields of planning and technical assistance as well as the necessary "brick and mortar" money to make economic dreams come true. As of June 30, 1973, EDA provided funds for 37 industrial parks, 72 community, skill training and multi-purpose centers, and 37 tourism/recreation complexes. In addition, many other projects were approved in other areas of economic and community development.

A listing of all projects approved by EDA for Indian tribes and groups as of June 30, 1973 indicates the vital mission this Agency carries on in assisting the Indian tribes to develop a viable economic base on their land. It will take time for the total impact of these projects to be felt, as identified in employment opportunities, improved living conditions, and vital community activities. Meanwhile, a start has been made and results are already identified.

Legend of Project Symbols:

PW.....Public Works
PWIP.....Accelerated Public Works
BL.....Business Loans
TA.....Technical Assistance
PG.....Planning Grants
DG.....District Grants

FUNDING LEVELS BY STATES

ALASKA.....	\$ 5,457,912
ARIZONA.....	44,788,733
CALIFORNIA.....	1,823,182
COLORADO.....	1,209,430
FLORIDA.....	2,142,769
IDAHO.....	3,972,784
LOUISIANA.....	79,500
MAINE.....	1,331,218
MICHIGAN.....	168,000
MINNESOTA.....	6,867,918
MISSISSIPPI.....	950,225
MONTANA.....	18,022,212
NEBRASKA.....	1,175,050
NEVADA.....	2,406,604
NEW MEXICO.....	18,452,829
NEW YORK.....	3,786,500
NORTH CAROLINA.....	859,200
NORTH DAKOTA.....	6,942,371
OKLAHOMA.....	2,475,539
OREGON.....	5,493,886
SOUTH DAKOTA.....	5,961,804
TEXAS.....	2,714,000
UTAH.....	3,008,294
WASHINGTON.....	9,396,148
WISCONSIN.....	3,455,644
WYOMING.....	1,757,785
NATIONAL.....	<u>1,698,176</u>
	\$156,397,713

NAVAJO (Land in Arizona, New Mexico and Utah)

FY 66	Business loan for expansion of mill to National Forest Products Inc.	\$475,000	BL
FY 67	Development of 50-acre industrial park at Ft. Defiance, Ariz.	126,000	PW
FY 67	Development of 50-acre industrial park at Shiprock, N.M.	153,000	PW
FY 67	Construction of industrial water/sewer system for Shiprock, N.M.	1,650,000	PW
FY 67	Forest management study	70,000	TA
FY 67	Technical assistance in development of community center design	1,119	TA
FY 67	Lake development for water sport recreation	67,783	PW
FY 67	Technical assistance for water/sewer consulting services	1,125	TA
FY 68	Townsite improvements for Navajo, N.M. community on reservation	130,000	PW
FY 68	Business loan for construction of commercial facilities at Navajo, N.M.	270,300	BL
FY 68	Construction of water storage facility at Kayenta community on reservation	225,000	PW
FY 68	Construction of water and sewer system for community of Tuba City	92,000	PW
FY 68	Construction of industrial sewer system for community of Shiprock (supplement to EPA)	684,400	PW
FY 68	Business loan to Navajo tribe for Fairchild Semiconductor Plant at Shiprock	678,467	BL

FY 69	Construction of service road to mining operation in McKinley County	\$1,783,200	PW
FY 69	Water system improvements at Buell Park	256,000	PW
FY 69	Establishment of reservation planning program	75,000	PG
FY 70	Construction of water and sewer system at community of Chinle	1,098,330	PW
FY 70	Construction of water and sewer improvements at Chinle (supplement to EPA)	280,000	PW
FY 70	Construction of water and sewer system at community of Ft. Defiance	2,296,800	PW
FY 70	Construction of water system improvements at community of Tuba City	970,000	PW
FY 70	Construction of water and sewer improvements at Tuba City (supplement to EPA)	310,063	PW
FY 70	Business loan to Navajo tribe for industrial building at Shiprock to Fairchild Semiconductor, Inc.	462,800	BL
FY 71	Construction of water system for Navajo Community College	1,190,000	PW
FY 71	Construction of sewer improvements for Navajo Community College (supplement to EPA)	309,880	PW
FY 71	Continuation of reservation planning program	70,000	PG
FY 71	Construction for water and sewer improvements for community of Shiprock	792,000	PW
FY 71	Design study for community development improvements at Shiprock	7,500	TA
FY 72	Construction of water and sewer improvements for Ft. Defiance and Window Rock areas	1,299,900	PW

716

FY 73	Continuation of reservation planning program	81,082	PG
FY 73	Feasibility study for recreation development	2,500	TA
FY 73	Navajo Forest Products - construction of Particle Board Plant	3,285,000	PW
FY 73	Development of 76-acre industrial park at Church Rock, New Mexico	<u>1,088,000</u>	PW
		\$20,282,249	

NEW MEXICOGALLUP INDIAN COMMUNITY

FY 71	Indian business development center	58,500	TA
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INDIAN DEVELOPMENT DISTRICT OF ARIZONA

FY 68	Establishment of a program of planning for economic growth on Indian reservations in Arizona	\$177,000	PG
FY 68	Addition technical assistance for statewide planning programs	7,000	PG
FY 68	Technical assistance for establishment of rehabilitation center	10,000	TA
FY 69	Establishment of an Indian Business Development Program for reservations of Arizona	188,500	TA
FY 69	Continuation of state-wide planning program	210,190	PG
FY 70	Continuation of planning program	102,840	PG
FY 70	Funding of intern position for business development program	11,250	TA
FY 71	Continuation of planning program	205,680	PG
FY 71	Continuation of business development program	124,730	TA
FY 72	Continuation of planning program	230,680	PG
FY 72	Continuation of business development program	135,980	TA
FY 72	Study of upper and middle management positions and capabilities relevant to reservation business enterprises and tribal government	16,000	TA
FY 73	Continuation of planning program	<u>350,120</u>	PG
		\$1,769,970	

Exhibit No. 9

A PLAN FOR NAVAJO ECONOMIC DEVELOPMENT

By DAVID F. ABERLE*

FOREWORD

For many years, Navajo economic development has been hampered by rapid population growth and an eroding agricultural resource base. Although in recent years the tribe has derived substantially increased revenues from oil leases, the economy remains essentially that of an underdeveloped region. David Aberle argues that the Navajos are in what is essentially a colonial situation, with the chief benefits of natural resource exploitation going to outsiders. Aberle outlines a development approach which would involve the Navajos in planning for their own economic development and would allow the tribe to exploit their own mineral resources and control their own industrial development. Other development needs he identifies include rapid expansion of transportation facilities and public utilities and improvements in health services and the educational system. Aberle stresses that no major development effort can succeed without a commitment by Congress—not only a sustained commitment of funds, but a commitment to let the Navajos manage their own affairs.

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*Department of Anthropology and Sociology, University of British Columbia, Vancouver, B.C.

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PREFACE

This report was prepared at the request of the Joint Economic Committee of the U.S. Congress. I was asked to prepare a plan for economic development for the Navajo Tribe to aid the committee in its deliberations. As I understood the request, it was that an anthropologist undertake to say what kinds of things needed to be done for a satisfactory development of the reservation: that is, one that would contribute to a more satisfying life for Navajos. I did not think that I was to prepare budget estimates, and I have not done so. The report was prepared without staff or funds. Work began in October 1968, a first draft was circulated to a large number of people in December of 1968, and the final draft was completed in March of 1969.

My qualifications for preparing it are nearly 30 years of intermittent contact with hundreds of Navajos, including past and present members of the Tribal Council and past and present Chapter officers, with officials of the Bureau of Indian Affairs, and especially of the Navajo Area Office, and with traders, missionaries, and border-town Anglos. The report is based on recollections of the Navajo scene in 1940 and 1941, and on eight summers' field work at the community level (1949-53, 1965, 1966, and 1968), the last three explicitly concerned with the effects of the contemporary economy on Navajo family and kinship organization. It is also based on several years' research on the history of the Navajo economy (Aberle, 1966, esp. pp. 23-106), and on a good deal of reflection on the condition of underdeveloped economies in the world today.

The first draft has been extensively revised in the light of comments from BIA officials, officials of the Navajo Tribe, and social scientists, and in the light of documents submitted by the Navajo Area Office of the Bureau of Indian Affairs, asterisked in the bibliography at the end of this report.

The report has been prepared under time pressure and without access to a great many important facts—indeed without a knowledge whether some of those facts are available without further firsthand research. It has, however, benefited by the new information received since December.

I should like specifically to acknowledge the assistance of the following individuals, none of whom would agree with everything in this report, and some of whom would disagree with most of it. None can be held accountable for the opinions I have expressed, nor for errors of fact or interpretation that may follow. They are: Graham Holmes, Russell E. Kilgore, and Val McBroom, of the Navajo Area Office, BIA; Paul W. Hand, Chinle Agency, BIA; Wayne Holm, Rock Point School, BIA; Walter O. Olson, Robert W. Young, and F. D. Shannon; Albuquerque Area Office, BIA; Ed Darby, Navajo Tribal Office, Edward B. Danson, Museum of Northern Arizona; Jerrold Levy, Museum of Northern Arizona and Portland State University; Mary Shepardson, San Francisco State University; Elizabeth Colson,

University of California at Berkeley; Louise Lamphere, Brown University; William Willmott, Cyril S. Belshaw, Braxton Alfred, and Terry Reynolds, University of British Columbia; my wife, Kathleen Gough, Simon Fraser University; Stephen Kunitz, Yale University, Robert Bergman, U.S. Public Health Service; and Tom T. Sasaki; the Johns Hopkins University. Allan McMillan assisted greatly in collating the comments received from all of these sources.

It is a matter of concern to me that this report inevitably criticizes some of the very people who have helped me: Bureau officials, traders, and members of the Tribal Council in particular—not by name but by category. In spite of the criticism, however, I see the Bureau, the traders, and the Tribal Council as locked into a situation that they can change less than it needs to be changed. The tragedy of the Bureau is that so much intelligence and humane concern should have been channeled into an organization that has largely lacked the power to take necessary steps and has often failed to take steps that might have made a modest, favorable difference, because of political pressures engendered by local interests. The traders' tragedy is that although many have a decent attitude toward the Navajos, they themselves are the next to bottom rung in a chain of exploitation that they cannot break. The tragedy of the Council is that, with resources now to control, they have become so preoccupied with the mechanics of this operation that they have lost sight of their own constituencies—or so the constituents tell me. In addition, they have been exposed to only one approach to development—that through external, private business exploitation of Navajo resources—and they have accepted this outlook with too little question.

Having dealt with the deficiencies of planning and action of all of these parties to present Navajo problems throughout this report, I should like to say at this point that the primary responsibility finally falls on that arm of the Government that provides funds; that is, the Congress of the United States. It is possible to add up appropriations for the benefit of American Indians over the years and to claim that a great deal has been done—but not if one is forced to contemplate the results. In terms of political muscle, the BIA is one of the weakest arms of the executive branch. Only Congress could strengthen it, but it has been sensitive to the demands of national and local business and to local politicians, far more than to the needs of Indians.

This report suggests some ways of breaking out of the present frame of reference. As I write it, however, I am aware that the preparation of plans too often has been a substitute for action, rather than a basis for action, in the case of American Indians. A plan was recently developed by Abt Associates (see Radov 1968 in the bibliography of this report); the tribe has recently hired consultants to assist in its planning; now Congress has this report. Similar multiple efforts could be found for the 1930's, 1940's, and 1950's. The question is, When will resources be made available so that some plan can go forward?

It is barely possible that some Navajo readers will regard this document as lacking respect for their way of life: as an outsider's view that they must be "uplifted." This is not the case. I like Navajo life styles. I find living with Navajo families a blessed relief from some of the pressures of an academic existence. But Navajos complain to

me about their diet, as to its quantity, quality, and variety, about their deficient housing, medical care, and education, about their lack of control over their own affairs, and about their difficulties in earning a living. This report is dedicated to showing the roots of these miseries and suggesting some remedies.

It is, however, a report by an American anthropologist, not by a Navajo. If my definition of Navajos' needs disagrees with their own, my views must yield. Finally, although this report was prepared at the request of the Joint Economic Committee, it is prepared *for* the Navajos—for the Tribal Council and for any Navajo who wants to read it and use it.

This last point must be underscored for the benefit of Navajo readers. I view this report as one man's view of what is needed for Navajo development, not as a plan to be imposed on Navajos. The Joint Economic Committee is, of course, not a committee with a responsibility for detailed planning of Navajo development. The aim of the report is to stimulate the committee's thinking, and, far more, to provide suggestions to Navajos interested in planning their own future. The remainder of this report will, I trust, make it fully clear that I think that the right and the responsibility for planning (but not for fundraising) rests with Navajos.

I. INTRODUCTION

The Navajo Reservation has rich resources; the Navajo Tribal Council receives sizable revenues from a portion of these; there are more to be utilized in the future; but the per capita income of reservation Navajos is perhaps a third of that of Anglos in the Southwest (see U.S. Census for 1960). To understand this apparent paradox we must first examine their natural environment, their history, and their current pattern of relations with the larger society. It will then be possible to discuss their needs, to speak of the kind of technological development that would meet those needs, and to explore some ways of arriving at the desired end state.

Economically speaking, the Navajo constitute an underdeveloped group. They are an underdeveloped, internal U.S. colony. They show the marks of it. Their poverty and their undereducation are not causes of their underdevelopment but results of it. The underdevelopment results from their relations with the larger society, which limit the economic options open to them, drain off their resources, and fail to provide them with the education, the technological base, and the organizational forms necessary for satisfactory development.

Because I view the Navajo Reservation as an underdeveloped economy, I have put stress on programs related to mineral exploitation, industry, and commerce, above all. Farming and livestock improvements are important and urgent, but less so than these matters. Educational changes are vital, but are seen here primarily as an instrument for local economic development, rather than treated primarily as a means to remove Navajos from the reservation as a part of the labor force. The option of migration under satisfactory conditions should, of course, be open to Navajos. Tourism is not stressed, although it is in much tribal planning, because Navajos have much more significant assets than the excess cash brought by tourists, and more important and humanly significant tasks open to them than acting as living examples of their culture for the benefit of Anglo visitors. Health and welfare programs are seen as sustaining economic development, rather than viewing the Navajo future as one of major dependency on individual doles. In sum, the program recommended, which is summarized near the end of this report, is one that would put Navajos in control of their own economic destinies and create a developed economy in the area. Before detailed recommendations can be supplied, however, a good deal of background information must be supplied. That is the purpose of sections II-V.

II. ENVIRONMENT

The Navajo probably number in excess of 120,000 people, most of whom reside for at least part of the year on a reservation in northern Arizona and New Mexico and southern Utah, and in off-reservation checkerboarded allotted areas to the east and south of the reservation.

A handful live off reservation in southwestern Colorado. Many work off reservation for a part of the year, and some have relocated, permanently or temporarily, in border towns and in such major American urban centers as Los Angeles, San Francisco, Denver, Dallas, and Chicago.

The entire Navajo-Hopi Reservation area includes about 23,600 square miles, of which about 19,400 square miles is clearly Navajo-owned and about 1,500 square miles is clearly Hopi-owned. The remainder has been allocated by court decision (*Jones vs. Healing*) to the two tribes to work out their way of allocating surface and sub-surface rights. They have not succeeded in doing so. Hence a definitive area for the Navajo Reservation cannot be supplied. The Hopi Reservation, however defined, exists entirely surrounded by Navajo lands. An additional 3,000 square miles of allotted land occupied by Navajos is in New Mexico, adjoining the reservation. There are additional Navajo groups at Ramah (230 square miles), Canoncito (120 square miles), and Puertocito or Alamo (100 square miles), the last two remote geographically from the main body of the Navajo.

Altitude ranges from 4,500 feet above sea level to 10,000 feet on the mountain peaks, with the bulk of the area between 5,000 and 7,000 feet. Rainfall varies from averages of 7 inches per annum (lows down to 1.5) up to averages of 27 inches, a figure reached only at the highest elevations. A tabular presentation will clarify conditions.

TABLE 1.—CLIMATE, SOIL, AND VEGETATION

Type	Percent of area	Temperature			Vegetation	Uses
		Annual average	Average summer maximum	Average winter minimum		
Semidesert.....	55	50-60	95-105	11-30	Chamise, greasewood, weeds, barren.	Herding.
Steppe.....	37	45-50	80-88	10-25	Grassland, weed, sagebrush, chamise, greasewood.	Farming and herding.
Humid.....	8	43-50	70-80	4-15	Timber, meadow, woodland, aspen.	Farming, herding, forest products.

Note: The presence of irrigated or irrigable land makes farming possible in any zone except at altitudes too high for a reliable growing season. About 2,600 square miles of the Navajo and Hopi Reservations are barren or inaccessible or both.

Source: The Navajo Yearbook, 1961: 358-366.

The land can be divided into the following kinds of use areas from the point of view of food production: over half is suitable for livestock (principally sheep) but minimally satisfactory for subsistence agriculture; over one-third is suitable for livestock with better agricultural potential than the first; some is suitable for relatively productive agriculture on irrigated farmland, with livestock subsidiary. In addition, two other types of production should be mentioned: a few good forests of timber, principally Yellow Pine (*pinus ponderosa*) stand on the reservation, notably in the Chuskas and Lukachukais, and mineral resources are found in various areas: the reservation presently produces oil, natural gas, helium, uranium, and coal. Other minerals are known.

The scanty and fluctuating rainfall that characterizes most of the reservation makes for uncertain production and occasional catastrophe in both farming and livestock management.

III. HISTORY OF THE NAVAJO ECONOMIC SCENE

The original homeland of the Navajo is far to the north, where most of the Athapaskan languages are found today, in Canada and Alaska. (Navajo is one of the languages of Apachean; Apachean is a subgroup of the Athapaskan language family.) Ancestral to present-day Navajo culture is a hunting and gathering technology. The Navajos acquired agriculture either en route to the Southwest or when they arrived here, adding cultivation to their hunting and gathering pattern. Probably about 1600 A.D. the Navajos acquired Spanish techniques of riding and herding horses, using them for hunting and warfare, and shortly afterward, Spanish techniques of managing sheep, cattle, burros, and so forth.

When the Navajos arrived in the Southwest, they found that the best watered sites (those capable of supporting farming villages like those of the modern Pueblo Indians) were already mainly occupied by the Pueblos. The Navajo therefore settled in an inter-Pueblo niche. They had to live on relatively small, scattered spots where they could use floodwater runoff for farming, while they continued to hunt and raid. The scattered residence pattern created by this pressure from their natural and cultural environment was reinforced when they began to build up their herds (sizable by 1750), since a concentration of several hundred people around a compact village would require each herdsman to take his animals out far from the village and remain in an isolated and dangerous situation for the sake of pasture. Otherwise the forage area around the village would be denuded. Consequently, from the beginning of their recorded history until today, they have lived scattered about over the countryside in large family units, some as small as two members, but many with 20 or more men, women, and children. Seasonal moves to new pasture were also required—two, three, or more per year.

This pattern of exploitation of the natural environment remains the basic one for the majority of the onreservation population. It means that, although the reservation grows constantly more crowded, the population remains spread out, in separate clusters of kin, dispersed by its own livelihood pursuits, rather than concentrated in villages. The partial exceptions occur where a different kind of resource is involved: the closer clustering of individual homesteads on the irrigated land of Shiprock, Fruitland, and Many Farms; and the town pattern of various agency headquarters, where Navajos depend on steady wagework, predominantly for the Bureau of Indian Affairs, the U.S. Public Health Service, and the Navajo Tribe.

Competition between Mexicans and Navajos must have begun fairly early. It was certainly a chronic feature of the scene by the time of the American occupation of the area in 1846 and following. Although Mexicans and Navajos raided each other for stock and slaves, the U.S. Government patently considered the Navajo raids the primary issue, not the Mexican. Kit Carson, who was the planner of the American conquest of the Navajos in 1863, viewed this as unjust; yet under his leadership in 1863, American troops burned off Navajo crops, drove off Navajo stock, and invited Navajos to come to Fort Sumner if they did not wish to starve in the winter. Some eight thousand made the trek to eastern New Mexico. A number—variously estimated from a handful to five thousand—stayed out in the hills. Called a resettle-

ment project at the time, Fort Sumner could in no wise accommodate the Navajos and other Indians incarcerated in what can better be called a nonlethal concentration camp, nor could it protect them from the raids of still other Indians, such as the Comanches. In 1868 a U.S. Army commission, headed by General Sherman, finally decided that they should be released. A peace treaty was signed, and the Navajos were returned to a portion of their former homeland, with an agency headquarters at Fort Defiance. Livestock were issued to them, and they commenced to rebuild their lives. They lost large amounts of their best eastern territory, but over the years they spilled out over the reservation borders, to be repeatedly confirmed in the possession of new territories, until expanding white settlers and Navajos reached an approximate territorial equilibrium in the early 20th century. The last major addition occurred in 1907, the eastern off-reservation area was restored to the public domain in 1908-11, and thereafter there were only minor additions up to 1934, when Government additions ended.

Warfare disappeared from the Navajo techniques of livelihood after 1868; there were no further serious breaches of the peace. Involvement with the American market began in the 1870's with Navajos selling increasing amounts of wool blankets and later silver, to procure various trade goods on which they came increasingly to depend. Still later pinon nuts became a significant item of sale as well. The agents connecting Navajos with the American economy were the traders, who sold a wide range of goods to Navajos and bought their goods from them. The traders sold coffee, fat, flour, potatoes, cooking utensils, water barrels, wagons, farm implements, horse gear, clothing, cloth, etc. The prime medium of exchange was credit and trader script: that is, the trader extended credit until time for wool sales or until rugs were brought in, or he purchased these items from the Navajo with "tin" or "paper money" good only at his trading post—a practice finally halted only in the late 1930's. In addition, Navajos pawned their turquoise and hand-crafted jewelry to the trader. Navajos in the late 19th Century, then, combined subsistence farming and herding with commercial herding and crafts and entered the American economy.

As far back as the 1850's and presumably far earlier, some Navajos had many sheep and others had few. It was presumably those with least who were willing, from the turn of the century on, to enter the job market, seeking part-time employment initially on the railroad as it was extended west through the Navajo country. The absolute number and the percentage of Navajos involved in the off-reservation job market has increased steadily, with a big jump during World War II; indeed among able-bodied Navajo men 60 and younger at present, it would be hard to find one, English-speaking or not, who has not worked at least part time, off reservation for several years—on the railroad, in the beet, bean, or carrot fields, or elsewhere. I have known Navajos with no command of English who have worked for the railroad as far afield as Chicago and The Dalles, in Oregon. The traders act as labor recruiters.

In this way, Navajos have developed a dependency not only on their reservation subsistence resources and on the sale of native products, but also on the larger job market. In the process, one mode of livelihood has not replaced another, but outside sources have supplemented

the exploitation of on-reservation resources. This theme will be discussed further below.

Beginning in the 1930's, the Navajos suffered a major economic dislocation, in their own view second only to Fort Sumner as a hardship. This was the livestock reduction program of the Bureau of Indian Affairs. To understand this program we must go back some decades. From the modest beginnings of Navajo herds in the issue of livestock by the Government to the Indians immediately following the return from Fort Sumner in 1868, the herd had grown rapidly. By the 1880's agents had begun to comment about the overgrazing of the range. Although the reservation grew, the herds grew faster. By the late 1920's, when there was a total of perhaps 1,300,000 head of sheep and goats, including immature animals, plus 60,000 to 75,000 cattle and horses, the Bureau regarded the situation as critical. The depression following 1929 resulted in a lower level of sales and herd buildup, and drought or bad winters caused major livestock losses on the overcrowded reservation land—and, for that matter, in the equally crowded off-reservation allotted areas.

By the 1930's, then, the range showed marked effects of overgrazing. The quality of the forage had deteriorated. Areas that once produced hay now produced Russian thistle. What had once been runoff flood plains in wet weather had turned to deep arroyos. Loss of plant cover was causing wind erosion of topsoil, as well as dissection of the country by water. This was also the period of the dustbowl in American farming. A conservation-minded administration turned to livestock reduction and control for the Navajos, 50 years after the problem had first been noted.

The Bureau asked for, and got Navajo Tribal Council consent for reduction—but what consent meant in this case is problematic: the Councilmen received an explanation of the value and importance of a reduction program, were told that if they were genuinely interested in the welfare of their people they would accept reduction, but were also told that even if they did not accept it, the herds would be reduced. They also understood that the people would be able to secure Government jobs to compensate for their livestock losses. Work for the Civilian Conservation Corps and Emergency Conservation Works did provide them with new income, but did not supply the amount or duration of employment that the Navajos had expected. The Council accepted. Between the mid 1930's and the mid 1940's, Navajo herds were reduced from nearly 940,000 mature sheep units to below 450,000 mature sheep units. (A sheep or a goat is one sheep unit. Cattle are rated at four units, horses at five.) The quality of the sheep was improved by Bureau efforts, so that the total amount of meat and wool on the hoof on the reservation actually increased—even if there were fewer hooves—but since Navajo population was growing rapidly, the net effect was a per capita decrease of some magnitude, and one that has, by and large, continued ever since: herds have varied somewhat, rising slightly in the past few years, but population has risen constantly. (In 1967 there were 585,000 mature sheep units on reservation and 131,000 on Navajo lands in districts bordering the reservation. The reservation was 18 percent over estimated carrying capacity.)

Along with reduction went New Deal on-reservation government-supported employment: Emergency Conservation Work, expanded

Bureau payroll, and so on. But, as some Navajos said, it was not necessarily those who lost the stock who got the jobs. As the United States began to prepare for World War II, Government job supplements to the reservation economy decreased. There might have been a crisis, but the war itself averted it. Many Navajos were drafted or volunteered, and in the labor shortage situation of the wartime economy, many more Navajos left the reservation to work in industrial plants. This is a phenomenon to be stressed: when the economic situation was advantageous, when jobs with good pay were abundant, Navajos who were, on average, of lower educational attainment than is the present Navajo population, could be induced to do waged work off reservation and could perform successfully. No relocation program since has operated under these economically advantageous conditions.

The effects of peace in 1945 and after, created a near disaster. Veterans and wartime industrial workers returned to a still more overpopulated reservation, with no local reservoir of jobs, with sharp limitations on the livestock economy in the form of livestock regulation, and with a level of local technological development well behind the non-Indian parts of Arizona, New Mexico, and Utah, and even farther behind the more developed sectors of the United States: to a roadless country with little water development and no electricity other than that supplied by local generator systems, for traders and the Bureau.

The Navajo-Hopi 10-year rehabilitation program was instituted in 1950 to attempt to cope with the crisis. Over a period of 11 fiscal years it supplied a total of just short of \$90,000,000 (of the \$108,570,000 authorized in 1951 and 1958, not all allocated by Congress). It is doubtful that this level of expenditure would have had much effect, had it not been that tribal income increased rapidly during the same period. There was a small jump with the discovery of uranium ores on the reservation (visible in 1952 and after), and a much larger jump, especially in 1953 and after, when rich oil fields were discovered—not the first in Navajoland, but incomparably more productive than earlier finds. The tribe deployed some of these funds for various forms of relief and part-time employment and expanded its organizations. In addition, through Federal payment to the Southwestern States of unusually large proportions of welfare funds, beginning in 1950, Navajos and other Indians became eligible for State relief funds (old age, aid to dependent children, aid to the needy blind) even if resident on reservation. They were also eligible for social security, old age and survivor's benefits, etc., if they could qualify on the basis of employment or as selfemployed. In 1961, however, an estimated 30 percent of qualified Navajos did not receive social security or old age and survivors' benefits because they did not know about their eligibility. Since then the tribe has employed some Navajos to explain the system and to deal with complex cases. Whereas between 1951 and 1960 the number of payments to the aged and the blind remained more or less level, there was a striking increase in aid to dependent children. No more recent figures are available to me, but the trend doubtless continues.

More recently a major school building program in the 1960's has afforded new jobs for construction workers and instructional aids, and the OEO program (Office of *Navajo* Opportunity, or ONEO, in the Navajo country) has created a large number of part-time jobs.

Tribal public works programs are a significant source of short-term employment.

Mineral resources have been exploited almost entirely by private, nontribal capital. Income from minerals comes to the tribe in the form of rents, royalties, and bonuses. Between 1935 and 1956, some \$19 million accrued. Between 1957 and 1968, the total was \$217 million. The upturn is obvious. The first period shows an average of less than \$100,000 per annum, the second, an average of about \$18 million per annum, with a range from less than \$9 million to nearly \$35 million.

It would be a mistake to believe that these royalties could substantially benefit individual Navajos if they were divided on a *per capita* basis. The principal reason for this lies in the present economic condition and economic opportunities of Navajos (described below). Per capita divisions would be dissipated at once to meet such consumer needs as trucks, furniture, and clothing, leaving each family with precisely its present inadequate economic base. The principal beneficiaries would be border town merchants. The average benefit would vary around \$200 per person, or \$1,000 per family, per annum. As will be shown later the tribe has not divided these funds but instead has used them for a variety of useful purposes.

There is some tribal industry. And there is now some private industrial development on the reservation.

The result of income from uranium, oil, gas, and coal in recent years has been to transform the role of the Tribal Council and to make some progress toward breaking down the barriers to development engendered by the lack of the necessary technological base (infrastructure) on the reservation.

The tribe has used its funds in imaginative ways: For emergency relief, for housing grants to those unable to afford materials (limited to \$600), for relief of impoverished families whose homes are destroyed by fire, for prostheses, which the Public Health Service will not supply, for baby layettes and clothing for schoolchildren whose parents cannot afford them—for a range of social services. It has set aside a large principal sum the income of which provides scholarships and loans for college students. It has enacted enabling legislation to permit it to cooperate in industrial development on reservation and in border towns where this development would result in Navajo employment. It has set up a revolving credit fund. It pays the Navajo law and order (police) staff and the tribal judges. It supports the construction and improvement of chapter houses (for community organization headquarters and community functions). It has put money into Tribal enterprises, of which a Forest Products Industry, a Tribal Utility Authority, an Arts and Crafts Board, some motels, and a housing project are successful examples, and a cement products, clay products, leather products, wood products, and wool textile industry are unsuccessful examples, together with four trading posts once owned by the Tribe. It is engaged in water development. The Tribal public works program supports activities that improve a variety of local conditions, including work on dirt roads whose maintenance is vital for community travel. And more projects could be named.

Furthermore, it has negotiated successfully for access to gas pipelines running from reservation gas sources to the west coast. Electrical power is generated on the reservation by coal, by Utah Construction

Co., and the Arizona Public Service Co., and a portion of this is reserved for tribal use in the future. Electricity has been run in from Farmington as well, and the Navajo Tribal Utility Authority deals with electrification, natural gas systems, and water and sewage facilities.

Indeed development projects undertaken by the Tribe since the 1950's would require a volume for description and evaluation.

There is ONEO money, as has been said, furnishing part-time employment to many Navajos.

The result of this period of expansion is the existence of a number of new foci of power on the reservation. Prior to 1920 the foci were the BIA, the traders, the missions, the border town financial interests, and influential Navajo leaders. In the 1920's the tribal council and the local chapters began to be slight forces, and in the 1930's larger ones. At the same time, with the first oil leases, large corporate business began to be a force on the reservation, with interests in council decisions. Today, in addition to traders, missions, and border town financial interests, there is still the BIA, there is a well-organized Tribal Council, there are local chapters, there are a variety of major corporate financial interests, there is ONEO (Office of Navajo Economic Opportunity), which is not under BIA control and becomes a new power element, there is DNA, a legal aid organization funded by ONEO but with its own board of directors. Needless to say the powers clash, and the results of the clash are visible in conflicts within the Tribal Council, since each non-Navajo force seeks support within the Council.

To read the preface to the Navajo Tribal Code (published in 1962) written by the former attorney to the Navajo Tribe, is to feel that tremendous progress has been made. Yet the per capita income figures are discouraging, both as to relative amounts and as to source.

Perhaps the most important point to be made is that Navajo income is probably in the neighborhood of one-third to one-quarter of various white comparison groups. The second important point is that nearly three-quarters of that income comes from wagework and another sixth comes from welfare, social security, railroad retirement, etc. This is, then, a low-income group, one of the very lowest in the country, and one that spends a great deal of its time in maintaining herds and farms but gets most of its income from elsewhere.

Young, for example, estimated Navajo per capita income in 1960 at \$521 net and at \$645 if the value of "free" Government services and surplus commodities was included. This includes the value of livestock and farm products consumed by the producers. The State of New Mexico (including Navajos) had a per capita of \$1,812; McKinley Country (including Navajos) had a per capita of \$1,709, and the United States as a whole had a per capita of \$2,116 (TNY 1961: 229). U.S. Census figures for 1960 are not computed separately for Navajos, but are for rural Indians in Arizona and elsewhere. They show higher per capita figures, but these are based on all individuals 14 or over and are not directly comparable with Young's. Indian figures run at one-third to one-quarter of white figures in Arizona. Adams' figures for Shonto in 1955 (Adams 1963: 137-148) run lower than Young's but are for an isolated area with relatively little wage-work income. Belaboring the point will not change it; Navajo figures

are probably low among American Indian groups, but not at the absolute bottom; their incomes are below Negro and Spanish-American incomes and far below Anglo incomes. No figures for more recent years are available.

Young has estimates for percentages of income from various sources for Navajos in 1958 (TNY 1961: 100-109), regrouped in Aberle (1966: 81). Only 10 percent of income came from livestock and agriculture; only 1 percent from arts and crafts; 68 percent from wages; 5 percent from mineral leases; but 16 percent from railroad retirement, social security, welfare, etc. Over 60 percent of wages were derived from off-reservation work, and two-thirds of off-reservation wages were then from railroad work. Furthermore nearly two-thirds of on-reservation wages were derived from Federal and tribal employment: 40 percent from Federal and 23 percent from tribal sources. (In 1967-68, the BIA employed 3,300 Indians, most of them Navajos, out of an estimated labor force of 32,000, over 10 percent of employables. Apparently 50 percent of that force was seeking employment. Navajo Area Office 1968a: 12, 14.)

The figures for 1958 on farming and livestock include estimates for the value of products consumed and do not reflect sales only. Thus in 1958 the two dominant sources of income were wages and welfare, which made up 84 percent of all income in goods and cash. This is no subsistence economy. I have no comparable figures for the present period. They would show a rise in terms of on-reservation wagework, because of ONEO funds (about \$11,500,000 in 1968), Tribal public works programs, Federal building programs, and increase in the number of school employees. Welfare would also rise. The percentage derived from farming and herding would fall. Yet under present circumstances, for reasons to be set forth, many Navajos will not give up and dare not give up their farming and herding, although on a dollar accounting basis it is relatively trivial. Instead, the characteristic pattern for Navajo families is the necessity to depend on a multiplicity of income sources, no one of which yields a stable and predictable income.

IV. THE RESERVATION AS AN UNDERDEVELOPED AREA

What are the equities of the Navajo situation? There are several ways of looking at this. In earlier decades, a plea for improvement of Indian conditions was often based on the fact that since Western European settlers took the continent from the Indians, we owed a special debt to them. A later plea was based on the argument that we have a moral obligation to "lift the Indian to our level." To each of these the counter argument has been made that the Indians could have done for themselves what various immigrant groups did for themselves. This ignores the fact that Indians were not immigrants, but on the contrary fighting a losing battle against immigrants backed initially by various colonial forces and later by the Federal Government.

The argument set forth here is that the Navajo country is an underdeveloped area, and that the cause of its underdevelopment is its historical and current relations with the larger polity, economy, and society. If this is so, the issue becomes relatively clear: either these relationships must be changed, or we must openly decide that

the dispossession and deprivation of the Navajo sector (and many other submerged sectors of our society) is something the consequences of which the rest of the society is prepared to accept.

The basic reason for this hundred-year period of underdevelopment is that the Navajos did not have the capital or the know-how to achieve development, Congress would not provide the Bureau with the funds necessary for development, nor would the States, and until the 1950's private industry had little interest in exploiting reservation resources. Various features of the reservation will be examined in turn.

A. THE TECHNOLOGICAL BASE

The Government did not, and for many decades the Navajos could not create the technological base that would make it possible for the area to be developed by Navajos, rather than by outside forces.

1. *Livestock*.—Virtually no effort was made to avert the eventual catastrophe that overtook the Navajo livestock industry in the 1930's. Many steps could have been taken. First, although there were sporadic efforts to bring larger and more productive sheep on the reservation in earlier days, these failed because the sheep could not cope with Navajo environmental conditions. In a crisis it was possible to develop a sheep that provided a much increased meat and wool yield and could cope with the reservation environment, and when it was developed, the Navajos accepted it: the barriers to improved livestock, then, were not just Navajo conservatism, but American. Earlier development of this breed could have made it possible to reduce the livestock painlessly if certain other steps had been taken as well. Incentive payments for culling, incentive payments for raising improved breeds, parity payments for livestock—all these, combined with livestock regulation, could have created improved livestock practices and economic yields. Government subsidies to farmers in other areas have proved to benefit large, rather than small owners. It is, therefore, no particular surprise that a tribe of small holders was not the beneficiary of such a program as has been outlined.

2. *Roads*.—The road system has always been inadequate. There were no paved roads on the reservation except for Highway 666, which was needed to connect nonreservation communities, until the 1950's. Today the reservation has about 30 percent as many miles of surfaced road per 1,000 square miles as the surrounding rural areas. The States receive Federal supplements to their highway programs, nominally to build reservation roads; the Indians pay State gasoline tax, which goes toward road building; but the State does little to build reservation roads, which are primarily built by the Federal Government. The inadequacy of the system of paved roads handicaps every phase of Navajo life: job seeking, transportation of children to schools, trips to medical facilities, livestock marketing, and so on. As one indication, when a single black-top road was built in one community, half the boarders in the local school became day pupils.

3. *Water*.—The water system remains totally inadequate, whether in terms of domestic water or stock water. As respects domestic water, in 1960, a survey of over 1,400 homes indicates that less than 12 percent had a water source $\frac{1}{4}$ mile or less from the home; another 36 percent had a source between $\frac{1}{4}$ mile and 2 miles, so that less than half of the houses had a water source closer than 2 miles. The remaining

52 percent were drawing on water sources more than 2 miles distant, and indeed over 17 percent traveled more than 4 miles (TNY 1961: 306). We are speaking here of water for drinking, cooking, dishwashing, laundry, and for washing hands, face, hair, feet, et cetera. (Most bathing is done in sweat baths or by using a chapter or schoolhouse bath facility—or the trailer of a friend working in the school.) At one time this perhaps made not too much difference. Today, hauling water requires the use of male labor and at times ties men down who might otherwise take off-reservation jobs (see below under *Fuel, light, and heat*).

It is unlikely that much can be done about running water in homes while Navajos live scattered as they do. Where sizable concentrations of population are found—as at agency headquarters—there is running water in the homes. Expansion of water systems beyond agency headquarters proper is a function of the Navajo Tribal Utility Authority, founded in 1966. It had about 1,000 customers in 1967, or perhaps a maximum of four families out of 100. Only increase in the number and percentage of people living in concentrated clusters of residences will make it possible to reduce the number of people who must carry their water. There has been a considerable improvement in recent years in the number of Government wells from which people can draw domestic water, but they are not inspected frequently enough. As a corollary of the lack of running water, there is a serious sewage problem. Population densities have tripled since 1930, but Navajos outside agency headquarters use outhouses for the most part (they once followed a more salubrious practice of burying wastes), which promises serious health problems in the future. NTUA is developing sewage systems, but these are, of course, for concentrated populations.

The failure to develop adequate stock water resources contributes to the erosion of the reservation and makes rational use of pasture quite impossible. Undeveloped water is a resource that Navajos do not regard as the exclusive property of anyone. If they did, one man's flocks could die when his source was dry, and his neighbor's on a similar occasion. Hence people have traditional rights to move across another man's customary pasture to get to water in that pasture, treading out and consuming fodder in the process. I have known men who had to move their own stock to a winter pasture area in the summer because, during a dry spell, their neighbor's sheep were going to and fro so often. Government-developed wells are protected for common use by current grazing regulations. The results are conflict, treading out of pasture, and inability to plan the use of pasture. The topics of water for industry and irrigation are discussed elsewhere.

4. *Fuel, light, and heat.*—The Federal failure to develop local electrification in a largely electrified Nation is conspicuous. There is an increasing amount of electrification on the reservation today—as a result of Tribal Council, not Federal action. The NTUA had 7,000 electric customers in 1967, or about 30 out of 100 families.

In the absence of highways, the gathering of wood is unduly difficult, which again ties men at home who might find positions in the extra-reservation labor force. Today some Navajos begin to use propane, for heat, light, and cooking in their homes, but the delivery of large gas supplies remains a problem—this for a tribe that is at one

end of a gas pipeline that reaches to the west coast and was constructed at a cost of \$140 million (TNY 1965: 266). Some of the natural gas leases make provision for Navajo tapping of the pipeline, but relatively little has yet been done to pipe gas to homes. NTUA had about 1,300 customers in 1967, or about five families out of 100. This situation is again partly a problem of scattered population.

The cost of this pipeline is sometimes used as a figure to justify the fact that Navajos receive royalties on their minerals rather than exploiting them themselves. If one considers, on the contrary, that private capital can pay for the lease, the exploitation, the processing, the royalties, and the pipeline and still realize a profit, the picture alters somewhat. And when the \$140 million used by private capital for this one pipeline is put alongside the \$90 million allocated to rehabilitate the Navajo and Hopi combined from 1951 to 1961, serious questions arise as to how to spend rehabilitation funds, and as to how much money is required.

5. *Miscellaneous.*—The list of underdevelopment could go on and on; it is worth mentioning housing and communications, in order to say that both are sadly underdeveloped. Some progress in housing has been made recently.

Under these circumstances, commercial, industrial, and agricultural and livestock development on the reservation necessarily lags: it has nothing to "hook up to" and, because of the educational deficit (see below), until recently it could rely on almost no supply of adequately trained local labor.

B. THE COURSE OF MINERAL EXPLOITATION

It is only by luck that the Navajos have mineral wealth. In the 1870's Agent Army tried to release a strip across the northern end of the reservation of those days, because he thought there were minerals there. Alerted by traders married into the tribe, the Navajos succeeded in having him removed. From 1889 to 1891 there were efforts to find minerals in the northern reservation, illegally and legally, and the agent foresaw a fate for the Navajos like the dispossession of the Sioux when gold was found in the Black Hills. A cession of part of the reservation in 1892 occurred because it was thought that there were minerals there.

The Navajos were fortunate, however. No significant mineral finds on the reservation were made until the 1920's, when the Federal Government created a Tribal Council for the specific purpose of having a legal body to sign mineral leases. (The Council was not always willing to do so, however; see Kelly, 1968.) They were also fortunate that a protracted series of battles in Congress raised the allowable percentage of oil royalties going to Indians living on reservation land created by Executive order (see Kelly, 1968). Until recently, royalty rates ran at a normal rate of 12.5 percent by Federal law, except in individually negotiated instances. In 1961 the rate was raised to 16% percent, with the possibility of higher rates in some instances (TNY 1961: 265). In addition, the tribe receives bonuses. On unproven land these sometimes run up to \$5,500 per acre. On proven lands they run at a fixed rate of \$500, but royalties are negotiable, and under certain conditions some of them reportedly brought high royalty bids, averaging as much as 50 percent (Navajo Tribal Code, I (1962): xiii).

The dollar costs of these leases have been low. For example, in 1960 about \$114,000 was spent for the salaries of Federal and Tribal employees who expedited leasing. This, of course, does not include such concealed costs as the per diem figures for Councilmen meeting to consider the acceptance of bids nor the salary of the Tribe's legal staff insofar as that staff spent time in providing general advice to the tribe in these matters. Even so, additional concealed costs would still represent a relatively small figure compared with the \$12 million of income from leases, bonuses, and royalties received in 1960. The costs of exploitation of the oil fields, on the contrary, is high: \$100,000 to \$300,000 per completed well in the Aneth area, and \$140 million for a gas pipeline to the west coast. It has become an accepted dictum, to be challenged here, that leasing is the appropriate, sound, and economical way to exploit Navajo mineral resources (see, for example, Hough, 1967).

The point to be made, however, is that the entire operation has been run with primary concern for non-Navajo needs. Had minerals been discovered earlier on Navajo land, the land would not have remained Navajo. The rate of exploitation is determined by the needs of private industry and Government, without consideration of any controlled rate of exploitation for the sake of Navajo budgetary planning. And the producer receives a tax benefit, a depletion allowance, although it is Navajo resources that are being depleted. In sum, through tax loopholes the American public underwrites a not inconsiderable part of the expenses, the Navajos get the royalties, and the oil companies get the profits.

The answer to all this might well be that since the Navajos have little, they cannot afford the experts, equipment, roads, gaslines, and so forth, necessary to exploit the fields. This would be a reasonable argument, were it not that the U.S. Government subsidizes many well-endowed enterprises. It runs an agricultural subsidy program that has been repeatedly shown to benefit large producers more than small. It pays the research and development expenses of large corporations manufacturing novel military equipment and then pays a profit to these same corporations when they sell to the Government (see Nieburg, 1966) and so on. Under these circumstances, it would seem reasonable to redress the equities somewhat, to consider a subsidy sufficient to permit Navajos to develop their own mineral industry.

Instead, although a joint development program with a private firm was considered and rejected by the Bureau and the Tribe a few years ago, so far as I know Navajo management has never been proposed to the Tribe by the Government, and there is reason to believe that Federal officials emphasize the advantages of leasing and the difficulties of native development, so that by now everyone is convinced of the efficiency, economy, and equity of the present arrangements.

C. EDUCATION

1. Early in this report it was said that undereducation was a result, not a cause of underdevelopment. That is true in the sense that the Federal Government has not supplied Navajos with an adequate school system, and that this failure is a part of a general undernourishment of the reservation's economy and society. It is also true that an undereducated population is one of the factors that slows development.

In sum, the Navajos were provided with insufficient schools for their children from 1868 until the 1950's, when, for the first time, there were enough seats in schools for almost all the children. About 90 percent of Navajo children of school age are now in school, the remainder being largely the physically or mentally handicapped and the children of parents who avoid sending them to school.

There was early Navajo resistance to schooling, partly because the labor of children was an asset for the livestock economy, but also because the early schools were often brutally run, fed the children miserably, and created conditions that resulted in many deaths from infectious diseases. From 1946 on, as children became an economic liability and as wartime exposure of a part of the population to the outside world showed them the disadvantages of undereducation, Navajos began to plead for schools. Now they demand an adequate educational system. The long-term lack of education has meant a lack of opportunity to compete successfully in the larger society.

2. Only in the last few years has there been the beginnings of a broadscale effort to introduce special methods for the teaching of English (English as a second language), although the vast majority of entering pupils speak only Navajo. Early, promising efforts by Willard Beatty in the 1930's and early 1940's did not take hold. As a result, there is often little relationship between the language competence of a pupil and his nominal grade level. I know seventh-graders who can barely understand simple English in a face-to-face situation with a familiar person. Clearly they cannot cope with seventh-grade instruction in mathematics, history, and science.

3. In the 1930's and early 1940's, under Willard Beatty's aegis, there was an effort to introduce curricular material that would encourage a feeling of pride in being a Navajo and an Indian. Again, this effort did not take hold. There is now some revival of such efforts, which find slightly more acceptance among teachers today as America's general ethnic problems multiply. Meantime, however, most Navajos passed through school under conditions that led them to believe that they and their culture were regarded as inferior. Some people pass through such an experience hardened and tempered in their opposition to the larger society, but a commoner result is a feeling of defeat early instilled.

4. The pattern of schooling makes unusual demands on both parents and children. The early approach in the Navajo country was on-reservation boarding schools, later supplemented by off-reservation boarding schools. These early schools (from the 1870's to the early 1930's) had unfavorable characteristics mentioned above. In addition, they demanded the separation of parents and children. Yet few families in the larger society would accept a similar separation from their young children by Government edict.

Later, a day school program in the 1930's foundered for lack of a technological base: the roads were so poor that pupils could not be bussed to school, nor, given weather conditions on the reservation, could they walk in winter, nor did their parents have adequate ways to bring them. Today in some areas a child is in boarding school near his home until eighth grade and may then be in boarding school some distance from his home. In other areas, he must leave his home region after third grade. A notable exception is found in major administrative centers where many agency and tribal personnel live. There,

public high schools are to be found, so that this group of parents does not have to part with its children. Some 50 to 60 percent of Navajo children attend boarding schools.

It is true that boarding schools permit parents, all of whose children are in school, to seek winter off-reservation employment, but this marginal employment pattern, further discussed below, is not a desirable one.

5. The first community college was opened in 1969, although as yet it has no building of its own: it now occupies part of a large high school that has not yet been filled. It is good to note that it is directed by a Navajo board of regents.

6. There has never been an adequate Bureau-operated college for Indians off reservation.

7. There has never been a proper college preparatory program on reservation.

8. Only in recent years has there been a Federal scholarship program for Indian students. In recent years BIA scholarship support has increased. On some agencies it is able to support all students admitted to college or university. In the case of the Navajo, the tribe's mineral wealth has been used in part for a scholarship fund, which supports about 500 students. The BIA, in the Navajo case, uses its scholarship funds to support those students to whom the tribe is unable to make grants, which is a reasonable approach, and one that has provided funds for a number of successful students. It is the lateness of Federal entry into this field, however, that I wish to stress.

D. EMPLOYMENT

Navajos are subject to the racial discrimination so common in American society when they seek jobs in the off-reservation world. They are thereby reduced in their capacity to secure income through employment. They are discriminated against in hiring, in wage levels, and in working conditions. Furthermore, this discrimination is most marked in the border towns, precisely in the areas that would be most convenient for Navajos seeking work—and also in the very communities most dependent on Indian customers for income. The *Navajo Times*, the tribe's own newspaper, characteristically carries ads for consumer goods from border towns and help wanted ads from remote communities. Although the Bureau is the largest single employer of Navajo workers, charges of discrimination have been made even there.

E. THE REGION

Section VI of this report deals with proposals for the development of the reservation. A proper perspective on development, however, requires attention to the towns bordering the reservation, since the reservation is not an isolated enclave. These towns are themselves relatively underdeveloped, with a heavy reliance on tourism and on an impoverished Indian clientele and an emphasis on retail and wholesale facilities. (Farmington relies as well on the newly developed oil and gas industry.) They have contributed to reservation underdevelopment, since they have been jealous of competing on-reservation facilities. In the long run, a prosperous Indian population will, however, benefit them. As things now stand, the reservation is an under-

developed vacuum standing inside a larger partial vacuum: the border towns.

F. SUMMARY

The Federal Government is responsible for the situation on the reservation. It has been in charge of the land and the people for a hundred years. At the end of this time we find an undereducated, unhealthy, overcrowded population with a primitive livestock and farming pattern, with no technological substratum for development, and with almost no development save for the exploitation of mineral resources by outside private capital. Furthermore, Navajos have not been protected from the relatively monopolistic situation created by trading posts, for pressures to enter the job market on unequal terms, or from an unplanned draining off of their resources. They are, then, a population that is exploited and underdeveloped.

It should be noted that I have referred here, and in many, but not all other places in this report, to the Federal Government, rather than to the BIA. The BIA is what local and national popular pressures and Congress have made it: an understaffed, underbudgeted operation with no control over many of the salient factors that would make a difference in Indian economic development. It is not encouraged to set up tribal businesses of any scale, it is not in a position to exert much pressure on border town populations, and so on. In the Navajo case, what water, roads, police, schools, agricultural extension work, livestock extension work, and planning were to be found in the area until the 1950's, when tribal income increased, were the product of the Bureau and its resources. I have tried to show that what it was able to do was totally inadequate, in spite of the labors of many men of good conscience and intelligence.

The inability of the BIA to proceed with development with its own resources is amply evident from the most recent budget available to me, that for fiscal year 1968. The total is \$54,715,490. Nearly 70 percent of that budget is for "education and welfare services," almost all of the 70 percent for education. Another 12 percent is for resources management and repair and maintenance. Only a little over 18 percent is allocated to construction (buildings and utilities—a little over 1 percent) and road construction (the remainder). It is notable that development funds came from the Economic Development Administration (\$8.5 million, with plans to apply for another \$21 million). The point is not necessarily that the Bureau's budget should include development funds (although I will later argue that in the past it certainly should have), but that unless generous funds on a preferential basis can be made available to the Navajos and other Indian tribes, development must lag hopelessly.

We turn from the overall picture to a closer examination of the local economy.

V. THE LOCAL ECONOMY

A. THE STYLE OF LIFE

The effects of all these factors promoting underdevelopment in the Navajo country are, at the local level, a particular style of economic and social life—one often criticized by Anglos as evidence of backwardness, or praised by some as "the Navajo way." It has some roots

in custom, but it has its present causes in current economic conditions and represents an adjustment to them.

It is a curiosity that so much energy has been expended by agents of American society—Bureau officials (particularly in the past), missionaries, sometimes traders, and others—to push Navajos to give up “Navajo ways” like long hair, ceremonials, and even mother-in-law avoidance, and so little has been expended in giving them an opportunity to take on those parts of American life that they so evidently want: Roads, plumbing, electric lights, sewing machines, and so on. The aim has been too often to rob them of cultural identity while depriving them of material benefits, where it should so clearly be a matter of providing them with the opportunities for materially improved conditions while allowing them cultural identity and pride in being Navajo.

The key items that promote the Navajo style are—

- (1) shortages of material equipment, stemming from a shortage of cash;
- (2) simple logistic problems in running the household and the subsistence economy, resulting from a need for some wage labor and from the difficulties involved in herding, getting water, and hauling fuel; and
- (3) fluctuating income.

By shortages of equipment I refer to a number of things. Navajo families have difficulty managing without access to a pickup truck, which is often needed for such mutually contradictory purposes as hauling wood and water, getting to and from a job, and procuring supplies from the trading post or the town. Yet by no means every unit of husband, wife, and immature children can afford a pickup. Hence a cluster of such families (an extended family) is advantageous, since it can share the pickup and often can pool sporadic contributions to maintain the payments on a pickup. (In effect, Navajos today are involved in the lifetime rental of a pickup truck, at about \$200 per month. It takes about 3 years to pay for a pickup, and by the end of that time, road conditions being what they are, it is uneconomical to keep it. It is traded, and payments on a new one begin.) But not only pickups are involved. I have seen gas irons, gas lamps, tarpaulins, water barrels, sewing machines, automobile tools, etc., borrowed from family to family to meet temporary exigencies.

The absence of running water, of adequate stock water, and of fuel except in the form of firewood, all require the labor of some men in the family for at least a day or two a week. Again the extended family is useful as labor pool. There are, however, families where, for one reason or another, there are no resident adult males: Where there are a set of related women all of whom are divorced or widowed, whose younger male relatives have married out or taken jobs far away. In one such case, as an example, a woman's married son is the major source of labor for firewood and water hauling, for her and several female descendants with small children. He lives an hour's drive away and has a major commitment to his own children and his wife's family as well. Meantime he certainly cannot seek employment.

Along the same lines, many Navajos do not believe that they dare to give up their livestock. But someone must herd it. Within limits this work can be done by women, although it is seldom done exclusively

by women. Particularly in winter, and when sheep are lost, herding is arduous in the extreme. To have only *one* possibly herder in a family is to tie the herder permanently to the home, without opportunity even to go to the trading post, and to invite disaster if that one should fall ill. Again the labor pool afforded by the extended family is valuable.

As for fluctuating income there is, for most Navajos, no stable and predictable single source of income. Weather, disease, and fluctuating prices for wool, mohair, and sheep and cattle cause wide variations in both the food supply and the income from livestock. In an arid environment, crops often fail as well. The wagework market is variable. Even Government jobs (BIA and Office of Navajo Economic Opportunity) fluctuate in accordance with budgetary variation. Furthermore a man receiving disability pay may experience no change in his physical condition yet be cut off the welfare lists, through the occasional "re-evaluations" of conditions like bad backs that occur.

Not only is there continual gift giving and borrowing within the extended family to cope with these variations, but there is a wide circle of kin who depend on each other, who ask for help when they need it and give help when they can. This style of economic life we may call reciprocity—the Navajos call it "helping out" when they speak of it in English—and the ethic that accompanies it is generosity. No more than among other peoples does every Navajo do what is expected of him, but this ethic dominates the Navajo values at present. The behavior that accompanies it is often seen by whites as foolishly improvident. It is not: it is the best way for people thus circumstanced to survive.

Thus in a typical extended family—parents, some of their children (usually daughters) and their mates, and their children's children—multiple economic dependencies are the rule: Livestock, farming, weaving, part-time off-reservation work, and welfare are frequently found as income and subsistence sources in the same unit. No one of these can be relinquished—that is, efficient specialization is impossible—because none is certain and none is sufficient.

Three hundred years of history leave the Navajo in one sense exactly where they started: In the 1660's they depended on multiple, fluctuating resources—the farm, the herd, the hunt, the raid, and in the 1960's the sources have only partly changed—the farm, the herd, the hunt to a small extent, the job, the wood, rug, silver, and pinon nut market, and the welfare check.

B. THE ROLE OF THE TRADER

Any institution may be a force for progress in one era and a conservative force in another, without changing its basic form. That is what has happened to the traders. Once they were the primary channel for introducing Navajos to the elements of Western technology, food, clothing, utensils, and so forth, that they could use; assisted Navajos in their land struggles—some still do; and explained the ways of white men and Government to them. Today, as the center of each community's credit system, they are forced into being conservative forces by their quest for market security. Each attitude was tied to opportunities for profit—the first to gain, the second to retain a market. And their situation is becoming increasingly difficult.

Traders aim at keeping a certain volume of Navajo business, which they manage by judicious use of credit. There is no long-term debt peonage in the Navajo country: Navajos are allowed credit only in amounts that they can repay in the relatively near future. The trader supplies his customers with credit sufficient to absorb their short-run (6 months to a year) future income, extending credit for expectable income that is likely to pass through the trader's own hands. This income includes wool sales, rug sales, sheep sales, and to some degree cattle sales (when these go through the trader), welfare and railroad retirement checks, and Federal and tribal paychecks in areas where he is the only easily available agent for cashing checks. Although tribal law requires a trader to give the Navajo payee the full amount of a check he cashes for him, this law is certainly widely violated. (Traders could have been more tightly regulated by the BIA. Regulations permit this, but U.S. attorneys have not pushed enforcement.) The trader allows credit on future wools, rugs, sheep, and cattle, and on future checks, and balances off the credit when the Navajo sells to him or when the checks come in. He serves as a pawnbroker for Navajo jewelry.

The trader is in a position to put pressure on Navajos to take off-reservation jobs so that they can pay off debts to him, and he can apply pressure on men working off reservation to remit money by informing the man's family that credit will be cut off if no money comes in. This is riskier than the livestock and wool sales and local checks (often mailed care of the trading post), but traders learn eventually who are good and who are poor credit risks in these situations.

As every trader is well aware, he is the community's bank, and apparently the Tribe, the Government, and the local financial interests in the towns are willing for this arrangement to continue, since they have developed no feasible alternatives, such as a fully adequate Tribal or Federal loan program. The Tribal revolving credit program had outstanding loans of \$1,123,000 at the end of fiscal year 1967-68, according to the Navajo area office. It is not clear whether this included loans to Tribal businesses or not. Even if we assume that these are all loans to individuals, it should be noted that in 1961 Young (TNY 1961: 245) estimated a need of \$2,500,000 to \$3 million to support an adequate loan program. The Area Office also mentions that in 1967 "outside sources" provided financing in excess of \$47 million, but without further particulars one does not know what to make of this figure, which includes loans to the tribe.

The trader maintains his position, insofar as he can, by credit saturation, as Adams (1963) calls it. (Most of my information on trading comes from this source; some comes from observation of a number of posts from 1949 on.) Credit saturation is the practice of soaking up a man's future earnings by judicious extension of credit, since this tends to result in a monopoly over that man's purchasing power. His interest in credit saturation is demonstrated by the willingness to give a man a higher dollar value for his livestock in credit than in cash.

He compensates for his role as banker—for the costs of his credit to him—in a variety of ways. One way is *high markup*. Prices on reservation are high in comparison with the border towns. At one post, where prices averaged 10-15 percent above town prices, markups ranged from 35 percent for groceries to 75 percent for dry goods, 100 percent for

hardware, and 100-200 percent for remedies (Adams, 1963). Traders justify their high markup on two bases, transportation costs and credit risks. Both are certainly elements in traders' costs. So, of course, are the traders' own interest rates. What a reasonable markup would be, of course, has not been established. Some traders add to their markup a credit charge, sometimes a flat 10 percent of the purchase. Some give to regular Anglo customers, cash or credit, discounts as high as 20 percent. Some also give discounts to Navajos who regularly pay cash or who pay cash often, but these are smaller—about 10 percent. There is no evident reason why Anglos should get a higher discount than Navajos, except as a way for the trader to separate "us" from "them".

What it does in addition, of course, is to make costs lower for Anglos, who have higher incomes, than for Navajos, who have lower ones. Perhaps it preserves more business for the trader, inducing Anglos to postpone fewer purchases until their next trip to town. But if there is still a profit after a 20 percent discount, one is curious about the entire operation. Both Navajos and Anglos who have been given discounts are discouraged by the trader from discussing the practice with others. Since they do not wish to lose the discount, they are likely to talk about it only to a limited extent.

At present the reservation situation is highly variable from one place to another. In many areas, Navajos are served by local retailing facilities with the characteristics of a general store in a rural community in the 1930's. Still others are served by facilities like small supermarkets. At Window Rock a new Fed-Mart store, opened in fall of 1968, provides a combined discount house and supermarket facility for Navajos from that area on a day-to-day basis and from a much larger area for occasional shopping trips. (Tribal funds were used to attract this business, which has undertaken to hire Navajo staff for middle managerial, as well as lower positions.)

In the hinterlands, there is an increasing number of cafes attached to trading posts; closer to town are restaurants or drive-ins not so attached. In larger centers there are tourist courts. Some trading posts run garages.

In the hinterlands, only trading posts serve to cash checks. In Shiprock and Window Rock there are banks, in the founding of which the Tribe has played an economic role.

Nevertheless, much of the population must travel distances of 20 to 150 miles for boot and shoe repairs, radio repairs, complex automotive repairs, haircuts (except for the amateur jobs, often quite good, that Navajos supply to each other), beauty parlors, even duplicate keys. For all these trivial items, as well as for major items like furniture, men's suits, women's dresses (except for the simpler ones), they must travel, for the most part, to border towns or, with the new Fed-Mart, to Window Rock. This means gross inefficiency for Navajos in their daily living (since they must run hither and yon for quite minor items), a high cost of living (since they must pay transportation costs), and finally the siphoning off of cash to the border towns, so that Navajo income has no "multiplier" effect for Navajos: the range of customer services that could be provided by Navajos on reservation are supplied by non-Navajos, primarily in border towns. There are many reasons for this lack of facilities. One is the trader's fear of over-expansion; another the poverty of the population; a third the potential

Navajo entrepreneur's lack of capital; a fourth is the relative scarcity of trained Navajos to run local businesses. For a visitor to Shiprock or Window Rock, or even a smaller center like Chinle, the situation has changed enormously in the last 20 years. At points farther from the reservation borders the change is far too slow.

To summarize thus far, the trader is the center of the credit system of many communities. He serves the purpose of extending credit to compensate for the fact that Navajo income comes in irregular amounts. He therefore controls a good deal in the community: pressures for off-reservation employment, for example, may emanate from him, and his attitude toward extending credit controls a family's ability to undertake a large ceremony. He has changed from a "fashion leader" to a reluctant fashion follower, whose customers seek more kinds of goods than he wishes to stock. The reservation lacks many important consumer facilities, which are located in border towns.

The trader's situation, however, is complicated today by three factors: (1) There is more ready cash available to Navajos. Although they must often cash Federal and Tribal paychecks with the trader, they do not always do so. (2) Transportation is easier with better roads, and more pickups and larger trucks, making it possible for Navajos to do quantity buying in town or at more distant posts, and even to sell cattle and sheep in small quantities in town. (3) His own credit costs are rising, so that his credit business is probably more costly to him today (no figures available).

Nowadays some relatively well-to-do Navajos use the trading posts as they would the corner grocery—for the occasional loaf of bread or bottle of milk—doing their major shopping in supermarkets, sometimes a hundred miles or more away. They do so because it saves money. Others, ordinarily not at all well off, use the credit arrangement to insure larger amounts of disposable cash at particular times. Thus a woman may get credit on a rug at one post but sell it at another, or in town. Eventually she must pay off the debt with another rug, but temporarily she has the credit and the cash as well. If this can be done at a time when she has to clothe her children for school or meet some other emergency, the delay may be worth while. The restriction of inventory also leads to shopping in town, and such shopping clearly is not likely to be for the odd item but for a large order. (Among the goods one might not find in some out-of-the-way posts are dental floss, ashtrays, and mailing labels, all of which are nevertheless used by some Navajos and some non-Navajos in the community.)

In the early 1950's the Tribal Council talked as if it might fail to renew a number of trading post leases or renew them only on a short-term basis. In the end, however, it set up provisions for 25-year leases, with no option for renewal except where a case was made that capital could not be recovered in 25 years. It also set up some anti-monopoly provisions. Leases can be canceled for cause (see Navajo Tribal Code). These leases will expire, for the most part, in 1978-79.

The trader is at the bottom of a business hierarchy in the Southwest. Above him are wholesalers and banks. In the power hierarchy of the Southwestern States, few actual traders are to be found, although many significant figures come from what were once trading families.

Traders are kings only on the reservation, and their position is certainly undermined today. Adams argues that many traders could survive in no other setting because they are not sufficiently up to

date as businessmen. This may be true for some; it does not seem to be true for most of those I have known. Furthermore, Tribal regulations would appear to make it difficult for a reservationwide or regional monopoly to be set up, but many traders are united by kinship and marriage. Shared interests and personal ties do now, and will increasingly in the future, create a tendency toward, and possibly toward a "monopoly" by a few people united among themselves and able to compete successfully with new outsiders and with potential Navajo traders, but perhaps not with an expansion in the number of stores like Fed-Mart.

It must be noted that traders do many things not in the repertory of the corner grocer or supermarket manager. They advise Navajos who receive baffling documents from the Government, notify people about meetings, drive them to the hospital in emergencies, turn out to rescue them from snow and flooded arroyos, provide their own telephone at cost per call to members of the community, deliver individual messages, give wedding presents, sometimes bury the dead, and bear with some patience the trials of daily life.

Nevertheless, Navajos are served by a relatively expensive, inventory-constricted set of retailers. These retailers control the credit network and operate with high interest charges that are neither regulated nor clearly visible to the customer. (A 10-percent credit charge on any credit purchase—not a universal practice by any means—is not a clear charge, since it might in different cases amount to 10 percent per day, per month, or per year.) Consumer facilities situation on the reservation are underdeveloped. The trader's position is being weakened, but traders form a relatively well-consolidated interest bloc on the reservation. Traders of Navajo origin, it should be made clear, are few and far between.

C. SUMMARY

Let us suppose that we could cut a cross section through the reservation territory extending about 8,000 feet below ground, and that we could make a rapid-motion picture of the flow of population, money, and resources from about 1900 on. What would we see? First, we would see a population doubled thrice between 1870 and 1958: hogans and houses would multiply before our eyes. Plant cover would disappear; huge washes would appear and increase in size; topsoil would disappear. An ebb and flow of the population off the reservation to employment sites could be observed. But money would flow predominantly to the trader and from the trader to the larger economy, balanced only by a flow necessary to sustain life and (in recent years) somewhat to enhance the standard of living. Sheep would increase rapidly—and then decrease suddenly in the 1930's, to remain more or less steady in quantity. Horses would increase until the 1930's and dwindle rapidly thereafter, while pickup trucks would partly replace them. Wagons would increase to the 1930's and almost disappear by the 1960's. Timber for firewood and house construction would dwindle fairly rapidly, commercial timber less so. Meantime, below ground, we would see oil, helium, coal, uranium, and vanadium draining off into the surrounding economy; we would see rents and royalties flowing into the tribal treasury, but, of course, major profits accruing to the corporations exploiting the reservation. We would see the slow develop-

ment of roads, water for stock and drinking, government facilities, and so forth, and a flow of welfare funds coming in, to go out again via the trader. The net flow of many physical resources would be outward; the flow of profits would be outward; and the only major increase to be seen would be population, with a minor increment in physical facilities and consumer goods.

This is the picture of a colony. It can be duplicated time after time, place after place, in Africa, Asia, Latin America, and the Caribbean (for not all colonies are formally the political property of the country that dominates them), and, of course for other American Indian groups. Where do we go from here?

VI. POSSIBILITIES FOR DEVELOPMENT

A. WHO SHOULD PLAN DEVELOPMENT?

Planning with Navajos has been a major aim for the Navajo Area Office for several decades. *Navajo Progress* (see bibliography) and other Area Office documents make it evident that efforts at joint planning with Navajos are to be found at every level from reservation-wide planning to the local community, and in every area, from industrial development to schools and roads. How much actual devolution of power there has been, however, is another question.

It is not satisfactory, however, to grant Navajos a share in the planning process. The solution is for Navajos to plan for themselves, drawing on such advice as they wish, whether from the Bureau and other Federal agencies, Congressmen, universities, management consultants, private industry, and whatever experts they need. The reason for this is that whereas Navajos may make mistakes, only Navajos are primarily concerned for Navajos. Congressmen are primarily concerned with their constituents, only a minority of whom are Indians. Bureau officials are constrained in many ways: they wish to be primarily concerned for Navajos, but they must be concerned lest they violate their role as trustees for Indian property, and lest they upset local interests, who in turn will put pressure on Congress, which will put pressure on them. Furthermore, neither Congress nor Federal officials have to live with mistakes in dealing with Navajo resources as closely as Navajos do.

To say that Navajos must plan does not mean that all planning should reside in the Tribal Council. There are now two levels at which planning occurs and a third seems to be emerging and should be encouraged. There is the Council and there are the Chapters, or, approximately speaking, a tribewide and a communitywide level. Regional groups are beginning to appear: Agency councils, presently made up of chapter officers and local tribal delegates. (There are five agencies in the Navajo Area Office: Fort Defiance, Crownpoint, Shiprock, Chinle, and Tuba City, and five agency councils.) Under present circumstances these councils are not elective, nor are they strong. A variety of possibilities exist for altering this situation, but it would be premature to discuss them here.

A responsive, responsible, and flexible system for Navajo planning would involve all three levels, since some issues are purely local, far more are regional, and some are tribal. The advantages of the regional (agency) council would be that it would permit new leadership to

emerge, that it would be attuned to local issues, and that it would be a counterforce for grassroots level Navajos to the Tribal Council, whose concern with development in recent years has put it somewhat out of touch with local Navajos—or so they tell me. The Council is also unduly sensitive to the opinions of the Bureau and of private industry, and new regional councils might break that mold. Such a step, however, should be undertaken by Navajos, and not be external pressure.

The Bureau's reaction to this sort of recommendation is that it is "bringing Navajos along" as fast as it can. Nevertheless, it is true that I have found a great deal of frustration among Navajos who have definite ideas about what needs to be done and no way of influencing events: there are signs, then, of a great deal of frustrated energy on the reservation, where the Bureau seems to find apathy and hesitancy. It is also said that the Council tend to distrust Anglo employees of the Tribe and that they therefore show a high rate of turnover. But surely it is better for the Tribe to draw on experts whose sole responsibility is to the Tribe than to depend on those whom it did not hire and cannot fire.

The plan submitted below, then, is one man's version of what needs to be done. But it is assumed that the final plan, if there is to be a sound one, will be made by Navajos.

A necessary adjunct to Tribal planning is a Tribally operated unit capable of undertaking sample surveys to determine relevant characteristics of the Navajo population and Navajo reactions to possible plans. The recently completed Navajo manpower survey is an excellent start. It was begun in spring of 1967 and should soon be available. The tribe, the Bureau, ONEO, USPHS, and the Arizona State Employment Service joined forces to carry out this work.

It is evident from the work that Navajos have done as interpreters, census takers for the U.S. Government and for the chapters and the BIA schools, ONEO and social security investigators, and so on, that literate Navajos, some with only a sixth-grade education, are capable after brief training of working as interviewers. A sample of 1,000 to 2,000 Navajos should be adequate for quite complex surveys. What is needed are funds and a few experts—initially from outside, perhaps, but later Navajos—who can plan the sampling technique to be used and cope with the problem of wording interview schedules and of translating them into Navajo. The Tribe should not have to depend on the interests of outside investigators for data of this sort.

The Tribe also badly needs resource surveys. It seems that the USGS will not conduct surveys of Navajo mineral assets. Neither will the BIA. The Tribe should have its own experts, responsible to it, rather than depending on surveys by private businesses for their own purposes.

It should be noted that the Tribe is already carrying out its own planning activities and hiring its own experts. This should continue at an accelerated rate.

B. THE POPULATION CONTEXT OF DEVELOPMENT

Navajo population doubled between 1870 and 1898 (28 years); between 1898 and 1932 (34 years—slowed down by the terrible influenza epidemic after World War I); and between 1932 and 1958 (26 years). Its present rate of growth is probably on the order of $2\frac{3}{4}$ to $3\frac{1}{4}$

percent per annum (doubling in 22-26 years). No forces are evident that would slow the rate of growth; on the contrary with 55 percent of the population below 19 and 79 percent below 34, growth should accelerate in the future. Since the present population, on and off reservation, is in the neighborhood of 120,000, about 90 percent of whom spend some part of each year on reservation, any plans developed should be on the assumption that by 1990 (only a little more than 20 years away) there will be about 240,000, and that unless the external economy and the educational system alike have been enormously improved, 80 to 90 percent of these will wish to have a place on the reservation. Over 3,000 should enter the potential labor force this year, and about 4,500 in 1979. Any planning must be done on the basis of a maximum estimate of population and population growth and a minimum assumption respecting emigration from the reservation. These assumptions are necessary for humane, rational planning. Too many plans for the enhancement of standards of living in underdeveloped areas have foundered through a failure to allow for population growth. To develop a plan for extensive migration is easy but inhumane. It is also to a considerable extent unnecessary. With no planning at all, emigration will be forced. Navajos, however, are living in their homeland. They have significant resources. A rational and humane plan will be one that makes migration a matter of choice and provides maximum opportunity for them to gain an adequate livelihood from their own resources.

This report has not discussed organized planning for emigration because it deals with reservation development. It is, nevertheless, true that Navajos will wish to migrate, and that the educational system should be one that gives sufficient opportunity to prepare for this option. There should also be efforts to assist Navajos desiring to migrate to find jobs, housing, and so forth, job training opportunities such as now go on (see below), and perhaps planned efforts to locate Navajo migrants in groups in cities, instead of scattered about, as is typical now. Such enclaves seem to have made for a good urban adjustment for some Pueblo Indians, for example the Laguna colony in Barstow.

C. MINERAL EXPLOITATION

Since only a fraction of the projected population can achieve a decent standard of living based on farming or herding, we will begin with mineral exploitation, industry, and commerce.

In my opinion, the present pattern of leasing mineral rights drains both resources and wealth from the reservation, in spite of the residue that remains in the Tribal treasury. The mineral wealth of the Navajo country is not unlimited, and the yield will decline. All the more reason why it should be managed by Navajos and its profits devoted to them. At present the tempo of exploitation is set by oil and coal companies, and the product used largely for fuel. Yet the oil and coal have potential use for the manufacture of synthetic products. By the time the reservation is ready to take advantage of the potential for more complex use of these minerals, they may well be largely gone or entirely under the control of enterprises whose interests lie many miles from Navajo country.

Although the initial outlay would be considerable, and would require Government support, and although trained personnel would

initially have to come from outside, the rational procedure for a planned program of economic development would be for the Navajo Tribe, as a corporate body, to own and operate its own petroleum, gas, coal, vanadium, and so forth, industries, to set its own pace for extraction, to process the products in as large part as possible, to sell them, and to utilize the profits for the benefit of members of the tribe.

At present, Navajo assets are used to enrich non-Navajo enterprises. Tax funds enter the reservation in relatively "soft" forms like ONEO part-time employment funds. The use of Federal funds, whether as subsidy or as low-interest rate loans, for Tribal enterprises of this sort could reverse the present impoverishment of the Navajos and their dependence on welfare and "soft" Government money, like ONEO.

The Tribe operates the Navajo Forest Products Industries and the Navajo Tribal Utilities Authority. Thus it is not Tribal enterprise as such that constitutes a block to Tribal exploitation of mineral resources. The obstacles lie elsewhere. First, the Federal Government's trustee obligations to the tribe are such that legislation would be needed for approval of enterprises involving higher risk than the present ones. Second, shortage of capital would have to be remedied by Federal action. Third, managerial staff would be needed.

There are, however, still other obstacles. Most Federal employees and most Council members are at present persuaded that the low risk and infinitesimal investment involved in present leasing arrangements are preferable to the higher risk and large investment otherwise needed. Both of these attitudes are supported by the reactions of private industry, which undoubtedly would like to use the mineral wealth of the reservation for their highly profitable operations. This last point, I believe, is very important. By and large, private industry and local interests alike resist the development of competitive economic activities by Indian tribes. Thus a sawmill is acceptable because it is a small operation with relatively small profits and hence has little opposition from the lumber industry. The present mineral operation is a very large one with very large profits, and it can be anticipated that there would be great pressure against development of Tribal mineral enterprises. Hence it would be necessary to insure a sales outlet for Navajo oil, gas, and coal. Since the U.S. Government is one of the larger users of all three commodities, it would be in a position to guarantee the purchase of Navajo supplies at fair market prices.

To anticipate somewhat, on the Navajo Reservation at present are various industrial plants in defense-related industries. So far as I know, a considerable part of the product of the companies involved is produced on a cost-plus basis for the Federal Government. This is a tax-subsidized business operation. If this can be done for defense purposes, it would seem that tax money could be used to develop Navajo resources, particularly since in the end the reservation would be far less dependent on Federal funds than it is at present. The fact that Tribal enterprises are not presently subject to Federal tax would also provide a badly needed advantage in establishing tribal industries.

As things now stand, even the manner of exploitation of Navajo resources lies outside the control of the people. There is strip mining of coal near Window Rock, and there will be strip mining by Peabody Coal at the north end of Black Mesa. When I was there the local

population did not know anything about strip mining plans, but only about mining, in some general way, nor did they have information (nor do I) as to arrangements, if any, for disposition of toxic wastes, backfilling, contouring, or reforestation. Yet Navajos have been using this area for their own purposes. The entire subject needs wider discussion among Navajos. (I am informed that future strip mining contracts will contain restoration clauses, but how enforceable these will be I do not know.)

Conceivably Navajos would be more prudent in their rates of consumption of these rare and limited resources and more careful in considering the effects of the manner of exploitation than is private industry. Possibly they would prove less prudent and careful. In either case, however, decisions would be based on local considerations and not on the needs of particular corporations. This seems vital for the Navajo future.

I have earlier mentioned processing. What we are seeking here is the well-known multiplier effect: that the extraction itself should employ as many Navajos as possible, that the refined rather than the crude product should, insofar as possible, be produced on the reservation, so that more jobs for Navajos are created on all levels, labor and managerial, that centers of production of this kind become population centers demanding various service industries (stores, garages, and so forth), which in turn would be Navajo-run, and so on.

For this processing to come off, of course, further capital is needed, and the technological substratum of roads, power, et cetera, previously mentioned in virtually every section of this report, is required.

No proposal in this report has encountered more objections from BIA officials than that for Tribal exploitation of minerals. Alternative suggestions made to me are that the Tribe might operate processing plants but not the basic extractive industries, or that management of the entire operation might be Tribal but the capital be external. The objections to these plans, each of which has advantages compared with the present situation, are twofold: neither curbs the outflow of profits from Navajo resources to non-Navajo recipients, and neither places control of the pattern of exploitation in Navajo hands.

There are a number of oil leases on the reservation. Peabody Coal, Pittsburgh and Midway Coal, Utah Mining and Construction Co., and El Paso Natural Gas Co., are all involved in coal exploitation. Other mining interests are represented by Kerr-McGee, Climax Uranium, and Vanadium Corp. of America.

El Paso Natural Gas Co. owns pipeline booster stations, and Shell Oil operates a refinery at Aneth, Utah.

D. INDUSTRY

As much processing of minerals as possible should occur on the reservation, for the sake of multiplier effects. In addition, there should be development of the manufacture of various kinds of finished goods and components.

The past few years have seen a rapid but somewhat special growth of industry in the Navajo country.

The Tribe itself operates Navajo Forest Products Industries, at Navajo, N. Mex. It runs the Navajo Tribal Utilities Authority (NTUA), providing electricity, gas, water, and sewage to an increasing

number of customers. It runs the Arts and Crafts Guild, one of the best outlets for high quality Navajo silver, rugs, and other crafts products in the Southwest. And it runs motels and restaurants at Window Rock and Shiprock.

The size of the NTUA operation has been described. In line with what has been said before about Navajo control of Navajo resources, NTUA has one interesting feature. It buys power from the Arizona Public Service Co., which runs a powerplant near Fruitland, N. Mex., with a present capacity of about 570,000 kilowatts, soon to be increased to 2,080,000 kilowatts. Arizona Public Service is headquartered in Phoenix. Ownership of the expanded facility will include APS and Southern California Edison Co., Salt River project, Tucson Gas & Electric Co., Public Service Co. of New Mexico, and El Paso Electric Co. Coal for the plant is supplied by Utah Construction & Mining Co. from Navajo mineral leases. Current will be transmitted to southern California. By about 1970, it is said, the payroll will include 800 persons involved in plant construction, and thereafter the present payroll for the plant proper will double. "The combination of the new power units and the mine will mean an additional \$1,041,600 annually in rents and royalties to the Navajo Tribe. The coal reserves will last through the economic life of the powerplant" (Anonymous, 1966a; Destination: the Twentieth Century, p. 3).

This means that Navajos lease mines to Utah Construction & Mining Co., that they receive the royalties on these leases, whereas Utah Construction & Mining Co. receives the profits, and that they then buy back the coal in the form of electric current, which they sell at a profit locally. NTUA is indeed an important achievement for the Tribe. But is there not some less roundabout way for the Tribe to use its own coal and to hold a larger margin of the profits from it? Furthermore, should Navajos relinquish so much of their coal for the sake of power users in California, so that at a later date they can pay for the import of power to the reservation when their own needs expand?

Navajo Forest Products Industries employs about 500 people, over 90 percent of them Navajo; I do not have figures on NTUA employees, save that 93 percent are Navajo. It will probably expand to make particle board, door and window frames, and other products. It should.

There are a number of private industries in the Navajo country. One is a utility, already discussed; Arizona Public Service Co.'s Four Corners Powerplant at Fruitland, presently employing about 120 people, less than 20 percent of whom are Navajos. One is Navajo Furniture Industries, Inc., which manufactures juvenile furniture in Gallup, with about 25 employees, almost all of them Navajo.

There is, as has been said, an oil refinery at Aneth, Utah.

Finally, there are three manufacturing plants, all of them in defense-oriented industries. Fairchild Semiconductor Division, Fairchild Instrument and Camera Corp. manufactures semiconductors in a plant at Shiprock, employing 850 people, 800 of them Navajos. It expects to expand to 1,200 employees. General Dynamics Corp., Pomona Division, has an electronic assembly plant at Fort Defiance, Ariz., employing 150 people, 125 of them Navajos. And Vostron Electronic Packaging Industries carries on electronics assembly at Page, Ariz. It employs 36 people, all but the manager being Navajo. (Data on industries from Navajo Area Office, BIA.)

In the past the Tribe began industrial operations that were later canceled, all of them involving substantially less complex processes than the private plants just mentioned: Cement, clay, leather, and wood products, and wool textiles. I have been told that these enterprises were terminated because they were losing money—through lack of local markets for products, because of high transportation costs for finished products, etc. I have also been told that in the 1950's, when they were stopped, the Bureau was less than wholehearted in its support for Tribal enterprises.

At present, then, Tribal enterprises employ well over 500 Navajos (no figures for NTUA), and private industry on reservation in the neighborhood of 1,000. This is an enormous change from a few years ago, but it represents only a tiny fraction of the potential labor force, or even of the total of Navajos now employed part and full time.

However pleased one may be about this rise in employment opportunities and about the Tribal and Bureau enterprise that helped to bring about these results, there are some significant features of industrial developments to date that deserve considerable thought. First, the electronics plants, the major industrial employers, hire almost entirely women. Thus, opportunities for steady employment for men on reservation are not improved by these industries. There is nothing about the employment of women that is undesirable, either from the point of view of development or from a Navajo point of view. But unless parallel opportunities arise for men, demoralization of the male labor force will continue.

Second, once again private industry rather than Tribal industry has been let in on the ground floor, so that payroll comes on the reservation but profits go off. Furthermore, to the degree that water is a limiting factor for industrial development in the Navajo country, these firms inhibit any later possibilities for Tribal industries to arise.

Third, concentration of Tribal industrial employment in defense-oriented industries would seem unwise unless the United States is to maintain present levels of military spending indefinitely—in itself an unhappy prospect.

Fourth, since there is reason to believe that tax money has been used to finance the development of defense-oriented private enterprise on the reservation, the question arises why it could not be used to finance Tribal enterprise. In brief, Federal funds paid for on the job training; the firms in question carry on a considerable portion of their activities on a cost-plus basis; their location on the reservation seems to have been a product of Kennedy administration policy to spread the locations of defense-oriented industry to hardship areas. The net result appears to be that the Navajos have secured a payroll for about 1,000 employees (at fairly low wages), that in order to do so they have deployed reservation land and water, that the Federal Government has footed the bill for the employment training and, in one way or another, underwritten the profits of the firms in question—profits that do not accrue to the Tribe. (See H. L. Nieburg, "In the Name of Science" (1966), for substantiation of the general position taken here.)

It would appear, then, that a more frontal approach to industrial development on the reservation might be attempted through the creation of Tribal industries—one that would (as at present) use Federal funds to assist in employee training, perhaps one that would provide cost-plus contracts initially, but certainly far better one

that would provide low-interest loans initially. Furthermore, the development program should be less one-sided than the present defense orientation. Tribal industry would be highly advantageous in retaining profits in the area. Finally there should be employment for men, as well as for women.

There are many possible ways, instead of, or in addition to the above, for the Tribe to acquire more control over its own industrial development. It could begin as a minority or majority shareholder, instead of an owner. In that case there could be built-in opportunities for the Tribe to purchase increasing quantities of stock on an option basis at a fixed price until it became majority shareholder or owner, as might be deemed desirable. Since options are granted to corporation officials for their services, they could equally well be granted to the Tribe in exchange for its site, roads, and relatively cheap, non-unionized labor (unions are forbidden by Tribal law). There is Tribal enabling legislation for partnerships with private concerns now on the books.

It might be said that trained Navajo manpower would constitute a relatively stable labor supply, since Navajos are strongly desirous in so many cases of finding work on the reservation.

It is evident that in the early phases of Navajo-owned complex manufacturing, non-Navajo know-how would be needed. It can be hired, as it has been for the Forest Products operation. The greatest obstacle, of course, would be the difficulties of marketing products in the face of a distaste for competition on the part of large corporations, and the simplicity that arises for private and governmental purchasing agents in going to large corporations to satisfy their needs. But if this problem cannot be met, the Navajo country cannot be developed except in the present highly exploitative fashion.

It should be noted that each of the private plants is located on the periphery of the reservation, and the same is true of the Tribal ones. A Tribally planned development could be based on a system of plant locations that took account of the Navajos' own needs. The present pattern benefits only selected portions of the reservation, except for those Navajos who relocate to take advantage of employment. Light industry has a wider potential range of placement than it has yet achieved in the Navajo country.

If there is to be well-developed cash-crop farming in the land made available by the Navajo Indian irrigation project (see below), and if the livestock industry is to be improved (see below), food processing plants and meat-packing plants would be highly desirable.

The Navajo Forest Products Industries, the Tribe's most successful enterprise to date, now has Navajo employees capable of assuming major responsibilities. One, at least, has been offered an excellent job in an outside wood products company but has refused and is staying on the reservation for lower wages than he could make elsewhere. He was trained on the job. There is, however, no particular reason to assume that local loyalty will operate to keep well-trained Navajos in the Navajo country: It is likely that some are as vulnerable to "brain drain" salary offers as are Englishmen and Canadians, now that the United States pays top dollar. Hence salaries must be competitively high. But more important, on-the-job training opportunities must exist in all industries, so that, as rapidly as possible, Navajos

may assume responsible jobs. Responsibility is not learned except in responsible positions. Preparation for jobs should also occur in schools. (See education, below.)

D. THE TECHNOLOGICAL BASE

Further mineral exploitation and industrial development, as well as topics discussed below, such as commerce, education, and health programs, demand rapid movement to create an adequate technological base, in terms of roads, electrical service, gas service, and a variety of other features. Mineral exploitation, industrial development, and improvement of the livestock industry and of farming all demand water development.

The 20-year road plan jointly developed by the Tribe and the Bureau will cost \$300 million and provide an expansion from the present 430 miles of paved road to about 4,000 miles. This would seem urgent, and 20 years too long a time. A bus service is needed. The basis for expanded electrical and gas service now exists. The water situation is more complicated.

Since 1961, water development has been largely in the hands of the Tribe, with cooperation from the U.S. Public Health Service, which provides technical guidance in developing and protecting shallow water sources. A report by Heinrich J. Thiele & Associates (Thiele, 1966) supplies a detailed picture of the situation in 1966 and of future prospects. It recommends the establishing of a Navajo Tribal Water Authority, and the removal of water development and service from the Navajo Tribal Utilities Authority and all other programs now dealing with water. I can only concur. The Thiele report indicates clearly that planning for water use is a prerequisite for the development of urban centers, industry, commerce, irrigated farming and pasture, and tourism on the reservation. The picture as respects quality and abundance of water is far too complex to present here. Suffice it to say that relatively abundant, potable water can be found on only about 39 percent of the reservation's area, that portion in which about 66 percent of the population was living in 1966. Thirty-two percent of the area brings in brackish water, and 29 percent has almost no water potential. Under these circumstances, planned locations for denser aggregates of the population, for schools, and for industry are an urgent need. Furthermore, there is potential competition for water as respects the demands for livestock, farming, mineral exploitation, industry, and domestic use.

The Thiele report makes mention of future industrial needs but contains few projections on this score. It indicates that since wells were first dug on the reservation, neither selection of sites, construction methods, materials, nor maintenance has been adequate. It is expected that use of water in rural area on the reservation will increase from 6,000 acre-feet in 1966 to 30,000 or more in the year 2000. No figure for industrial and urban use is supplied by the report.

The Navajo Indian irrigation project is supposed to supply about 508,000 acre-feet of water for 110,000 acres of land when it is completed (according to BIA projections, in 1981; according to some newspaper accounts, in the 1990's a date discouraging to Navajos). Originally 23,000 acre-feet in addition was set aside for municipal and industrial use, a figure that did not allow for the domestic water needs of people

making use of the irrigated land. This was later increased to 100,000 acre-feet. Of this amount, 51,500 acre-feet has already been allocated to Public Service Co. of New Mexico, Southern Union Gas Co., and Utah Construction & Mining Co., for thermal electric uses, leaving not very much for future domestic and industrial use. (See Public Law 90-272, 90th Cong., S.J. Res. 123 of Mar 22, 1968).

Meantime, Peabody Coal's operation, to slurry coal to Nevada, draws on deep wells in the Black Mesa territory. Full details are not available to me, but there are apparently at least four wells, to depths of 2,500 feet, providing 2,000 gallons per minute each, and costing \$250,000 each. Thus scarce water resources are being used to shunt Navajo resources to Nevada, without, so far as can be determined, any overall water plan having been adopted by the Tribe.

To sum up: There is far more water in the Navajo country than might be supposed; much of it is at a considerable depth; it is not evenly distributed; and a water plan and a water authority are urgent needs underlying every phase of development.

F. COMMERCE

At present on the Navajo Reservation there are a large number of trading posts, some with cafes and garages, some private motels (at Tuba City, Monument Valley, and Chinle at least), two Tribal motel-restaurant combinations at Window Rock and Shiprock, two banks, at Window Rock and Crownpoint, brought there through the efforts of the Tribal Council, assorted small businesses like laundromats, and the new Fed-Mart store in Window Rock. There is also the Navajo Arts and Crafts Guild, run by the Tribe.

The perspective for development is a 25-year period, at the end of which time there will be an estimated 240,000 Navajos, most of whom will spend at least a portion of the year on the reservation.

About 10 years from now, a major decision point will arise. The traders' 25-year leases were mainly negotiated in 1953-54 and will expire in 1978-79.

If development occurs on other fronts, principally industrial and livestock, there will be an increasingly prosperous and an increasingly large population to be served by retail facilities of one sort and another. Furthermore, if there is industrial development, there will be (as there already are) population shifts on reservation creating a number of more densely populated centers. Finally, if livestock management were carried out on a suprafamilial level, even in relatively out-of-the-way communities there could be a less scattered pattern of residence, all of which would make retail activities more inviting.

There are dilemmas in the various plans that come to mind for future commercial development. The Fed-Mart store is a new factor that will condition the next few years to a marked extent. If, as appears likely, it is a success, it seems probable that Fed-Mart will build additional outlets in such population centers as Shiprock and Tuba City. And if these succeed, other agency headquarters afford additional possibilities. Each such move will create a small increment of jobs (60 in the Window Rock facility at present) and will draw Navajo business that might otherwise have gone to traders or to the border towns. This is likely to make the traders' position less attractive.

One can envisage the possibility, then, that as the traders' situation, already undermined to some degree, becomes less viable, and as leases expire, the new occupants will be either Anglos content with quite small-scale operations or Navajos willing to operate on a low margin of profit. The advantage of the Fed-Mart development is that it provides consumer goods to Navajos at far lower prices than they have paid to traders and border-town merchants in the past. The disadvantage is that again an outside interest will achieve a position of dominance on the reservation. While this may well make more commercial establishments available to Navajos, it will preempt large-scale commerce, since Navajos will not be able to compete with Fed-Mart in terms of range of goods. The likelihood is, however, that Fed-Mart will have secured its advantage well before any alternative possibility could be realized.

This being the case, there seem to be three areas of planning available. The first is the possibility of Tribal or individual Navajo control of trading posts as their leases expire. The second is an effort to reserve for Navajos the wide range of small business opportunities that ought to open up at an accelerating rate: Such facilities as laundromats, barber shops, beauty parlors, clothing stores, appliance repair shops, etcetera—some needed already, some not feasible for some years. This requires tribal control of licensing (which it has), an education program that will provide appropriate training in skills and particularly in business management, and a loan program on a considerable scale. The third is to modify the trader's role in the credit system, either by regularizing his interest charges or by displacing him as the community "bank" by providing a far more extensive tribal loan system, which would require underwriting by the Government. Navajos ought to have other resources to turn to for futures in meat and wool, for example. This would make it possible for Navajos to have more control over their own economic lives and would free the trader from a credit squeeze that begins to create problems for him. If, however, the credit now supplied by traders were to disappear without a substitute (and it has been argued here that *more* credit is needed than is now available, not the same amount by different means), Navajo families would suffer terrible hardships. At present trader and Navajo are "locked into" the system.

G. LIVESTOCK INDUSTRY

Most Navajos today are not in the livestock business in the sense in which a commercial farmer is in the wheat business. Their production is for a combination of use and sale. The sale is not, in any simple sense, for the sake of making a profit, but to buy the necessities of life at the trading post and the store. Neither mentally nor by means of bookkeeping is there a separation of the herd as a cash-and-credit enterprise, the herd as a source of food, and the herd as a form of insurance—to be used for an emergency, or to fall back on when a man loses his job. This can be seen in the arrangements in some extended families with respect to the yield from livestock. The sheep are earmarked for various members of the family, and each such member would claim that the sheep so marked were his. They may be used in any of the following ways: They may be eaten by family members, contributed for the ceremonies of relatives outside the

family, or used for ceremonies within the family. The wool may be sheared and sold. The sheep may be sold. As for cattle, they are produced mainly for sale. Sometimes they are used for ceremonies. They are seldom killed for ordinary family consumption, because they are too large to be used before spoiling occurs. A given family member ordinarily allows decisions about killing sheep for meat or giving them for ceremonies to be vested in the senior member of the extended family. He also makes claims of his own for food and gifts. He may or may not shear his own sheep separately and sell the wool separately. If his parents' needs are great and he has a steady job, he may well allow the wool profits to remain with the parents. He may even allow the money from the sale of lambs to accrue to the parents. He will ordinarily claim the right to sell his own cattle and utilize the proceeds: cattle are seen in more of a business context. In sum, considerations of equity, far more than of profit, dominate the procedures of the family livestock industry.

Nevertheless, more and more people wish to be in the livestock business properly speaking. This often means conversion from sheep to cattle. There are several factors pushing people in this direction. First, so many Navajos are engaged in at least part-time wagework that a shortage of herders is on the way. Cattle require less daily management; they can be run with only occasional mass mobilization of manpower, to count, brand, castrate, dehorn, et cetera. Furthermore, it is often asserted that if the family unit cannot manage livestock operation of high quality, it can make more money from a herd of cattle than from a herd of sheep. (It is also asserted that under optimal conditions for the sheep, they would be more profitable than cattle.) In addition—why I do not know—cattle are viewed differently from sheep: it seems to be considered normal for a person to realize his own money from sales of his own cattle, rather than turning over the proceeds to a parent.

Cattle, however, have one major disadvantage compared to sheep: they cannot be casually killed for a few days' meat. The older people are keenly aware of this; the thought of having only cattle, or very few sheep alarms them. They survive on the sheep. (It is also true that most Navajos like mutton better than beef. Many non-Navajos who have eaten range mutton and range beef would agree with them.)

For adequate economic development of the livestock base, there must be more water development in order for any rational use of pasturage to take place. Fencing is impossible without water development. This need not always mean deep wells, or even shallow ones. Plastic catchment basins draining into stock tanks can in fact provide adequate stock water in many areas. Under these circumstances it would be possible to fence and to plan the use of the range, regulating by season and responding to weather conditions, without the present problems created by few watering spots.

This, however, is not sufficient. At present the Navajo range can support an amount of livestock that was less than adequate for 40,000 people. There are now about 120,000 Navajos, with doubling in prospect in 22 to 26 years.

There are, however, possibilities of increasing the forage yield two-fold to fortyfold. At present in some 25 locations on the Navajo Reservation this is being done. It involves chaining off pinon and juniper trees or uprooting sage and reseeding with hardy grasses. But for the

grasses to survive, controlled grazing must be achieved, by making water available in each pasture and by fencing. Further work along these lines is certainly desirable.

One difficulty already evident in some areas where fencing, chaining, and seeding have gone on involves the disposition of the dead pinons resulting from chaining. Ideally these should be left initially as obstacles to prevent excessive runoff, and ultimately to decay and enrich the soil. Unfortunately, the shortage of firewood results in the speedy clearance of these trees for fuel.

There are, however, special social and economic consequences that follow from these practices that have not, in my opinion, been thought through. At present, each reseeded area is an extended or nuclear family pasture, that is, a customary use-right area of such a family, fenced only by permission of the neighbors. The reservation is not allotted in severalty at present. Nevertheless, the effects of fencing are to confirm a specific use right for a specific family with a clarity that is not found in other areas. Such families take the position that trespass is involved if other herds move on to the area. Without any doubt they will come to think that these use rights are subject to hereditary transmission. And in time the typical problems of fractionation of heirship will arise. Furthermore, it is probable that if the fencing continues, some individuals will find themselves without grazing areas in the not too distant future. It is by no means clear (a) that systematic family allotment on a *de facto* basis is a sound practice, or (b) that the alternatives to such allotment have been discussed, or (c) that the consequences of family allotments have been made clear to the Navajos. Instead, the BIA seems to prefer to let the system grow on the assumption, no doubt, that it will make Navajo property patterns conform more closely to those of the dominant society.

Rational use of the range, with water development and seeding, could be based on the *community* as a unit, or on the *set of contiguous related families* and their pasture as the unit, or (as at present) the *single extended or nuclear family* as a unit. The present program of range improvement should continue, but not without a thorough airing of the consequences. The technical possibilities of this program and the issue of the proper management unit should be raised in discussions between the BIA, Tribal officials, and local Navajos, so that the consequences of the alternative management patterns are fully explored. Decisions about range management should be reached only after this step. The issue is always a sensitive one for Navajos, but that is one reason it needs to be discussed. At present, the Bureau is sliding into a policy the ramifications of which are not clear to Navajos, whether or not they are to the Bureau.

One significant and favorable feature of present policy should be mentioned. The tribe has permitted the issuing of "conservation use permits" to people who chain, fence, and seed—permits based on a survey of the range in the fenced area. These permits are renewable at 3-year intervals: At each review they may be increased, reduced, or eliminated, depending on range conditions and the conservation efforts of the users. It appears that these permits make it possible for more livestock to be raised in a given area and serve as an important incentive for conservation practices. Not every part of the reservation is ecologically suited to chaining and seeding. The practice is not a cure-all, but it seems to have value.

There is no reason why range management, adult education in range management, education in livestock care, and so forth, could not be turned over to the tribe more rapidly than is being done. The Federal Government has recently turned over many of these activities to the States. It would be better in the long run to supply the funds it provides to the States, or additional funds, to employ experts selected and paid by the Tribe. The experts should be answerable to the Tribe. Well-trained interpreters should be developed by the educational program (a step never undertaken), to serve as an effective communications link between experts, governmental or other, and the people. The educational system should be oriented to producing young Navajos trained as range management and livestock specialists to take over the positions now occupied by others.

The Tribe will also have to become sensitive to the future potentialities of the livestock market in planning along these lines. It would be possible to undertake an unwise expansion of the livestock industry: One that does not take into account its inelasticities or the significance of foreign and local competition. The balance of sheep, mohair goats, and cattle must be considered in this context.

The Navajo Indian Irrigation Project, scheduled for completion in 1981, will provide irrigation water for about 110,630 acres of land. It is apparently planned to use some of this land for irrigated pasture, which would make it possible for Navajos to raise grain-fed beef locally.

At present the tribe sponsors cattle auctions through the Cattle-men's Association. Considerably more could be done in the way of organized marketing activities by the tribe (for example, as respects wool and mohair), or in terms of cattle and sheep marketing cooperatives or management cooperatives at the local level. It is important that there be vigorous local organizations; as the tribal council takes on more functions, it is likely to become excessively dominant, unless the mission of chapters is expanded or other local, suprain organizations emerge, or regional organizations appear—or all of these.

In the past, local cooperatives have not been successful. There are, however, special reasons for local opposition and apathy in most cases. Several cooperatives began by removing part of the pastureland of a given area from the control of families that had used it for many years and putting it under cooperative control. This step guaranteed undying opposition on the part of a segment of the community. The issue, however, should be reopened without this obstacle, so that Navajos may consider whether they wish a local economic unit larger than the family (whether for marketing or management or both), to give them leverage in dealing with traders, border-town businessmen, and tribal and BIA officials.

Finally, as respects both herding and farming (see below for farming), planning cannot be based on the assumption that Navajos need only a subsistence economy. Whereas they may derive food from farming and herding, these activities must be planned to yield a living, and not merely foodstuffs. Evidently there will come a time when family herds will not be the most economical or efficient way to use the range: When, by one means or another, aggregations of herds and of pastures will become desirable. All the more reason that this should be considered now, and from now on.

There are two distinct issues connected with farming. The first is the likely fate of subsistence farming; the second is the question of the use of scarce and valuable irrigated farmland.

As to subsistence farming, there is some decrease in the number of farms per capita in many areas, and indeed probably an absolute decrease in the number of farms. One factor that probably contributes to this phenomenon wherever it is found is labor shortage. Many younger people are working on and off reservation at wage labor jobs or are in school during such critical periods as those for the preparation of fields, for cultivating, and for harvesting. This leaves a shortage of labor for herding. Older people prefer to concentrate on the livestock industry in many parts of the reservation and hence decide not to try to prepare fields. There are additional local factors, such as the short growing season on the slopes of Black Mesa, which makes farming marginal there, irregular and unpredictable water supply, and lowering of the water table, which has destroyed the utility of some fields good a generation ago.

In other areas, farming is probably holding its own. In a few, where irrigated farming is to be found, principally at Shiprock, Fruitland, and Many Farms, it is supplemented by cash crop farming, and new kinds of crops are being introduced. These areas are, however, inefficiently planned. The farms are small enough to require the family to produce partly for use and partly for sale and in addition to supplement their farming with wagework labor (cf. Sasaki, 1960). The result is an inefficient farmer, an inefficient wageworker, and an inefficient irrigation system.

If the livestock industry were to improve, would subsistence farming in nonirrigated areas increase or decline? Possibly, with more income from livestock, families would rely more on purchasing food and less on subsistence farming. On the other hand, if families had more income, there might be less part-time summer employment and more labor available to farm. These two possibilities should be considered.

Irrigated farming, however, is another matter—not so much for Fruitland, Shiprock, and Many Farms, unless there is to be a great deal of reorganization there—in the case of the Navajo Indian irrigation project.

There are today about 35,000 acres of irrigable land on the reservation, of which perhaps a third is utilized. Low utilization results from such factors as farm units too small for effective commercial farming (as at Fruitland) and uneven and unpredictable water supply (as in the Chinle Wash area). The Navajo Indian irrigation project (based on the San Juan-Chama diversion) is planned to increase irrigable land greatly. It is to supply 110,630 acres of land with 580,000 acre-feet of water by 1981. The work on this project has lagged by comparison with other portions of the San Juan-Chama development. An additional 13,000 irrigated acres could be supplied in other ways. Thus, there is a potential 158,000 acres of irrigable land, by comparison with today's 35,000.

The Navajo Indian Irrigation Project raises a number of planning issues. First, as BIA officials readily recognize, the area must be used for commercial, not subsistence farming. This, however, raises the question whether it should be cut up into small holder plots of reason-

able size with, say, farm machinery and marketing cooperatives, or worked in very large plots as corporate enterprises, or what. There is also the question, mentioned before, of using a part of it for irrigated pasture. If, in fact, it is to be used efficiently, it will have to have a far better technological base than Navajo farming heretofore.

Even before the land has become available, there is some talk of using a portion of the 508,000 acre-feet for domestic or industrial purposes, which disturbs Navajos who wish to farm there considerably. But the balance between potential use of that water for farming, herding, industry, and domestic purposes must soon be settled.

In irrigated farmland areas, adult education for farmers is desirable. Responsibility for agricultural extension work was transferred from the BIA to the State extension services July 1, 1968, with Federal funding continuing. It would seem desirable that it should soon pass into Navajo hands, and that the education system should produce Navajo stock experts and agricultural extension workers—still with Federal funding.

I. SOME LAND PROBLEMS

1. *Off-reservation groups.*—The existence of off-reservation groups (other than urban migrants) creates special problems for any development plan. These groups include (a) Navajos in Grazing Districts 16, 19, and 20, east and south of the reservation on allotted land, and (b) Navajos in the separate enclaves at Ramah, Puertocito, and Canonicito.

For purposes of development, it would be valuable to be able to work in terms of a contiguous area. The enclaves make this impossible, but the borders of the reservation could be extended to create a continuous reservation that would include the groups enumerated in (a) above. This, however, would not lead to any simple solution, because these lands are allotted. The kind of mineral, industrial, and commercial development described in this report requires the ability to deal with fairly large tracts of land, and allotment would hence constitute a problem. (Allotment of the entire reservation is no solution at all, although the fencing now being carried out in some areas seems to be moving Navajos toward a *de facto* allotment system without prior discussion of its probable effects. Allotment in the areas mentioned above was necessary to preserve Indian claims to this land, but in the *general* history of American Indians under the U.S. Government, allotment has not led to the solution of Indian problems, but to a transfer of Federal headaches to Indian heads, and to loss of Indian lands to non-Indians.) The Tribe seems inclined to extend such benefits as Tribal police and public works programs to at least some of these enclaves, but there would be problems of extending the general benefits of a reservation development program to them. All that can be done here is to point to the existence of a problem.

2. *The Executive order territory (Executive order of December 16, 1882).*—This area is a large rectangle surrounding the territory presently occupied by the Hopi Indians (District 6). It was established by the Executive order of December 16, 1882, at which time it bordered the Navajo Reservation as enlarged in 1878 and 1880. It was established for the Hopi Indians and other Indians dwelling in the area (not a quotation). As a result of a suit, *Jones v. Healing*, the area now presents a difficult problem for the planning of development. The court threw

on the Hopi and the Navajo Tribes the burden of arriving at a joint decision respecting the exploitation of surface and subsurface resources. To date they have been unable to do so. It is unlikely that they will be able to reach a solution without long congressional legislation clarifying the situation. Thus at present rational overall planning by either Tribe seems difficult. The building of roads, gaslines, powerlines, and so on, should be planned to benefit this entire area, either, and, indeed, for this reason the Executive order area is the most inaccessible and underdeveloped sector of the entire reservation with respect to roads, electricity, schools, medical facilities, commercial establishments, etc. The issue must be resolved. Some Navajos and Hopis say they could solve it were it not for white lawyers. The ideal solution would be joint planning by the two Tribes.

J. POPULATION MOVEMENT AND LABOR MIGRATION

Everything proposed previously should result in a more concentrated pattern for the population. It is evident that on-reservation mineral, industrial, and commercial development will result in internal migration and denser aggregations of the population. A combination of adequate roads and patterns of management of livestock and farming in larger units would make it possible for families to live in more of a town or village pattern, with farming and herding territories around the towns. This in turn would make a day school program feasible as well as great expansion of the electric, gas, water, and sewage systems to family dwellings, now so scattered that even under more favorable circumstances few could be served. This concentration is another advantage of the proposal for cooperative livestock ventures and corporate or cooperative farming on irrigated lands. The educational program should train people for the many new kinds of expertise that this living pattern would require.

Whereas the thrust of this report is to make the reservation more liveable for more Navajos, many will wish to migrate not within the reservation but outside its boundaries. The educational system (see below) should provide not only the adult vocational training programs that now exist, but the guidance in career planning and the training that would enable Navajos who desire to do so to relocate. They should, however, be given as much psychological armament as possible against the prejudice they will encounter in the larger society.

K. EDUCATION

Most of the foregoing material relates directly to economic development. Education, health, and welfare are necessary for development but do not constitute development in any direct sense. Education in particular, is too often viewed as a substitute for development: it is too often reasoned that if Navajos are given sufficient education so that (in theory) they can leave the reservation, there need be no development of the reservation. In the present report, education is treated primarily as a means to development, not as an alternative for it.

There is evident need for an expanded, updated, and experimental program of education in the Navajo country. It should be said that the BIA is making some efforts to achieve many of the goals listed

below. Nevertheless, while the BIA is understandably optimistic in comparing its present efforts with its past performance, people not directly involved in education but with an opportunity to observe the system and its fruits are quite discouraged. The recommendations below reflect the latter state of mind, but should not be understood to ignore what is being done.

1. There seems no reason why the entire school system should not come under the managerial control of the Tribe and of local Navajo school boards. The Bureau has said for decades that it is trying to put Indians in a position where they can manage their own affairs and it can go out of business. Nevertheless, a program of actual withdrawal is not feasible, because it removes essential protection from Indians. There is, however, no reason why there should not be a vastly increased role for the Tribe and for the local community, and a vastly decreased direct role for the Government in the immediate future.

There are nominal school boards attached to most reservation schools, but there has been relatively little devolution of authority to date. Local school boards will not be workable unless they have fiscal control and sizable funds.

In education, modest results have been achieved by creating corporations that administer Federal funds and use them to operate Navajo school facilities on an experimental basis. The first Navajo-run school has already been created at Rough Rock, with a school board some of whose members do not speak English but who seem quite competent to deal with the issues. Experimental programs can be found at other schools—for example, English as a second language is particularly strongly developed at Rock Point. Turning over the school system to the Tribe seems a reasonable prospect for the immediate future. Training of Navajo teachers and administrators in greatly increased numbers is therefore a must. Upgrading of Navajo employees is also needed. The Bureau recognizes this, but much more needs to be done.

2. Closely associated with the first, the education program should be one that attunes Navajo Indians to pride in their own language and culture and gives them a realistic understanding of their situation. An announced goal of the BIA, this is scarcely realizable when so many teachers are in fact firmly ethnocentric, when social life of Navajo and non-Navajo employees remains de facto largely separate, and when few teachers have any experience of the actual daily life of Navajos. Nor is it realizable when there are penalties for children who speak Navajo in school, to name but one of the many points where policy and practice are at variance.

3. Experimentation in the teaching of English is a must. Different schools could well utilize different approaches, which could then be evaluated. One school might experiment with a full development of teaching English as a second language, another with teaching young children in Navajo and making them literate in Navajo, with a subsequent transition to English (as has been done for Spanish-Americans) and so on. While it is true that some experimentation now goes on at Rough Rock and Rock Point, there is room for more. There is a need for better teaching materials and better teachers for the English as a second language program, which remains more of a slogan than an actuality.

4. The salary levels for teachers should be raised so as to attract a higher caliber of teachers and other conditions changed to make it possible to hold them. The school system is fortunate in the number of dedicated people it does draw, but there are a number of inhibitory factors: salary levels, a smothering bureaucratic atmosphere that discourages initiative and experimental variation, and a censorious concern with the personal lives of employees that drives some new teachers away in short order.

5. Several junior colleges on reservation seem desirable in the immediate future. (There is one, now, at Many Farms with a Navajo Board of Regents.) They could and should recruit *part* of their staff on short contracts from the better universities around the country, as visitors. These universities should be encouraged to pay the salaries of such visitors.

6. There should be a concentrated effort at better preparation of students for a variety of vocational and career opportunities and a much enlarged program of vocational guidance. A variety of trained Navajos will be needed in the near future: stockmen and extension workers, teachers and counselors, managers and forestry workers, computer specialists, statisticians, draftsmen, interpreters, and so on. Furthermore, some Navajos will wish to find their place in the larger society. As things now stand the school system is not geared to potential Navajo careers, vocational guidance personnel are few and under-trained, and Navajos are often discouraged from such careers as law and medicine. This is not wise.

7. The amount and quality of personal counseling available in the schools should be raised.

8. Occupational training for those who have left school should continue and be expanded. The Federal Government at present runs a program that prepares Navajos for over 150 occupations, under the aegis of the Branch of Employment Assistance.

9. Adult education classes now in existence should be continued and enlarged.

10. The combination of Tribal and Federal funds (which now provides college scholarships for about 650 students per annum 500 of them supported by tribal funds) should be continued and expanded. But the tribe should be encouraged to set its sights higher. It tends to select the poorer quality local universities as optimal places for its scholarship students. In some cases this may be wise, but able students should be encouraged to go to first-class institutions in any part of the country. It should also encourage some high school students to go to off-reservation private schools that welcome them, as is true at certain Quaker schools (George School and Westtown) and Verde Valley. The tribe should also encourage academic, as well as vocational programs as choices for college students, and should provide support for graduate work, even if this means a more selective approach to college scholarships. Tribal scholarships and vocational guidance work should be integrated.

11. Various universities in the Southwest should be encouraged to do far more than has been done to meet the special problems of Indian students. The document, Indian Education Research Projects and Action Programs, compiled by the Southwestern Cooperative Education Laboratory, includes information from only five colleges and

universities, and may not be representative. There is evidence of efforts to provide special training for some people and in a few instances of language programs for Indian college students. It is evident, however, from what is happening in several American universities, that the curriculum and atmosphere they provide is not acceptable to ethnic minorities. It would be pleasant to hear of Southwestern universities' taking steps to remedy the situation before student strikes or sit-ins force their hands. Indians are already involved in various "third world" curriculum demands on the west coast. The time for action is now.

12. It should be assumed that Navajo children are variable in ability, outlook, and personality: that different programs, different modes of teaching, and different approaches to educating an American minority group will appeal to different children. A pluralistic, not a monolithic approach seems indicated, with an effort to match the child and the program, or the child and the teacher. Since American education as a whole does not seem to be able to manage this, perhaps it is too much to expect of the reservation program, but such an approach should be the target.

A school program for Navajos should be designed on the assumption that will be far more expensive per capita, not less expensive, than the program in the "best" (i.e., wealthiest) sections of urban centers. This will necessarily be the case in any bilingual situation.

L. HEALTH

The reservation program has the following major needs.

- (1) Many more doctors.
- (2) Many more nurses, nurses' aides, and health education personnel.
- (3) An increase from almost none to many medical interpreters. The work of Prof. Oswald Werner of Northwestern University, Prof. Jerrold Levy of Portland State University, and Dr. Stephen Kunitz of Yale University is relevant here. They have shown that, given a competent, trained interpreter and a doctor who listens, an adequate medical history and explication of symptoms can be obtained from Navajos. With present interpreting facilities, however, this is not often possible. Prof. John Adair of San Francisco State University and Dr. Kurt Deuschle of Mount Sinai Medical School, New York City, have shown that with sufficient staff to inform Navajos and undertake casefinding, Navajos can be induced to use public health facilities wisely and frequently enough to merit great expansion of present resources.
- (4) If possible, some reduction in the likelihood that a Navajo who is ill will see Doctor X on one visit and Doctor Y on the next, something that Navajos, like others, find disheartening. And a change in attitude on the part of some doctors and nurses. Many are superb, but some make Navajos feel that they are the subjects of veterinary medicine practiced on not too worthwhile animals.
- (5) A vast expansion of preventive medicine and health education. More public health nurses concerned with preventive medicine and health education are needed, more Navajo personnel capable of instructing in Navajo are badly needed, better

inspection of drinking water is needed, and a whole series of fields of instruction need development. These include prenatal and maternal care, sex, contraceptive, and venereal disease education for adults and adolescents, accident prevention, etc. Adequate visual aids, including film strips and movies with Navajo oral text, are vital for health education programs.

(6) An improvement of dental care. Whereas children are seen routinely in school, most adults are not adequately informed about dental care and go to the dentist only when their teeth are so bad as to require extraction.

(7) A program of free prostheses: eyeglasses, dentures, hearing aids, and false limbs. At present medical care and drugs are free, but these are not, yet they are reasonable features of any public health program and any approach to habilitation and rehabilitation. Eyeglasses are sometimes provided to school-children, but often too late in the year to be much help. At present this gap in the PHS program is filled to some degree by Tribal funds, but not adequately.

(8) A considerable rise in the availability of ambulance and air ambulance service.

(9) More psychiatrists—there are two at present, the first ever to be attached to the PHS on the Navajo Reservation.

(10) A systematic program of recruitment, integrated with the vocational guidance program, and the scholarship program, to secure more Navajo doctors, nurses, nurses' aides, health education personnel, and medical interpreters.

It should be emphasized that there has been a tremendous improvement in medical care beginning in 1947, when physicians subject to the draft began to be assigned to work with Indians. The improvement continued after 1954, when the PHS took over from the Indian Bureau PHS. What was once an unqualified disaster has become merely inadequate in all respects mentioned. The quality of the physicians themselves, however, has improved strikingly. This will not continue to be the case if physicians are not subject to the draft unless PHS stipends are raised—since PHS service is presently an alternative to military service for physicians.

M. WELFARE

It is assumed that in terms of eligibility and amounts the welfare program for Navajos will be that of the State and Federal programs, and that some emergency welfare will be available from tribal sources. Far less emphasis has been put on welfare in this presentation than would be made if the stress were not on the development of the reservation economy. Were the steps described to be taken, the welfare load would be considerably lightened over a 25-year period. If they are not, it will increase. If numerous Navajos are to remain permanent welfare clientele, as seems likely under present conditions, then a vastly expanded welfare program would be necessary. Present amounts are totally inadequate, Navajos are removed unpredictably from the rolls, and many do not know their rights.

1. *Housing*.—The traditional Navajo house was the hogan, a circular, single-room, dirt-floored dwelling made of wood or stone and used both for living and for ceremonial practices. Today most Navajos and most of their ceremonial practitioners insist on the use of a hogan for ceremonial purposes, so that many Navajo clusters of kin maintain at least one hogan. Shortage of the timbers necessary for a good hogan, desire for larger structures, and need for floors as more and more families have furniture and stoves, have led to the building of increasing numbers of dwellings built of machine-processed frame materials. In this building program people have been aided by tribal funds for those with minimum income and by ONEO funds and labor force. Furthermore, the ONEO program has provided training in house-building skills for many Navajo men (Home Improvement Training Program).

The present houses, however, have serious deficiencies. These include cordless, badly fitted windows, that are difficult to open or keep open, concrete floors, which are cold, and uninsulated houses both hotter in summer and colder in winter than the mud-chinked timbered houses of the past. An experimental program in housing is needed for the reservation (and for the United States at large, which lags in this respect). The BIA and ONEO are now developing model homes, which is a beginning.

The industrial and commercial development suggested in this document will require housing projects in the centers where this development occurs; so will an expanding population elsewhere. An improved housing program would be beneficial in terms of employment and for those housed, and would be essential for families working in newly developed centers. Such a program should develop under Tribal aegis. A fair amount of housing has been built in various centers by the Bureau and the Tribe.

2. *Experts and the training of experts*.—Mention has been made of hiring experts for various purposes. In some cases these would be consultants; in others they would occupy managerial roles. In either case, the Tribe would be well-advised to consider experts whose experiences are particularly relevant to their situation: Livestock and farming experts with experience in arid lands, whether in the United States or in the Near East, for example. By the same token, the Tribe might wish to send some of its scholarship students to areas where parallel geographical conditions must be met (for example, Israel), or where industrialization with slender means has made progress. The tendency to use consultants and managers whose prior experience is that of operating with maximal resources and under optimal conditions should be avoided.

O. SUMMARY OF THE PURPOSE, NATURE, AND ADVANTAGES OF THE PLAN OUTLINED

The purposes of this plan are (1) to allow Navajos to utilize their own resources to improve their own livelihood; (2) to give Navajos control over the utilization of their own resources; (3) to increase the level of income by increasing the number of jobs on the reservation and by improving the range; (4) to permit individuals to specialize occupationally in the interests of greater efficiency.

1. First, and foremost, it is proposed that any planning, along lines proposed here or other lines, should involve the Tribal Council, regional organizations, and chapters or other community-level organizations as primary planners. This is not a call for joint planning with the Bureau but for primary rights and responsibilities to be vested in Navajos.

2. It is proposed that the Navajo Tribe undertake future exploitation of its own minerals, process them, market them, and enjoy the profits from them.

3. It is proposed that future industrial development be Tribal in character, whether at once or on a phased basis.

4. It is proposed that there be a rapid development of roads, bus lines, and utilities as a basis for all other developments, and that the issue of water allocation be carefully considered.

5. It is proposed that commercial development of a more specialized type than is found today is necessary and feasible for the reservation population, and that such development might place major emphasis on individual Navajos, Navajo partnerships and corporations, or the Tribe itself; for development and control.

6. Range improvement is proposed. This must be combined with stock water development, transition from sheep to cattle for many people, enhancement of the quality of the stock, and fencing. It is urgent to discuss and decide whether the management units should be nuclear families, extended families, larger kin groups, cooperatives, or community corporations. In all events except the last, heirship problems will arise with respect to improved, fenced range.

7. The irrigated farmland already in prospect raises questions respecting the efficient unit of management. Again the question of family units, larger kinship units, cooperatives, or large corporate farms arises.

8. It is proposed that an expanded and experimental educational program be carried out, that health facilities be expanded and improved, and that welfare operate at the level characteristic for non-Indians.

The advantages of the plan proposed are, first and foremost, to make Navajos responsible for their own economic affairs by giving them control thereof. Let us be clear: Responsibility is not doing what some one else wants one to do; it is being able to think about the consequences of one's acts, calculating the effects of those acts on others and on oneself, and being willing to live with the consequences. There is no such thing as preparing a *people* for responsibility. The capacity to deal with the group's affairs grows only by performance, not by rehearsal. The other advantages are a heightened standard of living, a more variegated series of occupational niches on reservation, and a decrease of dependency on welfare and disguised welfare programs.

P. SUMMARY OF DISADVANTAGES

There are two major disadvantages to the proposal. The first is that given some economic freedom, there will be individual Navajos who will prove as foolish, as corrupt, and as greedy as some people in the larger society. Some plans will go awry, and some Navajos will be guilty of breach of trust. This is a necessary risk. The second is that if planning is to be vested in Navajo hands, at present the principal

agent of planning would be the Tribal Council. The Council is, however, out of touch with many sentiments at the grass roots level, or so I am told by many noncouncil Navajos. In addition, in a number of cases, members of the Council have come to believe that the interests of the Tribe and those of corporations interested in the Tribe's assets are identical. Remedies lie in the use of regional and local planning units where possible.

Q. REQUIREMENTS FOR IMPLEMENTING THIS PLAN

Since this is by no means the first plan for Navajo economic development, we must ask what must be dealt with so that this (or any other likely plan of any scale) can be implemented.

1. Congressional behavior will have to change. It will have to expend funds for Indians on a scale much greater than in the past, particularly to back the Tribe in the development of its own mineral exploitation and industry. Furthermore, funds will have to be predictable from year to year, which is not a congressional habit.

2. Considerable opposition will have to be met—from U.S. Senators and Representatives, national business interests, local business and livestock interests, State political figures, some members of the Navajo Tribal Council, and some other Navajos. The kinds of attitudes that must be overcome include at least the following.

(a) It is too expensive. (It is expensive for some years to come, but not in the long run.)

(b) It allows Navajos certain advantages or protections at the taxpayer's expense in competing with national and local business and local livestock interests. (It should. A close examination of a hundred years of history—the so-called long walk to progress celebrated by the Navajo Tribe in 1968, the anniversary of their release from Fort Sumner, indicates clearly that the U.S. Government has failed to give Navajos the material and educational tools to cope with the larger society and has responded to pressures from powerful national and local interests to make that competition more difficult. After 100 years, the Navajos are undereducated, unhealthy, living in a downgraded environment, living in part on unconsolidated checkerboard fee patent lands in unequal competition with surrounding ranchers, and passive participants in the exploitation of their own lands for mineral resources, a passivity encouraged by the Federal Government. This plan attempts to redress the balance. At least 25 years will be required to do so.)

(c) It will undermine native life. (This objection is not too likely from Navajos. Poverty, overgrazing, and overpopulation with the attendant need for more and more of the population to move off the reservation part time will, in time, not so much erode as corrode native life. Navajo life is bound to change in significant respects during the next 25 years. The question is not whether it should change, but in what respects it will change under different conditions.)

(d) It interferes with the natural processes of a market economy. (That is why we are where we are today: these very forces have, with relatively little Government interference, created the urban mess, pollution, a stagnant rural economy in many places, and a widening wealth differentiation that, while it accompanies a general rise in the

standard of living, leaves the underprivileged increasingly badly off by comparison with the rest of the society.)

(e) It is not aimed at integration but at segregation; it is racist. (This objection is particularly likely from liberals. The plan is in fact consonant with a decided tendency toward ethnic solidarity on the part of the Navajo. It is also consonant with the fact that it is easier to gain acceptance in the larger society and to feel secure there if one has an adequate base to operate from. It is consonant with the obvious general increase in ethnic movements in the United States. And it makes sense when one realizes that at present Navajos are not being integrated as a tribe into the larger society, but being squeezed dry by it, and that they are being neither integrated nor assimilated into the larger society as individuals, but pushed into its lower echelons on most unfavorable terms.)

(f) Perhaps the most insidious argument, one that has already been raised by some BIA officials, is that everything suggested is already being done. Clearly anything that is being done along these lines is to the good; it is unfortunate to criticize the Bureau for not doing what it is doing—but without a tremendous boost, it is too little and too late. Communications from the area office make it evident that priorities established there include the same broad elements as are brought out here: education, roads, industries and commerce, community facilities, and agriculture (in that order for the area office, but not in my mind). It is not so much lack of understanding that impedes the Bureau, but lack of instrumentalities.

3. A well-coordinated development program will require that funding be more centralized—vested in fewer Federal agencies than is presently the case. To read the roster of agencies to which the BIA and the tribe must appeal to get support for each piecemeal program in housing, education, or health is to be amazed by the endurance of officials who, in the end, get even a part of what they need.

R. THE ALTERNATIVE

Under present circumstances and without a major development thrust, the Navajo economic situation will continue to develop much as at present, but with continually increasing pressure on its surface resources. That is, there will be some development of irrigation, which will absorb a few people into cash crop farming. There will be a gradually increasing amount of land fenced, chained, seeded, and developed for water in some areas but in no planned fashion, so that there will have been no thought given as to optimal units of management, consequences in terms of transition from use ownership to effective ownership, and consequences in terms of heirship. Inefficiency will characterize many such operations because of the need of many men to seek part-time employment off-reservation. Mineral exploitation will continue along present lines, but at a pace that is not Navajo-determined, and in a manner that produces a minimum of multiplier effect. Outside forces will gain a stranglehold on somewhat expanded Navajo retail economy. And support of Navajos by part-time works projects based on "soft" money, uncertain from year to year, and by welfare, will involve an increased amount of money, without development of the reservation. It is not to be expected that for some time to come Navajos will be absorbed into the external

economic scene on favorable terms. Unemployment rates tend to be relatively high in the economy except through war booms, and Navajos, because of educational handicaps and prejudice, are unfavorably placed for job competition. The attendant political consequences, which will to some degree occur in any case, will involve an increasing conjunction of Navajos in a Navajo power movement, of Indians in a red power movement, and of Indians, Mexicans, and Blacks in a generalized movement of oppressed ethnic groups.

S. THE PRICE TAG

It was understood that this report was to deal with the manner of economic development rather than with the budget for development. Some idea of the order of magnitude can be gained from the fact that the combined Navajo Area Office-Tribal 20-year plan for road improvement would cost over \$300 million in 1968 dollars. Evidently a 25-year plan to encompass roads, schools, industry, commerce, credit, utilities, range improvement, and so forth, would cost a great deal more. There would be short run range compensations in reduction of soft money programs, like ONEO. If ONEO remained at its present level, it would expend over \$250 million in 1968 dollars over 25 years, in ways that would sustain families and improve morale but that would contribute only modestly to development. In the long run, of course, the development plan would be less expensive than the present modes of sustaining the Navajo population at a minimum level

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Exhibit No. 10

ECONOMIC DEVELOPMENT THROUGH SMALL BUSINESS

Robert E. Salabye

*Director, Dineh Cooperatives, Inc.
Chinle, Navaho Nation*

October 22, 1973

Can the Navaho Tribe really develop an economic base with large outside industries? No. Then why are we letting those large corporations develop. From what economic development there is was accomplished for the benefit of the exploitative anglo corporations, squeezing the Navaho Nation of its potential economic development and strengthening the very system which is oppressing our people as the money recyle itself in those communities outside the reservation. Such examples of corporations are strip mines, power plants and coal-gasification developments on our Navaho land.

One of the most recent proposed plan to cutback 1/3 of our water from the Navaho Dam for Navaho irrigation is one that definitely reflects the knowledge that if we loose that water it will only harden the burden of hardships that our people presently are forced to assume. This proposed cutback can be obtained from Phillip Reno, Suite 238
 Petroleum Plaza Building
 3535 East 30th St.
 Farmington, New Mexico

Essentially the report says that if we use a sprinkler system of watering, instead of the gravity method we will not need some 180,000 acre/ft of water. Obviously the problem here is why should we shift from the gravity method (which does not require so many pumping stations) to sprinkler system (which requires pumping stations) - I believe are questions that are answered two ways: 1) the anglos want more of our water 2) they are trying to blackmail us into okaying the coal-gasification plants. Because the pumping stations for the sprinkler system will require huge amounts of power which can come either from a electrical generating station like 4-Corners Power Plant or from the coal-gasification plants. They analyze these alternatives themselves in the report (pg. 35-37) based upon their analysis they have determined that the most available and cheapest way would be power from the coal-gasification plants. Therefore what they are saying is that in order to implement the sprinkling system we'll need power from the coal-gasification plants to use the 2/3 remaining water for the irrigation project.

This is obviously being forced upon the Navaho people without the knowledge of the consequences of their decision. The attempt to use force or bribery to induce Navaho communities to make their decision is pure blackmail. We Navahos have a right to make our own choice without being forced.

These large corporations, for example, have begun developing because they received the adequate backing financially and politically. If they should fail the anglo business world would accept this failure, because in the American free enterprise system there is a general acceptance of failure and succeeding in a business. In fact the expectation is far more failure than success, except when applied to the minority and poor communities trying to develop their economic alternatives. They are not afforded the same kind of leeway, even though it is generally understood that persons in the minority community are not naturally talented by birth, or through some magic of birth, with business know-how and that they will fail in business nine times out of ten.

The poor Navaho small business operators are not permitted this latitude. Now this robs a person of his right to fail, and I maintain that everyone has a right to fail- even the poor. This also robs a community of an opportunity to fully understand what is needed to succeed because they go hand in hand- success and failure - striving to succeed.

The secret of successful businessman in the mainstream of society is a person who sprang an idea and is willing to work 24 hours a day to make it work, because it's his idea and his baby - that is the secret of all business success.

Here on the reservation, the lending and granting agencies expect the community to modify and be instructed to do it this way and that way or else you will not be allowed to use your money. Certainly, as an advocate of the poor people, whether you agree with it or not, you cannot afford not to follow instructions because you need the money. Various agencies who over sees such business developments operates in a very

demanding and insulting way, example is the BIA business site lease.

Intended or not, this BIA business site lease is a blockade and obstacle toward a small business development simply because it takes anywhere from one totwo years to obtain the business site lease.

This waiting and harrasment for the lease has cause failure because you are subject to changes and modification of your idea before you receive the final approval from the BIA.

Our cooperative development approached the Small Business Administration for a loan and we were turned down because we were a non-profit organization. We applied for financial assistance in 1971 to BIA and FHA and received what was the very last funding of its kind. The Indian Business Development fund has since ran out of funds and has not been refunded. The Farmers Home Administration gave us a hard time in obtaining the funds because the Pinon area of the Navaho Nation was not declared an impact area by that agency.

There are presently two bills before Congress that are suppose to provide for financing the economic development of Indians and Indian organizations and for other purposes. They are Senate Bill 1013 and Senate Bill 1341. I certainly hope they have incorporated in the bills that we receive the monies directly and be able to make our own decisions as to how we utilize the monies.

Exhibit No. 11

I. SUMMARY OF ACCOMPLISHMENTS

During the past eight months the Navajo Small Business Development Corporation has gone through a period of problem recognition and establishment of priorities. Unlike the problems facing minority businessmen in the mainstream of the U.S. economy and in the urban developed areas, the Navajo reservation presents atypical obstacles to small business development. Since the minimum operating staff of this BDO was brought together in October of 1972, identification of these obstacles has been researched. It was discovered that providing mere technical and financial assistance is not enough to function effectively as a Navajo Business Development Organization. Naturally, the technical and management assistance is being provided on a continuing basis to those who request it. An extraordinary amount of energy has been expended in encouraging a management training program through the local educational institutions. In addition, major efforts have been made to attract venture capital and provide a community development corporation or similar organization to handle seed capital for equity investments in Navajo businesses. Until debt financing is available through the current lending establishments, alternative sources of financing will have to be developed. It is to this end that we are concentrating our present efforts.

II. PROBLEM AREAS OR OBSTACLES TO NAVAJO ECONOMIC DEVELOPMENT

A. Navajo Nation Sovereignty & Legal Structure

The sovereignty of the Navajos originated not from the federal government but rather from within the Navajo government before their conquest by the United States. After the conquest, the tribal sovereignty became limited by treaties and agreements. Those rights which were not restricted were considered to be within the governmental powers of the Tribal government.

State laws do not apply either, and as a result reservation businesses are protected from state taxation. This condition,

however, has created insurmountable problems for the businessmen in seeking loans. Banks and other financial institutions are unwilling to make any loans where property (real or personal) on the reservation is used as collateral.

Navajo Nation sovereignty has presented several conflicts between state laws that have been and are being handled through the courts. Since state laws do not apply, the Navajo reservation is exempt from any sales tax. The Navajos are also exempt from real or personal property tax. This condition, however, has served to further isolate the Navajo from relationships with organizations who operate under state laws. This pertains especially to financial institutions and the eligibility of Navajo property to be considered as collateral against loans.

B. Isolation

The geography and physical separation of the reservation has created an isolation in addition to the cultural separation between the Indians and non-Indians. The changes in the industrial and commercial complex occurring in the mainstream of the U.S. economy has the last and least effect on the reservation. Technology, new industries and innovations are observed throughout the country before this significance is felt by the Navajos living on the reservation.

C. Employment & Income

Accurate figures are not available on employment and income for the Navajo reservation; however, certain sources have provided a general indication of the Navajos' status. The relative comparison of the Navajo and his average American non-Indian counterpart provides a good view of the problem.

An estimate for the per capita income for the Navajo for 1970 was only \$753 whereas the average American was receiving \$3,700. In comparative terms the average person in the U.S. has \$2,900 more to spend on food, clothing, and shelter than the Navajo. It is understandable then that disposable personal income is small

indeed. The Navajo has little if any income to save or to inject into the local economy. To further aggravate the picture the incomes that are generated on the reservation flow off to the non-Indian communities without generating additional employment or secondary sources of income for the reservation economy. In other words, in the absence of a well developed business community, the level of investment and resultant multiplier effect is quite small and almost inoperative.

The unemployment rate is anywhere between 45 and 65 per cent. Even many of those that do have jobs are underemployed. This data is overwhelming in view of the statistics for the nation as a whole.

With such a large labor force on the reservation and the surplus of semi and unskilled labor there exists a heavy drain on the economy. These individuals become dependent on welfare programs, but at the same time contribute little if anything to the economy.

Although there is a large surplus of labor, it is ironic that there is a shortage of persons with critical skills. While the surplus labor may attract certain labor intensive industries the shortage of skilled workers, technicians and management personnel discourages the development of a commercial and industrial base.

D. Education & Language

To further aggravate business and economic development on the reservation, the educational level of the Navajo is probably the lowest in the United States. The average amount of education for white people in the United States in 1967 was estimated at about the twelfth grade. For all non-whites it was about ninth grade and for Navajos only about the fifth grade. There is little wonder why there is such a dearth of management or skilled personnel. In the Navajo society the entrepreneur is a rare individual.

English is not the primary language of the Navajo. Among those Navajos who have little formal education, English is not likely spoken or understood. During sessions of the Navajo Tribal Council

the proceedings are translated into English for the record. Many of the laborers do not understand more than very simple English. For the entrepreneur it is necessary to have an understanding of English and business terminology in order to conduct business with the non-Indian community.

E. Cultural Factors

Tribal cultural patterns are critical factors as a barrier to business development and employment of Navajos. In many cases these patterns are diametrically opposed to those behavior patterns that are taught in the dominant "American culture". These behavior patterns, which include values and attitudes become deep seated and are different to change.

The Navajo society is changing however, and this makes it difficult to determine which elements of the culture are remaining and which have been altered. Although there are certain very general characteristics about the culture and Navajo behavior, the Navajos are so individualistic that it would be difficult to make any blanket statements with accuracy or validity. Certain aspects of the culture have been observed and in one way or another retard business and economic development in general. Some of these that should be considered are: the absence of a competitive spirit in business matters; an inconsistent attitude or orientation toward the work ethic; an inability to save; over-extension of credit to family members; a religion which discourages capital accumulation; and lack of aggressiveness.

F. Land & Business Site Leases

On the positive side it can be said the "Navajoland" offers a tourist attraction. The Tribe does derive an income from the tourist trade, but even this has not been promoted to the fullest extent. In general much of the reservation land is unproductive.

Raising livestock and growing crops is seriously hindered due to the desert, mountains, and canyons. Most of this land is not

conducive to agricultural development. The Navajos raise cattle and sheep, but the land is more barren than fertile. Where there does exist a little fertile strip it is highly susceptible to periods of drought.

The procedure for obtaining land for business sites is one of the principal problems to business development on the reservation.

Reservation land may not be sold to a non-Navajo nor may it be sold by one Navajo to another. Because of this unique arrangement, land for business site leases cannot be obtained by purchasing it as is the case outside the reservation. In order to acquire a business site, the individual Navajo must submit an application to the Tribal government. This application is then routed through a series of offices and agencies of the Tribe and must be approved by each.

Currently, there are about twenty steps the application must pass before the entrepreneur obtains his business site lease. The length of time this approval procedure takes, varies from individuals depending on the information required by the various offices. Some are granted within one year while others may take five or even nine years. Naturally, some requests are held up indefinitely in the bureaucratic process awaiting greater information. This delay in obtaining the site lease often brings about discouragement and causes the entrepreneur to lose interest in starting his business.

In the larger society of the United States, acquisition of a business site is facilitated by the entrepreneur's desire to start a business and the seller's or lessor's desire to consummate an agreement. This does not take place when the Navajo businessman has to deal with the Tribal government. The result of this time consuming system is the dissuasion of new business starts.

G. Scarcity of Capital

The availability of capital is a critical problem in all

areas of minority business development and overall economic development for the whole nation. The Navajo reservation has atypical problems which separate it from the mainstream of the American economy.

The scarcity of capital is directly related to other problem areas which have already been discussed such as the political sovereignty of the reservation, low incomes and high unemployment, absence of savings, land status, etc.

To date there is really no credit structure on the reservation which can meet the needs of business. Even though there is a Navajo Tribe Revolving Credit Program, an Indian Business Development Fund and a Credit Union, these are not sufficient to provide the financing requirements. Private sources of capital are not interested in making credit available for fear of not being able to reclaim property on the reservation. Few private organizations have invested in development programs or industries in the area. Most federal government funds have been used to finance social services and in relation little have gone into directly productive enterprises.

III. GOALS AND ACTIVITIES OF NSBDC

A. Functional Goals

Consistent with the goals set out by the Office of Minority Business Enterprise, U.S. Department of Commerce, the Navajo Small Business Development Corporation has applied itself toward the following:

1. Assure Navajo equal access to economic benefits of business enterprise.
2. Expand opportunities for Navajos to own and develop businesses.
3. Increase Navajo entrepreneurs' capabilities to improve their business operations.
4. Improve federal administrative efforts in support of Navajo business enterprise.

B. Technical Assistance

Various types of existing businesses (service stations, grocery stores, wholesale and retail jewelry stores, barber shops,

laundromats, construction firms and others) have received management and technical assistance from the NSBDC.

Of sixty-three clients served by the BDO since the first of January, 1973, 12 have been given management and technical assistance. The remainder of the clients are still establishing their plans or have not submitted the necessary information to enable us to help them.

In the cases of two jewelry wholesalers and one jewelry retailer, more involved assistance than usual was provided. All three Navajo businessmen had to have a basic initiation in the concept of business which was done by instructing each individual in the fundamentals of his business operations. This included setting up and explaining the various books of original entry, the general ledger, and various tax procedures (basic yearly returns, quarterly reports, etc.) All three of these businesses had been established for more than a year and were showing positive sales results but lacked sound management practices. Naturally, the amount of time required to help "businessmen" with virtually no business background is immense. In the case of one service station operator, nearly one day was required to convince the man that all cash receipts were not profit, and definitely not to be spent as he wished. We continued by establishing management and accounting policies for him to follow. As a result of weekly supervision he is now operating more profitably.

In almost all cases of technical-management assistance, constant vigilance of the business is required. In the case of a small grocery store, a contractor and a laundromat, we actually had to keep their books for an initial period before they could adequately run their business.

We can now see cases where our assistance has definitely made the difference between a failure or marginal firm and a going concern.

C. Related Business Development Activities

For the development of small businesses to take place, there must be greater strides in providing management training and business education for the Navajo.

This problem is very real and major efforts have been made by the NSBDC to make this training available. Contact has been made with the Navajo Community College, the Center for Executive Development of Arizona State University, the College of Business and Administrative Sciences of the University of New Mexico, the Small Business Administration Training Division, the National Council for Small Business Management Development and the Bureau of Indian Affairs, Education Division. Although there are already business courses organized, we are currently working towards a larger scale, comprehensive, management training programs to be conducted by the Navajo Community College.

Coordination between the NSBDC and several other related business development organizations has been made to overcome the obstacles to Navajo business development. A series of seminars has been planned to discuss these problem areas and to coordinate development strategy.

In treating the availability of capital problem, investigations and inquiries have been made into the possibility of outside financing. It has been discovered that until the Navajo businessmen create or receive equity financing they will not qualify for debt financing through local institutions. On numerous occasions direct appeals were made to local and state-wide banks in Arizona and New Mexico on behalf of our clients. Each time, financing is denied because these institutions will not recognize real or personal property on the reservation as collateral for loans. In one particular case a client had a net worth conservatively valued at \$87,000 but was denied a \$4,000 loan. In many cases the clients simply do not have the required 10 - 15 or 20 per cent equity investment with which to apply for debt financing; consequently,

our efforts have been and are currently being directed towards acquiring the much needed seed capital or "front money." Applications are currently being considered by the Ford Foundation, OEO and a list of other foundations, corporations and commissions. This list includes such organizations as:

The American Management Association
The Council on Foundations
Amoco Venture Capital Company
The United Methodist Church, Commission of Religion & Race
National Committee for Self-Development of Peoples
Presbyterian Economic Development Company

Due to the stalemate which exists between the Navajo businessmen and the local lending institutions, the NSBDC has devoted most of its time and energy in seeking alternative solutions to the most pressing problems of establishing minority owned and operated businesses. Until some of these obstacles can be overcome, there is little optimism for financial lending assistance to the Navajo entrepreneur.

Gains are being made, but these traditional blocks are not easily removed. By concentrating our current effort towards seeking venture capital for our clients, we can place these minority businessmen on more equal footing with their fellow non-Indian businessmen. Before loan packaging can be of any real consequence, we must direct our energies toward these more basic problem areas.

We feel these efforts on our part are preliminary to and consistent with the goals of this organization.

785

Exhibit No. 12



IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR

Area Credit

BUREAU OF INDIAN AFFAIRS
NAVAJO AREA OFFICE
Window Rock, Navajo Nation, Arizona 86515

23 October 1973

Mr. Stephen Horn
Acting Chairman
U.S. Commission on Civil Rights
Window Rock, Arizona 86515

Dear Mr. Horn:

Pursuant to your request during my testimony yesterday at the hearing held by your commission at the Civic Center here in Window Rock, copies are enclosed of the applicable parts of those two documents which I mentioned which provide that the technicians heading up the supervision of the credit program at the area and agency offices shall be under Civil Service.

The one copy is of the policy section of the Credit & Financing Program part of the Bureau of Indian Affairs Manual. Your attention is directed particularly to 47 BIAM 1.2E. I have underlined the pertinent provision.

The other copy is of section 12 of the Declaration of Policy and Plan of Operation governing the Navajo Revolving Credit Program. Here again, the pertinent part has been underlined. A copy of Resolution ACMY-63-62 passed by the Navajo Tribal Council on May 1, 1962, approving the plan, as amended, is also enclosed. It will be noted that the resolution ties in the applicability of the BIA Credit Manual to the operation of the Tribe's credit program.

I hope this information will be responsive to your request. I appreciated the opportunity of appearing before your commission to discuss the Tribe's credit program.

Sincerely yours,

Ellwood
Area Credit Officer

Enclosures (3)

CREDIT AND FINANCING

Program

1.1 Objective. The objective of the program is to help raise economic and social conditions among Indian ^{1/} people by assisting both Indian organizations and individual Indians obtain funds for financing commercial, industrial, agricultural, and other developmental activities, including loans for educational purposes and for housing. Advice and guidance in financial and other business practices are furnished.

1.2 Policies.

- A. Primary emphasis. The primary emphasis in the Bureau's credit and financing program is placed upon helping Indians (both groups and individuals) obtain justified financing needed to promote their economic development from the same institutions (both private and governmental) serving other citizens.
- B. Secondary Emphasis. Loans made through the Bureau directly (by the United States) or indirectly (relending by tribes and other Indian organizations) receive secondary emphasis.
- C. Tribal Funds. Tribes desiring to finance enterprises or to relend money to members or associations of members, and which have tribal funds available in the Treasury or elsewhere, or funds accruing from income, are required to use their own money before loans from the revolving fund by the United States will be approved.
- D. Revolving Fund for Loans. Loans from the revolving fund may be approved only when, in the judgment of the approving officer, there is a reasonable prospect of repayment and only to applicants who are unable to obtain financing from other sources on reasonable terms and conditions. Loans for expert assistance for the preparation and trial of claims pending before the Indian Claims Commission are governed by the provisions of the Act of November 4, 1963 (25 U.S.C. 70n-1), as amended.
- E. Assistance. Tribes that have funds available which are not budgeted or programmed for other purposes are required to pay the salaries and expenses of Agency employees working on credit matters if they wish to conduct credit

^{1/} As used in 47 BIAM and Supplement, "Indians" also means Eskimos and Aleuts.

CREDIT AND FINANCING

Program

programs. Positions of Area and Agency Credit Officer must be Civil Service positions. Other employees assisting tribes in their credit operations may be tribal or Civil Service positions, depending upon whether they are paid from funds disbursed through Treasury Disbursing Offices or from income or funds which are advanced to the tribes and become subject to local control.

Where feasible, Indian credit associations that have sufficient retained earnings from credit operations shall assist in defraying the cost of administering their credit programs. Because credit associations do not have funds which are disbursed through Treasury Disbursing Offices, positions financed from the funds of the associations will not be under Civil Service and consequently will be limited to positions other than those of Credit Officer

- F. Loans by Indian Organizations. Financing operations are conducted through tribes and other Indian organizations wherever possible. Where organizations propose to make loans to members from revolving funds borrowed from the United States, they may do so only to members of one-quarter or more degree of Indian blood who cannot receive financing from the same credit institutions serving other citizens. Evidence that applicants cannot receive financing from such institutions is required. It is the responsibility of approving officials to make certain that loan dockets contain evidence of the unavailability of loans from non-Bureau credit institutions. Where tribes propose to make loans to individual members from tribal funds, applicants should be urged and encouraged to obtain financing from the same institutions serving other citizens. Deviations from the general policy of financing through customary credit channels, however, are permissible. Evidence is not required that applicants cannot receive financing from the same institutions serving other citizens. Where credit operations are entirely financed by tribal funds loans may be approved to individuals of less than one-quarter degree of Indian blood, but the individuals must be members of the corporation, tribe or band to which the funds belong, and to members who are

recommendations to the committee or the Tribal Council as may be authorized by the Superintendent. The Agency Credit Officer will be responsible for prompt filing or recording of all documents given as security for loans. He will see that borrowers are notified when payments are in arrears and that these notifications are properly made a matter of record.

11. LEGAL ASSISTANCE:

The Navajo Tribe's Legal Department will handle such legal work as may be necessary in the enforcement of any credit obligations to the Tribe.

12. COMPENSATION TO CREDIT EMPLOYEES:

So long as funds are made available by the Navajo Tribal Council and while the Tribe is conducting a credit program under this Declaration, the Tribe will pay for the services of the Agency Credit Officer and assigned Civil Service Loan Examiner, (salary and expenses) from appropriated Tribal funds. The Agency Credit Officer's position will be under Civil Service, and the grade of the position and those of the Loan Examiners will be determined in accordance with Civil Service rules and regulations. Necessary expenses of supplies for the Tribe's credit activities will be defrayed from "local" Tribal funds. The Tribe also will pay, from "local" Tribal funds, for the services of a Tribal clerk-stenographer and for such other services as are deemed necessary by the committee and approved by the Superintendent. All employees paid from "local" Tribal funds to assist in the Tribe's credit operations will be employed under Navajo Tribal Personnel

RESOLUTION OF THE ADVISORY COMMITTEE
OF THE NAVAJO TRIBAL COUNCIL

Approving Amended Declaration of Policy and Plan of Operation,
Navajo Revolving Credit Program

WHEREAS:

1. The Advisory Committee of the Navajo Tribal Council approved a Declaration of Policy and Plan of Operation for the Navajo Revolving Credit Program on March 12, 1962, Resolution ACMA-27-62.

2. This approval was to govern all future loans made by the Tribe under the Revolving Credit Program, together with the Bureau of Indian Affairs' Credit Manual for procedural guidance.

3. The Declaration of Policy and Plan of Operation has been reviewed by the Gallup Area Office, Bureau of Indian Affairs, and certain amendments have been suggested.

4. The Advisory Committee has studied the suggested changes and, with minor modifications, agrees to incorporate such changes into the Declaration of Policy and Plan of Operation.

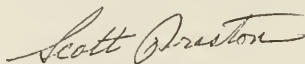
NOW THEREFORE BE IT RESOLVED THAT:

1. After due and careful consideration of the attached Declaration of Policy and Plan of Operation, Navajo Revolving Credit Program, the said plan, as amended, is hereby approved and shall henceforth govern all future loans made by the Tribe under the Revolving Credit Program.

2. The Bureau of Indian Affairs Credit Manual shall govern all loan procedures, and the making of all loans by the Revolving Credit Program, except as specifically provided for in this Declaration of Policy and Plan of Operation, Navajo Revolving Credit Program.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Advisory Committee of the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present and that same was passed by a vote of 7 in favor and 0 opposed this 1st day of May, 1962.



Vice Chairman
Navajo Tribal Council

Exhibit No. 12A

July 24, 1973

District Director

SEA Aid to Indians

Louis F. Laun, Associate Administrator for Operations, SEA, Washington, D. C.
Thru: Gilbert Montano, Regional Director, SEA, Region IX, San Francisco RO

After 4 years of study of the Indian economic situation as it relates to the SEA program, it is my conclusion that their problems are separate and distinct from that of any other minority group. SEA regulations and policies are not adapted to serving Indian applicants because of the unique history and development of the Indian people.

In Arizona, Indians constitute approximately 200,000 of the State's population, with their land comprising 26% of its total area. Their reservations represent a social, economic and cultural structure which differs drastically from the modern non-Indian society. Each tribe has different rules and customs which must be handled on an individual basis.

The lifestyle of Arizona Indians is handicapped by:

(1) Inadequate road systems. This affects every phase of their existence. Much of the population must travel distances of 20 to 150 miles for such things as boot and shoe repairs or complex automotive repairs. This causes a higher cost of living since they have to pay transportation costs.

(2) Inadequate water system. Hauling water requires the use of male labor and at times ties men down who might otherwise be employed.

(3) There is a shortage of material equipment in Indian families, for example, a pickup truck for hauling water and wood. Gathering fuel sometimes requires the labor of sons in the family for at least a day or two a week.

(4) Steady employment for men on the reservation has not been improved by industry because major industrial employers hire more women than men.

Other factors which affect the lifestyle of Indians are housing, health, and education.

To assess the situation from the Phoenix District Office viewpoint, the following list will give you an idea of the immense region that should be covered by SBA personnel, but the attention it should receive is being slighted because of lack of personnel and direct funds.

- (1) Cocopah - Somerton, Arizona
- (2) Quechan - Yuma, Arizona, and Winterhaven, California
- (3) Colorado River Tribes - Parker, Arizona, and Big City, California
- (4) Mohave - Needles, California
- (5) Hualapai - Peach Springs, Arizona
- (6) Havasupai - Grand Canyon
- (7) Kaibab - Fredonia, Arizona
- (8) Navajo - Window Rock, Arizona
- (9) Hopi - Keams Canyon, Arizona
- (10) White Mountain Apache - White River, Arizona
- (11) San Carlos Apache - San Carlos, Arizona
- (12) Pima - Sacaton, Arizona
- (13) Maricopa - Stanfield, Arizona
- (14) Pima - Ft. McDowell and Scottsdale, Arizona
- (15) Papago - San Xavier, Arizona
- (16) Papago - Sells, Arizona
- (17) Papago - Gila Bend
- (18) Yavapai Apache - Prescott, Arizona
- (19) Yavapai Apache - Camp Verde, Arizona

Arizona has the largest Indian territory and the greatest number of tribes in the United States. I have met with many tribal leaders during the past 4 years, and I tell you now that the Indians are tired of unfulfilled promises and meaningless gestures and, frankly, that is all I have been able to give them. I have, in the past, recommended the establishment of an Indian desk in Arizona to deal exclusively with the Indians and their problems.

There are many legal concepts which need to be clarified if socio-economic development is to take place on the reservations. Here are some of the technical problems that bear directly on this office' ability to assist in financing small businesses on a considerable scale.

- (1) Title insurance is impossible to obtain for mortgages.
- (2) It is unknown whether the State or Federal courts have jurisdiction on mortgages on Navajo land. It is the Tribe's position that such mortgages must be foreclosed in the tribal courts.
 - (a) Attorneys are unfamiliar with tribal court rules.
 - (b) There are no written decisions.
 - (c) The Judges are not trained attorneys, although they are appointed for life and have judicial consultants.

3

(3) The Tribe insists on approval of the purchaser at foreclosure.

(4) Tribal politics have made it extremely difficult, even impossible, to have business leases approved.

These problems have been discussed with the Navajo Tribe's land specialists and BIA personnel. All agreed that a title policy satisfactory to a mortgagee could not be obtained; however, it was the tribal attorney's contention that even if foreclosure were necessary in the tribal court system, the mortgagee would be treated fairly and equitably. There is a conflicting opinion from local attorneys as to the fairness and equitableness that a mortgagee would receive in tribal courts.

Various methods in order to resolve these problems have been attempted. The tribe's attorney advised our legal counsel that FHA has in their mortgages a clause whereby the tribe would have first option to assume the loan on default. If the tribe did not exercise this option, FHA could foreclose and any purchaser would be allowed on the Reservation.

Business-site leases could be approved or rejected in less time than is currently required; however, the question this Agency must answer is - To what extent are we willing to take the risk to lend money knowing that the legal rights of the mortgagee, as of this date, are not known.

The purpose of SBA is to give aid to those unfortunate persons who cannot participate in the American way of life if left to their own resources. Regardless of how successful SBA has been in the past, and it certainly has been successful, it cannot be completely successful until the Agency takes the necessary steps to provide adequate funds for financial assistance to Indians.

Stanley D. Goldberg
District Director

"20 YEARS OF SERVICE"

U.S. GOVERNMENT
SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416



NOV 30 1973

Mr. Lawrence B. Glick
Deputy General Counsel
U. S. Commission on Civil Rights
Washington, D. C. 20425

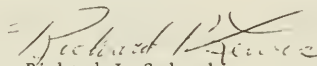
Dear Mr. Glick:

Enclosed is a summary listing of the loans approved to Indians, in Fiscal Years 1971, 1972 and 1973 in the States of Arizona, New Mexico, and Utah, in specific counties that comprise the Navajo Reservation.

The listing shows the state code, fiscal year, county, number of loans, total amount approved, and the SBA share. Also enclosed is a listing of the states and counties involved, and their numeric codes.

We hope that this information will be helpful to you. Please let us know if we can be of further service.

Sincerely,

for 
Richard J. Sadowski
Director
Reports Management Division

Enclosures

Navajo Reservation
Boundaries

<u>State</u>	<u>Counties</u>
Arizona (04)	Apache - 001 Coconino - 005 Navajo - 017
New Mexico (35)	McKinley - 031 San Juan - 045
Utah (49)	San Juan - 037

795

NOV. 23, 1973

INDIAN LOANS, NAVAJO RESERVATION
07/01/70 THRU 06/30/73

STATE	FY	COUNTY	LOAN COUNT	APPROVED GROSS	APPROVED SBA
04	71	001	1	25,000.00	25,000.00
04	71	005	2	45,000.00	45,000.00
04	71	017	7	137,000.00	136,000.00
	FY TOTALS		10	207,000.00	206,000.00
04	72	001	1	12,000.00	12,000.00
04	72	005	1	25,000.00	25,000.00
04	72	017	5	78,500.00	78,500.00
	FY TOTALS		7	115,500.00	115,500.00
04	73	005	1	20,000.00	20,000.00
04	73	017	1	12,000.00	12,000.00
	FY TOTALS		2	32,000.00	32,000.00
	STATE TOTALS		19	354,500.00	353,500.00
35	71	031	1	25,000.00	25,000.00
	FY TOTALS		1	25,000.00	25,000.00
35	73	031	12	24,700.00	24,700.00
35	73	045	2	36,000.00	36,000.00
	FY TOTALS		14	60,700.00	60,700.00
	STATE TOTALS		15	85,700.00	85,700.00

NOV. 23, 1973

INDIAN LOANS, NAVAJO RESERVATION
07/01/70 THRU 06/30/73

STATE	FY	COUNTY	LOAN COUNT	APPROVED GROSS	APPROVED SBA
49	73	037	1	24,000.00	21,600.00
	FY TOTALS		1	24,000.00	21,600.00
	STATE TOTALS		1	24,000.00	21,600.00
	OVERALL TOTALS		35	464,200.00	460,800.00

Exhibit No. 12 B & C

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

Contracting Services
BCCO-5736

Mr. Lawrence B. Glick
Acting General Counsel
United States Commission of Civil Rights
1121 Vermont Avenue, N.W.
Washington, D. C. 20425

MAR 21

Dear Mr. Glick:

This is in response to your letter of January 25 concerning the hearing conducted in Window Rock, Arizona, in October 1973.

Your questions are answered in the order set forth in your letter.

1. Section 3690, Revised Statutes, provides:

"All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations."

In this regard the Comptroller General has stated:

"The general rule relative to obligating fiscal year appropriations by contracts is that the contract must be made within the fiscal year the appropriation for which is sought to be charged, that the signing of the contract must be within the fiscal year, and that the subject matter must concern a need arising within that fiscal year." 16 Comp. Gen. 37.

There are certain exceptions to the general rule which permits extending a contract into a succeeding fiscal year when the services to be provided are not considered to be severable in nature. Whether an exception to the general rule may be made must, however, be determined on a case by case basis. The laundry and dry cleaning services discussed in the transcript of the hearings are not the type of services that would fall within the exception, as they are severable in nature.

With the exception of construction funds, which are made available until used, all other Bureau appropriations are available on a fiscal year basis. Therefore, contracts must meet the provisions cited above.

2. The Buy Indian Act does not contain a definition of Indian ownership. The Bureau's policy on this matter is, however, set forth in its manual at 20 BIAM 5.5. In essence the Bureau's policy is that an Indian enterprise is eligible for preferential treatment under the Act when the enterprise is 100 percent Indian owned and controlled.
3. The cover page of the enclosed Bureau report explains some of the procedures underlying the BIA population and labor force statistics. These are local estimates, the exact procedure varies from reservation to reservation depending upon the existence of records or recent surveys available at the particular location. The BIA does not conduct house to house surveys on a regular basis because this is very expensive, and there are many other Indian needs which take priority.

Sincerely yours,



Acting Deputy Commissioner of Indian Affairs

Enclosure

Exhibit No. 12D

Laundry from Tuba City Boarding School is presently being handled by Lukee Enterprises, Inc. located in Cortez, Colorado.

Exhibit No. 13

GUIDELINES FOR THE ESTABLISHMENT OF
NAVAJO MANPOWER UTILIZATION
REQUIREMENTS IN CONSTRUCTION ACTIVITY

(Effective March 1, 1973, and
as amended September 7, 1973)

Prepared by the Office of Navajo Labor Relations

OUTLINE

- I. The Navajo Manpower Utilization Requirements Contained Herein Apply to:
 - A. Each and every bid let and contract for construction entered into between the Navajo Tribe of Indians (hereinafter "Navajo Tribe") and any party; and
 - B. Each and every agreement or renewal of agreement between the Navajo Tribe and any party for the leasing of land, granting of rights of way, or for any other purpose, which ultimately results in construction activity taking place within or near the Navajo Indian Reservation involving twenty (20) or more persons.

- II. Navajo Manpower Utilization Requirements must be Specified in Each and Every Bid and Contract Above Described, Including Requirements and Guidelines for:
 - A. Specific minimum percentages of Navajo craftsmen to be employed on the construction project.
 - B. Apprentices.
 - C. Wages.
 - D. Hiring Procedures and Qualification Determinations.
 - E. Terminations.
 - F. Promotions.
 - G. Administrative and Office Personnel.
 - H. Summer Students.
 - I. Reporting.
 - J. Specific Affirmative Action Program Steps.
 - K. Grievance Procedures for Individual Workers.
 - L. Post-Contract Meetings.
 - M. Subcontractors.
 - N. Compliance and Enforcement.
 - O. Sanctions.
 - P. Contract Administration Fee.
 - Q. Validity and Enforceability.

GUIDELINES FOR THE ESTABLISHMENT OF
NAVAJO MANPOWER UTILIZATION
REQUIREMENTS IN CONSTRUCTION ACTIVITY

I. COVERAGE

The following guidelines shall apply to (1) all bids let and to all construction contracts entered into between the Navajo Tribe and any person, corporation, partnership, sole proprietorship, governmental agency or any other organization and (2) all other agreements entered into between the Navajo Tribe and any person, corporation, partnership, sole proprietorship, governmental agency, or any other organization, for the leasing of land, granting of rights-of-way, granting of licenses, or for any other purpose, which ultimately results in construction activity taking place within or near the Navajo Indian Reservation involving twenty (20) or more persons.

The Director of the Office of Navajo Labor Relations will participate in the making and reviewing of such contracts and agreements entered into between the Navajo Tribe and any of the aforesaid parties to insure adequate guarantees of compliance with the Navajo Manpower Utilization Requirements set out hereinbelow.

A. In cases of such bids let and contracts for construction:

1. Every invitation and notice for bid issued by the Navajo Tribe shall contain specific requirements for Navajo Manpower Utilization. No bidder shall be considered a responsive bidder and thus eligible for award of a contract from the Navajo Tribe unless it has submitted as part of its bid a statement that it will comply with the specific Navajo Manpower Utilization Requirements set out in such invitation and notice.
2. Every contract for construction entered into by the Navajo Tribe shall contain such provisions as are necessary to insure the contractor's compliance with Navajo Manpower Utilization Requirements.

B. In the case of agreements or renewals of agreements between the Navajo Tribe and any party for the leasing of land, granting of rights-of-way, or for any other purpose, which ultimately results in construction activity taking place within or near the Navajo Indian Reservation involving twenty (20) or more persons:

1. No such agreement shall be binding until the Office of Navajo Labor Relations has certified that the agreement provides for the contracting party's, its agents', its assignees' and its subcontractors' compliance with the specific Navajo Manpower Utilization Requirements established by the Office of Navajo Labor Relations in accordance with the guidelines set out herein.
2. Every notice to bid issued, or contract for construction on or near the Navajo Indian Reservation entered into by any party (or its agents, or assignees or subcontractors) operating under agreement with the

Navajo Tribe must first be certified by the Office of Navajo Labor Relations as containing the specific Navajo Manpower Utilization Requirements.

Such certification to each invitation to bid issued and each contract for construction entered into between any party (or its agents, or assignees or subcontractors) and the Navajo Tribe shall be considered a material condition to the agreement between that party and the Navajo Tribe. Failure on the part of any such party operating under agreement with the Navajo Tribe to obtain the aforementioned Office of Navajo Labor Relations certification shall be a sufficient basis to permit the agreement between that party and the Navajo Tribe to be rescinded by the Navajo Tribe. The Navajo Tribe shall also be entitled to any or all of the remedies as are provided for in Section "O".

II. "NAVAJO MANPOWER UTILIZATION REQUIREMENTS" SPECIFIED

The following terms when used hereinafter shall mean as follows:

- a. The term "contractor" shall mean any person, corporation, partnership, sole proprietorship, governmental agency, or any other organization entering into a construction contract or agreement within the coverage of the guidelines herein.
 - b. The term "subcontractor" shall mean any person, corporation, partnership, sole proprietorship, governmental agency, or any other organization entering into an agreement with a contractor for the performance of services or the furnishing of materials in connection with a construction contract or agreement within the coverage of the guidelines herein.
 - c. The term "contract" shall mean any agreement within the coverage of the guidelines herein.
 - d. The term "craftsman" shall mean a worker with a journeyman's ability to perform the work required of him.
 - e. The term "apprentice" shall mean a worker who does not possess the qualifications of a craftsman but does possess the ability to acquire them if afforded proper training.
- A. Specific Minimum Percentage of Navajo Craftsmen to be Employed on the Construction Project.
1. The Office of Navajo Labor Relations shall set, in percentage terms, the minimum number of Navajo craftsmen to be hired by the contractor (and its subcontractors, if any) in each craft for each six-month period the contract will be in effect or for such shorter period if activity under such contract is less than six months, and the Office of Navajo Labor Relations shall require the contractor to meet these percentage requirements. However, for federally assisted projects within the coverage

of the guidelines herein, the Office of Navajo Labor Relations shall set the aforesaid specific goals and time tables which shall be included in the invitation to bid.

2. The percentages are to be expressed in terms of man hours of employment as a proportion of the total man hours to be worked by the contractor's (and its subcontractor's) entire work force in each and every employee craft or category used in the performance of the particular contract.

B. Apprentices.

All apprentices shall be Navajo. Apprentices shall not be used as laborers. Apprentices shall only be employed on the job in the craft or crafts for which they are being trained.

1. The Office of Navajo Labor Relations shall establish craft committees, composed of Navajo craftsmen and other persons familiar with the craft, to advise the Office of Navajo Labor Relations and to develop particular criteria for the evaluation, periodic review and classification of apprentices. The criteria for classifying apprentices shall not include any minimum level of attained education unless it has been determined by the craft committee that attainment of such level of education is reasonably related to the work required of a craftsman in such craft.
2. For each craft to be used in construction activity falling within the coverage of the guidelines herein, the Office of Navajo Labor Relations in consultation with the craft committee for that craft, shall establish a minimum ratio of apprentices to craftsmen to be used on the job and shall require that the contractor adhere (and cause its subcontractors to adhere) to such minimum rate.
3. Each apprentice will enter the appropriate training program on a probationary basis, and shall remain so for a period determined by the craft committee (but not to exceed 500 working hours). Those participants retained in the program after the probationary periods have expired shall be classified by the craft committee, and shall continue in the training program for such time as is necessary to qualify as craftsmen. During the training period, the apprentices shall be reclassified periodically in accordance with advancement criteria developed by the craft committee and approved by the Office of Navajo Labor Relations.

C. Wages.

The contractor and its subcontractors shall pay to craftsmen and apprentices wages equivalent to that specified in union wage scales prevailing for each craft in the state in which the construction is occurring. However, for any federally assisted contract, the contractor and subcontractor shall pay to craftsmen and apprentices a minimum wage in each craft in compliance with the minimum wage rates established by the Department of Labor for the region in which construction is occurring. In all cases in which a

worker is not a union member, the contractor and its subcontractors will include in such employee's hourly wage an amount equal to the health, welfare and pension contributions that would otherwise be paid to the respective union if the worker was a union member. There shall be no discrimination in the amount or rate of wages paid to Navajo employees on the basis of race, creed, color or sex.

D. Hiring Procedures and Qualification Determinations.

The contractor and its subcontractors may hire craftsmen from whatever sources are available to them and by whatever process they choose, provided: (i) they may not use any hiring procedure which requires a Navajo applicant to make regular trips to places more than fifty (50) miles from the job site in order to be considered for employment without the express written consent of the Office of Navajo Labor Relations; and (ii) whatever procedure they employ, they may not hire a non-Navajo until the Office of Navajo Labor Relations has been given five (5) working days to provide a qualified Navajo for the job. If the Office of Navajo Labor Relations is able to locate a qualified Navajo, the contractor or subcontractor shall hire him after processing him through whatever referral system is used by the contractor or subcontractor. The contractor shall agree that any non-Navajo worker hired by it or its subcontractor in violation of this provision shall be summarily removed. Further, such violation by the contractor or its subcontractor shall also subject the contractor to such sanctions as are provided for in Section "O" herein.

The contractor and its subcontractors shall retain the right to reject any job applicant. However, if the contractor or its subcontractor is unable to meet its percentage requirements for Navajo Manpower Utilization, the contractor shall have: (i) the burden of justifying the rejection of every Navajo applicant in each employee craft or category in which the contractor or its subcontractor was unable to meet its requirement; and (ii) the burden of substantiating the criteria used in hiring for such employee craft or category as being relevant to the job to be performed.

E. Terminations.

No Navajo craftsman in other than a supervisory position shall be terminated by a contractor or subcontractor through layoff or reduction in force while a non-Navajo craftsman in the same craft is still employed on the job, even if the non-Navajo in such craft is more qualified than the Navajo.

Where the contractor or its subcontractor terminates employees through layoffs by crews, each Navajo working on each such laid-off crew shall be transferred to a working crew replacing a non-Navajo employed in such working crew, so long as any non-Navajo is employed in the same craft elsewhere on the job site.

F. Promotion.

The contractor and its subcontractors shall be required to employ Navajos as foremen in the same minimum percentage as Navajos to the total work force in each employee craft or category (as referred to in Section II.A. hereinabove). However, the contractor and its subcontractors shall give Navajos preferential consideration for all promotion opportunities, and they shall actively encourage Navajos to seek such opportunities.

The contractor shall file together with its report to the Office of Navajo Labor Relations (described in Section "I" hereunder) a statement describing which Navajos, if any, applied for any supervisory position filled by it or its subcontractors during the reporting period, the reasons why each such Navajo applicant was not given the job, and the efforts made by the contractor or its subcontractor to inform Navajo workers about the opportunity.

G. Administrative and Office Personnel.

The above requirements regarding wages, hiring, termination and promotion (i.e., Sections "C" through "F" hereinabove) shall apply where applicable to all administrative and office positions.

H. Summer Students.

Navajo students shall be given preference in the hiring of summer student employees. The contractor shall make every reasonable effort to provide after-school, summer and vacation employment for Navajo youth by it and its subcontractors.

I. Reports.

The contractor shall submit reports to the Office of Navajo Labor Relations within five (5) business days covering employment activity by it and its subcontractors during the immediately preceding week in a form acceptable to the Office of Navajo Labor Relations, including (but without limitation thereof): (i) new hiring, promotions and terminations, broken down into Navajo and non-Navajo; (ii) the total work force in each employee craft or category broken down into Navajo and non-Navajo employees; and (iii) the total number of work hours during the reporting period for each employee craft or category, broken down into Navajo and non-Navajo. The contractor shall also submit: (i) prior to its commencing performance of its contract, a manpower forecast for each month of the project for each employee craft and category anticipated to be utilized by it and its subcontractors; and (ii) by the last day of each month, a manpower forecast in which it shall indicate the number and description of anticipated new hiring by it and its subcontractors for the immediately following six (6) months.

J. Specific Affirmative Action Programs.

1. The contractor shall notify the Office of Navajo Labor

Relations and such other organizations as the Office of Navajo Labor Relations shall specify that the contractor or its subcontractor has employment opportunities available, at least five (5) working days prior to any hiring for such position; the contractor shall maintain records of such ongoing communication with such specified organizations.

2. The contractor and its subcontractors shall maintain a separate file containing information on all Navajo workers who applied for work and were not employed, or were employed but subsequently terminated. The file shall reflect the name, last known address, employee craft or category of such employee and a detailed description of the reasons why he was not hired or was terminated.
3. The contractor and its subcontractors shall disseminate the Navajo Manpower Utilization Requirements (hereinafter "their policy") within their own organization by: (i) including their policy in any manual or similar publication; (ii) publicizing their policy in company newspapers, annual reports or other similar publications; (iii) conducting meetings with staff, employees and union representatives, at which time their policy can be explained and discussed; (iv) posting their policy at appropriate places; (v) conducting periodic reviews of their policy with all Navajo employees; and (vi) utilizing such other means as the Office of Navajo Labor Relations shall specify so as to make their policy generally known to their employees.

The contractor and its subcontractors shall further disseminate their policy by (without limitation thereof): (i) informing all sources of recruitment of their policy; (ii) advertising their policy in the media when utilized by them in their hiring activities; and (iii) utilizing such other means as the Office of Navajo Labor Relations shall specify so as to make the policy generally known to, among others, potential Navajo employees.

4. The contractor shall have an affirmative obligation to insure that it and its subcontractors provide such training to Navajos as is necessary to have available Navajos sufficient to meet the specified Navajo Manpower Utilization Requirements. The contractor and its subcontractors shall also develop on-the-job training opportunities and participate and assist in such other training programs as are related to their employment needs and as are consistent with their obligations under the Navajo Manpower Utilization Requirements.
5. The contractor shall be obligated to insure that no employment practice by it or its subcontractors relating to seniority or job classification violates their obligations under the Navajo Manpower Utilization Requirements.
6. The contractor shall notify any union which it intends to utilize in connection with the performance of its contract of its Navajo Manpower Utilization Requirements and of the supremacy thereof over any conflicting term or provision in any agreement between the contractor and such union.

7. The contractor shall invite qualified Navajo contractors to bid and negotiate for subcontracts relating to its job and it shall explore means of further utilizing Navajo contractors as "standard practice" in other construction activities for projects within or near the Navajo Indian Reservation. The contractor shall also submit to the Office of Navajo Labor Relations a breakdown of subcontracts to be let on its projects and shall submit the names of those Navajo subcontractors hired, if any. Where a Navajo subcontractor is not hired, the names of those Navajo subcontractors who were interviewed and the reasons for their rejection shall be submitted to the Office of Navajo Labor Relations. The contractor shall inform the Office of Navajo Labor Relations of all interviews with Navajo subcontractors and invite the Office of Navajo Labor Relations staff to attend.

K. Grievance Procedures for Individual Workers.

Any Navajo employed by any party subject to the Navajo Manpower Utilization Requirements may file a complaint with the Office of Navajo Labor Relations as to (but without limitation thereof) initial hiring, promotion, termination or treatment on the job. Upon receipt of a complaint, a representative of the Office of Navajo Labor Relations shall investigate and attempt to obtain a solution of the problem acceptable to both the contractor and the employee. If such representative is unable to resolve the problem, a committee shall forthwith be formed consisting of one (1) representative of the contractor, one (1) representative of the Office of Navajo Labor Relations and one (1) person mutually agreeable to both the contractor and the Office of Navajo Labor Relations (or if such third person cannot be agreed to, by designation of such person by any trial judge of the Navajo Tribal Court). The committee shall hear such evidence as either side wishes to present and shall conduct such investigation as it deems necessary. The committee shall then make a decision on the complaint including what relief, if any, should be granted the complaining party. The decision of the committee shall be final and non-appealable, and the parties shall be bound thereto.

L. Post-Contract Meeting.

Within twenty (20) days after a bid is accepted or an agreement executed where there is no bidding, representatives of the contracting parties shall meet with a representative of the Office of Navajo Labor Relations to discuss the Navajo Manpower Utilization Requirements and to work out specific steps for implementation.

M. Subcontractors.

The Navajo Manpower Utilization Requirements shall be part of all of the contractor's subcontract specifications, and such contractor shall cause its requirements to be part of all subcontracts under it, regardless of tier. No subcontract shall be executed by the contractor until the Director of the Office of Navajo Labor Relations has certified, in writing, that the contractor's Navajo Manpower

Utilization Requirements have been incorporated into such subcontract. The contractor shall be obligated to rescind (and be solely liable to such subcontractor for any and all damages arising therefrom) any subcontract executed without such certification by the Office of Navajo Labor Relations. The contractor shall also be obligated to supervise and cause compliance by its subcontractors with the Navajo Manpower Utilization Requirements.

N. Compliance and Enforcement.

Where the Office of Navajo Labor Relations finds, after notice and hearing, that the contractor or any of its subcontractors has failed to comply in good faith with its obligations under the Navajo Manpower Utilization Requirements, the Office of Navajo Labor Relations shall take such action and impose such sanctions as may be appropriate (including the sanctions as are provided for in Section "O" hereof). The Office of Navajo Labor Relations will have the burden of proving in any such proceeding that the contractor or its subcontractor has not met its Navajo Manpower Utilization Requirements, but the contractor's or subcontractor's failure to meet its requirements having been demonstrated, the burden of producing sufficient evidence to establish its good faith in meeting its requirements shall shift to it.

Except as provided in Section "K" hereof, if the Director of the Office of Navajo Labor Relations has probable cause to believe that a contractor or subcontractor has failed to comply with all or any part of its Navajo Manpower Utilization Requirements, he shall notify that contractor or subcontractor in writing, specifying in detail each such alleged violation. The initial decision as to whether there has been non-compliance shall be made by the Director of the Office of Navajo Labor Relations after the contractor has had an opportunity to present any evidence and/or witnesses it wishes to bring forth to support its compliance.

Any contractor found by the Office of Navajo Labor Relations not complying with its Navajo Manpower Utilization Requirements may appeal the Office of Navajo Labor Relations decision to the Navajo Tribal Court, at which hearing the Director of the Office of Navajo Labor Relations shall represent the interests of the Navajo Tribe.

O. Sanctions.

The contractor and its subcontractors shall agree that, in the event it is found by the Office of Navajo Labor Relations, after notice and hearing, that the contractor or any of its subcontractors has not complied with the Navajo Manpower Utilization Requirements, the Office of Navajo Labor Relations shall be entitled to do any or all of the following:

1. Declare a default by the contractor under its contract so that the Office of Navajo Labor Relations may impose any sanction or remedy provided hereinbelow.
2. Declare the contractor or subcontractor ineligible to bid on any contract or agreement covered under

the guidelines herein until such time as the contractor or subcontractor has complied with the terms of the applicable Navajo Manpower Utilization Requirements.

3. Promulgate mandatory enforcement orders.
4. Order the re-hiring of any Navajo terminated in violation of the Navajo Manpower Utilization Requirements, and the granting of back pay and restitution to any Navajo who has not been given preference in either hiring, job assignment or termination in violation of said Requirements. However, before any sanction shall be imposed in connection with any federally assisted contract under the paragraph herein, the Comptroller General shall be consulted to render an opinion as to the propriety of such a sanction under applicable federal law.
5. Order the displacement of non-Navajo employees and a replacement therefor of Navajos where a violation of the Navajo Manpower Utilization Requirements is found.
6. Order that treble damages be paid to the Navajo Tribe in such amount as is equal to the wages, salaries and benefits that would have been paid to Navajo employees had the contractor complied with its Navajo Manpower Utilization Requirements, such award encompassing in addition all such further sums as and for the damage resulting from dilatory conduct in effecting the Navajo Manpower Utilization Requirements. However, before any sanction shall be imposed in connection with any federally assisted contract under the paragraph herein, the Comptroller General shall be consulted to render an opinion as to the propriety of such a sanction under applicable federal law.
7. Order the award of money damages to the Navajo Tribe in such amount as to compensate it for such injuries as are caused by non-compliance with the Navajo Manpower Utilization Requirements.
8. Order the Navajo Police, after any judicial appeal to the Navajo Tribal Court is concluded, to enter the job site and seal it off until such time as the contractor has complied or caused its subcontractors' compliance with any remedial order by the Office of Navajo Labor Relations.

P. Contract Administration Fee.

The Director of the Office of Navajo Labor Relations shall seek to have inserted in every contract or agreement within the coverage of the guidelines herein a fee to be paid by the contractor as and for the costs and expenses which will be incurred by the Office in requiring and enforcing the Navajo Manpower Utilization Requirements.

Q. Validity and Enforceability.

Notwithstanding any other provision hereof, it is understood that the United States has exclusive authority to enforce

compliance with federal laws and regulations. If any provision of the guidelines herein shall be invalid or unenforceable, the validity or enforceability of any other provision hereof shall not be affected or impaired thereby.

These guidelines are effective March 1, 1973 (as amended September 7, 1973), and until such time as they are superseded by other guidelines promulgated by the Office of Navajo Labor Relations.

OFFICE OF NAVAJO LABOR RELATIONS

By _____
George James, Chairman

James D. Atcitty,
Vice Chairman

Leonard Arviso, Secretary

Thomas H. Lincoln

F. Browning Pipestem

STATE OF ARIZONA)
 : ss.
COUNTY OF)

On this _____ day of _____, 1973, before me, the undersigned officer, personally appeared GEORGE JAMES, JAMES D. ATCITY, LEONARD ARVISO, THOMAS H. LINCOLN and F. BROWNING PIPESTEM, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

U.S. DEPARTMENT OF LABOR
 EMPLOYMENT STANDARDS ADMINISTRATION
 Office of Federal Contract Compliance
 WASHINGTON, D.C. 20210



SEP 10 1973

RECEIVED

SEP 14 1973

OFFICE OF NAVAJO
 LABOR RELATIONS

In Reply Refer To: 4500-5

Mr. Thomas H. Brose'
 Director, Office of Navajo
 Labor Relations
 The Navajo Tribe
 Window Rock, Arizona 86515

Dear Mr. Brose':

Pursuant to your request, we have reviewed the Guidelines proposed by the Office of Navajo Labor Relations (ONLR) to determine whether they may be properly included in federally-assisted construction contracts let by the Navajo tribe, and whether any sections are compatible with Executive Order 11246, as amended, and Title VII of the Civil Rights Act of 1964. The following analysis is in accord with OFCC's position that the Executive Order program should adopt the Indian Preference clause in Title VII as its own policy in order for the two programs to function under consistent standards for contractors operating on or near Indian reservations.

Section 703 (i) of Title VII 1/ provides that the prohibitions of Title VII do not apply to the employment of Indians on or near reservations. Therefore, the preference for Indian employment is an absolute one which may work to the total exclusion of all non-Indian employees, trainees, apprentices, or other members of the work force. The absolute preference for Indians may, where Indians and non-Indians are both members of the work force on or near a reservation, also extend to promotions, transfers, and layoffs, as well as any other benefits of employment.

1/ "Nothing contained in this Title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which preferential treatment is given to any individual because he is an Indian living on or near a reservation."

The only application of Title VII on or near an Indian reservation would be in cases of discrimination involving non-Indians of different races, color or national origin, or between male and female non-Indians.

Under this interpretation of the Indian preference provision of Title VII, and in turn, OFCC's Indian preference policy, it is our opinion that the ONLR may legally append bid conditions of its own on federally-assisted construction contracts which impose upon the contractors a burden of hiring an all or predominantly Navajo work force. Although the proposed ONLR Guidelines have taken the goals and timetables approach utilized in comparable bid conditions, there is no objection to even stronger language requiring employment of Navajos to the maximum extent of their availability. The Guidelines already take this approach in requiring that all apprentices must be members of the Tribe.

The same interpretation supports the ONLR's position that foremen should be employed in the same ratio as their are Navajos on the job, and that Navajos receive preference for all promotions. Additionally, it allows use of the provision which would prohibit laying off any Navajo until all non-Navajos in the same craft have been terminated.

Although the basic premise upon which the Guidelines are based is valid under present interpretation of the Indian preference policy, there are some changes necessary for the Guidelines to fully conform to the requirements of Federal law.

The major weakness of the Guidelines is that it does not include the goals and timetables in the invitation for bids, but specifies that they shall be negotiated between the ONLR and the contractor after award. Post-award negotiations for material conditions such as the numbers or percentages of required Indian manpower utilization would violate the Comptroller-General's opinion striking down similar practices in the first Philadelphia Plan. The ONLR has agreed to revise the Guidelines in accord with the Comptroller-General's opinion, and has prepared goals for the first year the Plan is in effect. A copy of these goals is attached, for your information.

The Guidelines include within its definitions of contractors and subcontractors covered under its terms, "government agencies." Since these provisions will be included in all contracts let by the Tribe, whether or not federally-assisted, it is essential to amend that definition to read "non-Federal government agencies." Otherwise the Federal government, in contracting for construction on Indian reservations, may be required by contract to hire an all-Indian work force, although forbidden to do so by Federal laws presently applicable to Federal employees. These contracts would most probably be with the Bureau of Indian Affairs, whose Indian Preference Law was recently struck down by a three-judge District Court on the grounds that it violated the 1972 amendment to Title VII, prohibiting discrimination in Federal employment. 2/

Let us also call your attention to Section J. 6. , which purports to provide that the ONLR Guidelines could supersede any conflicting provision in a collective bargaining agreement. The ONLR Guidelines do not have the force and effect of Federal law or regulations. Therefore, there is some question whether such Guidelines could supersede collective bargaining agreements.

The remaining questionable provisions are both in the sanctions section.

The first is Section II. 0. 2. , which would allow the ONLR, upon a finding of non-compliance, to debar the contractor or subcontractor from any future work on the reservation for up to five years. This action could not be taken under Executive Order 11246 and questions of legality would be, as would the following question, more properly addressed to the Comptroller-General since both raise procurement law considerations on Federally-involved contracts.

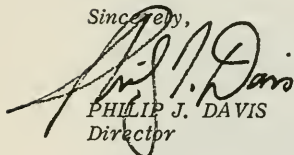
2 / Mancari v. Freeman _____ F. Supp. _____, 5 EPD 8643 (June 1, 1973).

Section 0.6 would allow the ONLR to order a non-compliant contractor to pay treble damages to the tribe based on a sum equal to the wages, salaries and benefits that would have been paid to Navajo employees had the contractor complied with its utilization requirements, plus any other damages arising from dilatory action. Since the Guidelines also authorize the award of money damages to the tribe for any injuries to it arising from the contractor's failure to comply, 3/ and similar damages, in accord with the Guidelines, 4/ this section may not serve a valid purpose. However, this provision, as well as the provision relating to treble damages could not be imposed under Executive Order 11246. As indicated in the preceding paragraph, questions concerning their propriety on Federally-involved contracts should be addressed to the Comptroller-General.

In conclusion, it should be noted that when a contract is to be performed on or near a reservation, it is not a violation of Executive Order 11246 if an Indian is given preference over a non-Indian for any job or promotion, or on layoffs, or in any other aspect of employment.

If you should have additional questions please do not hesitate to call upon our office for assistance.

Sincerely,



PHILLIP J. DAVIS
Director

Enclosure

3/ Section 11. 0.4.

4/ Section 11. 0.4

Exhibit No. 14

18. Employment of Navajos. Lessees agree to give preference in employment to qualified local Navajos, it being understood that "local Navajos" means members of the Navajo Tribe living on land within the jurisdiction of the Navajo Tribe. All unskilled labor shall be employed from "local Navajos," if available, providing that applicants for employment as unskilled laborers meet the general employment qualifications established by Lessees. Qualified semi-skilled and skilled labor shall be recruited and employed from among "local Navajos." In the event sufficient qualified unskilled, semi-skilled and skilled local Navajo labor is not available, or the quality of work of available skilled or semi-skilled workmen is not acceptable to Lessees, Lessees may then employ, in order of preference, first qualified non-local Navajos, and second, non-Navajos.

816

Exhibit No. 15

THE NAVAJO TRIBE

WINDOW ROCK, NAVAJO NATION, (ARIZONA) 86515



PETER MacDONALD
CHAIRMAN, Navajo Tribal Council

WILSON C. SKEET
VICE CHAIRMAN, Navajo Tribal Council

28 JUNE 1974

Ms. Hester Lewis
U. S. Civil Rights Commission
1405 I Northwest
Washington, D. C.

Dear Ms. Lewis:

I regret that it has taken so long to respond to your request for documentation concerning my testimony before the U. S. Civil Rights Commission hearings in October of 1973. However, the press of Tribal activities prevented earlier response.

I hope the attached documents will satisfy the needs of the Civil Rights Commission.

Thank you for your patience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leonard Arviso".

Leonard Arviso, Manpower Coordinator
Office of Manpower Planning
THE NAVAJO TRIBE

Attachment

TOTAL ENROLLMENTS
New Mexico

1968 - 65	Male - 1,054
1969 - 333	Female - 820
1970 - 264	
1971 - 449	
1972 - 325	
1973 - 438	

1,874 - TOTAL

Arizona

1968 - 39	Male - 1,066
1969 - 359	Female - 759
1970 - 310	
1971 - 368	
1972 - 348	
1973 - 401	

1,825 - TOTAL

AGREEMENT NUMBER CEP 3614-04
SUMMARY OF PROGRAM STATISTICS
For the Period 01/01/73 Through 12/31/73

	<u>New Mexico</u>	<u>Arizona</u>
Number Applying:	650	734
Number Enrolled:	438	401
Number of Dropout:	72	60
Number In Program:	535	504
Number Terminated:	393	389
Number Completing Program:	218	222

Respectively Submitted:

Alfred F. Vietri
Alfred F. Vietri
Director - Navajo CEP

June 27, 1974

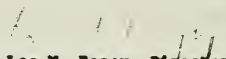
Mr. Leonard Arviso
Curriculum for Manpower Planning
Office of Program Development
The Navajo Tribe
Window Rock, Arizona 86515

Dear Mr. Arviso:

Further to our telephone conversation regarding the number of Trainees who have been trained under Office of Navajo Economic Opportunity - Home Improvement Training Program and Navajo Pre-Vocational Training Program since 1966, please be advised that our program has included 5,600 Trainees for a period of at least six (6) months each. We have established programs under which we have taught all aspects of construction such as Carpentry, Cement work, Plumbing and Electricity as well as Drafting and Blueprinting.

You no doubt are aware that due to the limited time our Trainees have been under our supervision that we have been unable to give them a complete course in construction. It normally takes about four (4) years to turn out a fully qualified Journey-man in any of the construction trades.

Sincerely,


Leo N. Begay, Director
Navajo Pre-Vocational Training Program

cc:
LNB/md
File/Chrono

NAVAJO ENGINEERING & CONSTRUCTION AUTHORITY

Heavy and Utility Construction

HOME OFFICE:
HEAVY DIVISION
P. O. Box 456
SHIPROCK, NEW MEXICO 87420
(808)-366-9181

Please reply to:
P. O. Box 456
Shiprock, New Mexico 87420

UTILITY DIVISION
P. O. Box 648
FORT DEFIANCE, ARIZONA 86504
(602)-728-2360

June 27, 1974

Mr. Leonard Arviso
Manpower Coordinstor
The Navajo Tribe
Window Rock, Arizona 86515

Dear Leonard:

This letter is submitted in response to your request for data on the NECA-MDTA Heavy Equipment Training Program in the following areas: 1) The numbers of trainees served through 12/31/73, 2) The number of trainees placed, divided into those placed with NECA and those placed with other employers, during this period. 3) The difficulties encountered by NECA in placing program graduates with other employers.

NECA-MDTA Heavy Equipment Training commenced July 6, 1973. Through December 31, 1973, the program processed 174 trainees. Of this number, 145 trainees completed training. (The figures submitted are through the section completing 1/11/74). 126 of the program graduates through January 11, 1974, were initially placed into training related employment for a placement figure of 87% for graduates completing during the initial months of the program. It should be noted that some of these graduates entered employment in the early months of 1974. A list of placements is enclosed in this letter.

Of those 126 placed graduates of the first six months of training, approximately 57% or 71 trainees were placed on NECA's own workforces. Other significant employers of the program graduates were:

1. Nielsons, Inc.	9	employed
2. Wylie Bros.	7	"
3. Utah International	3	"
4. Brown Construction	2	"
5. Vesper Construction	3	"
6. All other employers	31	"

NECA has encountered a number of problems in placing graduates with other employers. We have been unable to secure placements through union apprenticeship programs. This is due mainly to rigid entrance procedures required by these programs. As an example, NECA arranged for 18

"AN ENTERPRISE OF THE NAVAJO TRIBE"

Mr. Leonard Arviso
Page 2
June 27, 1974

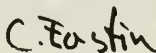
program graduates to apply to the New Mexico Operators program on April 30, 1974. Between the initial application date and the interview date of June 18, 1974, sixteen of these graduates had been placed with other construction employers. The delay caused by the apprenticeship program's intake system meant that no program graduates were able to enter apprenticeship training.

Another significant barrier to employment of program graduates has been the lack of a comprehensive job development and follow through mechanism on the reservation. NECA has directly arranged most of the placements made of program graduates. We, however, have been unable to maintain adequate contact with many of the construction employers working on the reservation, primarily because we do not have a job development component. Thus, NECA believes that many placement opportunities may have gone unfilled. This problem will be offset by strengthened job development services by Navajo Employment Service.

The last six months of NECA-MDTA training have seen some promising placement developments. We have enjoyed success with Peabody Coal Company at Kayenta, Arizona. The New Mexico Highway Department has employed several graduates. Nielsons, Inc. has committed themselves to hire 14 graduates for employment on a power plant site in Craig, Colorado, and has employed a significant number of graduates on reservation projects.

Although our placement results are not fully satisfactory, we have reason to believe that a definite job market exists for program graduates. With the Tribe's ability to erect a comprehensive manpower network under CETA, NECA believes that placements and job retention can climb to a very satisfactory level.

Sincerely,



C. Eastin
Director of Personnel

CE:jea
Enclosure

cc: Chrono/Files

ES-285
Rev. 6/20/73

REPORTING OFFICE Window Rock Central Office

MONTHLY REPORT OF HITCHHIKE ACTIVITIES

Month Ending: December 31, 1973

Date: January 10, 1974

	TOTAL	VETERANS	CUMULATIVE TOTAL
1. Active Files	622	158	XXXXXXXXXXXX
2. New Applications	120	21	2,600
3. Job Openings Rec'd.	321	0	2,916
A. Agricultural	0	0	514
B. Nonagricultural	321	0	2,402
4. Referrals	101	17	1,189
A. Agricultural	0	0	128
B. Nonagricultural	101	17	1,061
5. Placements	35	8	516
A. Agricultural	0	0	35
B. Nonagricultural	35	8	481
6. Counseling	44	13	351
7. Testing	0	0	38
8. Training Referrals	28	3	539
9. Employer Contacts	63	0	962
10. Job Development	14	2	210

Comments: Ganado made (10) rural area contacts. Window Rock Sub-Office registered (21) applicants with Local Union #611 in Albuquerque, New Mexico for T.G.&E.; referred (3) people to Unemployment Compensation Division and (5) G.A. recipients referred from Social Services for employment.

ES-285
Rev. 6/20/73

REPORTING OFFICE Window Rock Central Office
YEARLY
~~MONTHLY~~ REPORT OF HITCHHIKE ACTIVITIES

Month Ending: _____

Date: _____

	TOTAL	VETERANS	CUMULATIVE TOTAL
1. Active Files	XXXXX	XXXXX	XXXXXXXXXXXXX
2. New Applications	2,600	359	2,600
3. Job Openings Rec'd.	2,916	0	2,916
A. Agricultural	514	0	514
B. Nonagricultural	2,402	0	2,402
4. Referrals	1,189	170	1,189
A. Agricultural	128	21	128
B. Nonagricultural	1,061	149	1,061
5. Placements	516	74	516
A. Agricultural	35	05	35
B. Nonagricultural	481	69	481
6. Counseling	351	57	351
7. Testing	38	0	38
8. Training Referrals	539	86	539
9. Employer Contacts	962	0	962
10. Job Development	210	0	210
Comments:			
Total Active & Inactive applicants served:			
Window Rock Sub-Office	1,789		
Ganado Sub-office	1,451		
Kayenta Sub-office	1,613		
Shiprock Sub-office	<u>1,963</u>		
TOTAL	6,816		

THE NAVAJO NATION

WINDOW ROCK, ARIZONA 86515



26 June 1974

PETER MacDONALD
Chairman, Navajo Tribal Council

WILSON C. SKEET
Vice Chairman, Navajo Tribal Council

M E M O R A N D U M

TO : Leonard Arviso, Manpower Coordinator
FROM : Jerry Harvey, Coordinator
SUBJECT: Statistic on Placements and Interviews

This is in regards to our telephone conversation on the morning of June 25, 1974, wherein you requested the dividend of job placements and non-job placements of Navajo job seekers. The following figures are compile from five Job Development Offices throughout the reservation since fiscal year 1972.

	INTERVIEWED	PLACEMENTS	=	NON-PLACEMENTS
FY 72	<u>3414</u>	<u>944</u>	=	<u>2470</u>
FY 73	<u>7405</u>	<u>1247</u>	=	<u>6158</u>
FY 74	<u>7335</u>	<u>1560</u>	=	<u>6775</u>

Note that the Fiscal Year 1974 is the figure for a 11 months period.

Jerry Harvey
Jerry Harvey
Job Development Coordinator

Exhibit No. 16

May 16, 1973

Dear Sir:

In my letter of May 9, 1973, I promised to provide specific suggestions in several areas that the Office of Navajo Labor Relations thinks will assist unions, corporations, and the Tribe in resolving problems that have arisen in the past regarding employment of Navajos on or near the reservation.

As you know, because of the practices of a few unions, many Navajo people came to fear unions---to see them as obstacles which had to be overcome in order to secure good working conditions, fair wages, and a chance at promotion. If we are to eliminate those fears, it will take an effort on the part of the unions and the Tribe to demonstrate to the Navajo people that unions can serve as a vehicle for better working conditions, greater employment, and advancement. These suggestions are offered to you as our contribution toward this goal.

The Navajo unemployment rate of 60 per cent, compared with the Arizona State non-Indian figures of 3.5 per cent, is shocking. Our experience with the construction project on the reservation, especially the Salt River Project has been well documented in the Department of Interior Report. This report clearly illustrated the type of difficulties Navajo employees find when potential jobs become an illusion since most of the positions on the Navajo Power Project were and are filled by non-Navajos. We know there are many reasons for this, but we now would like to increase participation by Navajo workers in future projects, and to this end, we propose that each union consider the following:

- (1) Each union will recognize Indian preference on the reservation, and the guidelines for the utilization of Navajo manpower.

Letter
May 16, 1973
Page 2

- (2) Each union will establish a Navajo list for jobs on the reservation. Requests for workers on reservation projects will be filled from the Navajo list until such lists contain no Navajo names.

On off-reservation projects, Navajos would be subject to whatever procedures or priority provisions each union establishes for its members.

- (3) Each union will insert into its agreement a section similar to the following:

Either local may make special agreements which apply lower wages or more favorable working conditions either for a particular job or for a particular area, as for example an Indian reservation. Such a special agreement shall be a permissible exception to this Article if such wages and conditions are publicized 72 hours in advance of receipt of bids or sufficiently in advance of final negotiation of the work covered to permit equal opportunity to others, by delivery of the relevant information to the PAC. Any such special rates or conditions shall be available to all contractors bidding or negotiating on the work covered. Such special rates and conditions shall not apply elsewhere or on other jobs not covered in the publicized announcement.

(Source: Arizona Pipe Trades Agreement, dated June 1, 1972.)

- (4) Each union will recognize the need for the Navajo Tribe (ONLR) to be informed prior to, or at least, simultaneously with notification of any local about labor needs on reservation projects.

These arrangements will assist the Tribe in establishing better information about reservation labor needs and placement of Navajo workers on such projects.

Letter

May 16, 1973

Page 3

- (5) The union and the Tribe will establish means for the easy transfer of Navajo workers from projects on the reservation in one state to projects on the reservation in another state.
- (6) Each union will arrange for Navajos who are in approved training programs in one state to transfer and seek enrollment in a local for a jurisdiction under any project on the reservation in either Arizona, New Mexico, or Utah.
- (7) Each union will actively strive to enroll Navajos in apprenticeship and training programs clearly related to anticipated labor needs on the Navajo Reservation.

I hope that these requests will be communicated to your membership and that each union and the Building Trades Council will attempt to integrate the suggestions made here into new agreements.

I would like to add that the ONLR is ready to discuss these suggestions with each union or with the Building Trades Council in the appropriate states, and we will be happy to explain, in detail, our reasons for desiring these changes.

I trust I can expect the cooperation of union leaders in all the states concerned. Thank you for your consideration of our proposals.

Sincerely,

Thomas H. Brosé, Director
Office of Navajo Labor Relations

THB:ib

cc: Harper Stewart, Department of Labor
All Unions

Exhibit No. 17

CERTIFIED PAYROLL

NAME OF CONTRACTOR <input checked="" type="checkbox"/>	OR SUBCONTRACTOR <input type="checkbox"/>	NIELSONS INC.	
ADDRESS	P. O. Box 684 Dolores, Colo. 81323		
PAYROLL NO. <u>21</u>	FOR WEEK ENDING 11-10-73	PROJECT OR CONTRACT NO. N32(3A-1)(3B-1)4	
PROJECT AND LOCATION	Road Construction Sheep Springs		

STATEMENT OF COMPLIANCE

Date 11-13-73

I, Charles M. Wagers, Jr., Field Office Manager do hereby state:
 (Name of signatory party) (Title) (Contractor or subcontractor)

(1) That I pay or supervise the payment of the persons employed by Nielsons, Inc. on
 the road construction ; that during the payroll period commencing on the 11th day of Nov.,
 (Building or work) (Contractor or subcontractor) 1973, all persons employed on said project have been paid the full
 weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said _____
Nielsons, Inc. from the full weekly wages earned by any person and that no deductions have
 (Contractor or subcontractor)

been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948.63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. 276c), and described below:

FEDERAL WITHHOLDING TAX UNION DUES

STATE WITHHOLDING TAX

FICA WITHHOLDING TAX

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- Each Laborer or mechanic listed in the above referenced payroll has been paid as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
None	
REMARKS	

NAME AND TITLE Charlie M. Rogers Jr.-Field Office Mgr.	SIGNATURE <i>Charlie M. Rogers Jr.</i>
THE WILFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION SEE SECTION 1001 OF TITLE 18 AND SECTION 881 OF TITLE 51 OF THE UNITED STATES CODE	

PAYROLL TOTALS	RT	OT	Gross	Fed W/H	FICA	State	Union	Ins.	Misc.	Net
	-13031	-13152	-1231 83	5277 16	241 04	110 23	-1350			206 61

NIELSONS INC. Dolores, Colorado

PAYROLL

Page 1 of 10 Pages

EMPLOYEE NUMBER, NAME, ADDRESS

84-Dave Moore

W/H Status

M2

WEEK ENDING

11-10-73

UNION STATUS
Dues Insurance

X

STATE
N.Mex.
FICA OUT

CAT

Check No.

5911

B.T. Hours

451

O.T. Hours

51

S. S. No.

JOB CLASSIFICATION

Blade Oper.

Type of Work
Job No. Account No.

167 3099

HOURS WORKED BY DAYS

1 2 3 4 5 6 7

1 1 1 1 1 1 1
9 9 9 9 9

TOTAL

Hours

5
45

AMOUNT

1160

TOTAL

220.55

232.10

Reg. Earnings

220.55

Item. Earnings

1160

Gross Earnings

232.10

Federal

32.30

State

9.20

F.I.C.A.

--

U. Dues

--

U. Ins.

--

Total Ded.

36.50

NET PAY

195.60

EMPLOYEE NUMBER, NAME, ADDRESS		W/H Status		WEEK ENDING		UNION STATUS		STATE		Check No.		R.T. Hours							
115-Richard Walter		M1		11-10-73		Dues Insurance		N Mex. FICA OUT		5418		58							
		S. S. No.				X X		CUT		E		18							
JOB CLASSIFICATION	Type of Work Job No. Account No.	HOURS WORKED BY DAYS							Total Hours	RATE	AMOUNT	TOTAL							
		1	2	3	4	5	6	7											
Foreman	167 309.2	O	1/2	2 1/2	2	3			8 1/2	2.195	17.6	17.6							
Service man	167 309.2	R	3	7 1/2	5	8	2 1/2		26 1/2	4.29	118.36	135.96							
	167 309.4	O	1	2	1 1/2	2	1 1/2		8	2.195	17.6	17.6							
	167 309.4	R	1	5	4	5	4		22	4.29	94.38	117.26							
	167 309.3	O	1/2						1/2	2.195	1.0975	1.0975							
	167 309.3	R	3						3	4.29	12.87	13.9675							
	198 203.3	O	1 1/2						1 1/2	2.95	4.425	4.425							
	198 203.3	R	1						1	4.96	4.96	4.96							
		O																	
		R																	
		O																	
		R																	
		O																	
		R																	
Reg. Earnings	268.12	Prem. Earnings	39.07	Gross Earnings	307.21	Federal	52.25	State	7.88	F.I.C.A.	-	U. Dues	-	U. Ins.	-	Total Ded.	60.38	NET PAY	246.82

EMPLOYEE NUMBER, NAME, ADDRESS		W/H STATE		WEEK ENDING		UNION STATUS		STATE		Check No.		R.T. Hours					
661-Claude A. Roper		M2		11-10-73		Insurance		N. Mex. FICA OUT		549		7					
S. S. No.		Type of Work		HOURS WORKED BY DAYS							RATE		AMOUNT		TOTAL		
		Job No. Account No.		1	2	3	4	5	6	7							
Blade Oper.		167 3099		O T	2		2	1			5 2.32		11.60		192.90		
		167 299.3		O T		2					2 2.32		4.64		192.64		
				O T		10					10 1.64		16.40		181.36		
				R T													
				O T													
				R T													
				O T													
				R T													
				O T													
				R T													
				O T													
				R T													
				O T													
				R T													
Reg. Earnings		Prem. Earnings		Federal		State		F.I.C.A.		U. Dues		U. Ins.		Total Ded.		NET PAY	
218.24		66.91		34.05		16.58		1.12						53.52		170.00	
PAGE TOTALS		785.80		119.12		16.58		1.12						150.90		622.10	

Exhibit No. 18

IN REPLY REFER TO:

Property & Supply

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
Navajo Area Office
P. O. Box 1060
Gallup, New Mexico 87301

APR 5 1974

U.S. Commission on Civil Rights
Attention: Larry Glick, Deputy General Counsel
1121 Vermont Avenue N.W.
Washington, D.C. 20425

Gentlemen:

Reference is made to your letter of March 25, 1974 and to my letters of October 26, 1973 and January 29, 1974. I regret that you did not receive my letter of October 26, 1973 as it contained the results of a considerable amount of work by myself and my staff which I now must duplicate during a very busy period in our work year.

Taking the requested items in numerical order, following are my responses:

Number 12 Laundry from Tuba City Boarding School is presently being handled by Lukee Enterprises, Inc. located in Cortez, Colorado,

Number 17 attached as Exhibit #17 is a copy of a typical construction contract payroll, for the week ending October 13, 1973. Names of Indian employees are underscored in red,

Number 18 Contractors presently working on Navajo Area Office construction contracts report a total of 179 Indian employees on these projects. It should be noted that the construction season is not yet in full swing in this part of the country and this figure may be expected to increase significantly with the onset of good weather,

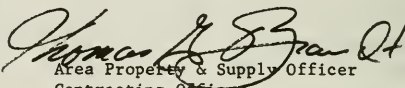
Number 21 Copy of a contract for fresh produce, dated September 19, 1973 is attached and identified as Exhibit 21,

Number 23 as I stated in my letter of January 29, 1974, the BIA operates on an annual appropriation and, by law, cannot commit itself beyond the period of the currently appropriated funds. Also, since our laundry business has been exclusively with Indian

contractors for several years, any new firm qualifying under the "Buy Indian" Act would be afforded an opportunity to compete with the existing Indian firms for the available business. Surely no one seriously suggests that one Indian firm should be deprived of an established market and thereby destroyed, in order to promote the entrance of a new Indian firm in the field.

Please advise if I can be of further assistance.

Sincerely yours,


Area Property & Supply Officer
Contracting Officer

Enclosures:

- Exhibit No. 17--Nielsons Inc. payroll for week ending
November 10, 1973
- Exhibit No. 21--Copy of Contract N00 C 1420 5396 dated
September 19, 1973

Exhibit No. 19

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

Facilities Engineering

DIVISION OF FACILITIES ENGINEERING

FEDERAL OFFICE BLDG. & U.S. COURTHOUSE

P O BOX 1248

ALBUQUERQUE, NEW MEXICO 87103

IN REPLY REFER TO

APR 04 1974

Mr. Lawrence B. Glick
 Acting General Counsel
 United States Commission on Civil Rights
 1121 Vermont Ave., N.W.
 Washington, D.C. 20425

Dear Mr. Glick:

In reply to your letter of March 6, 1974, requesting documents to be furnished for inclusion in the hearing record, the following are enclosed:

1. Total number of construction contracts for schools on or near the Navajo Indian Reservation let by the Division of Facilities Engineering from the beginning of FY 1965 through FY 1973.
2. An ethnic breakdown of employees by skill on each contract.

The source of information for the ethnic breakdown is daily construction reports which were prepared by the project inspectors on each project. Although craftsmen representing other minority groups were employed on these projects, records were kept on Indian employment and total number of employees only.

If we can be of further assistance, please let us know.

Sincerely yours,

Donald G. Keith
 Donald G. Keith
 Acting Chief, Division of
 Facilities Engineering

Enclosures

LIST OF CONSTRUCTION CONTRACTS FOR SCHOOLS ON OR
NEAR THE NAVAJO INDIAN RESERVATION LET
BY THE DIVISION OF FACILITIES ENGINEERING

Fiscal Year 1965 through Fiscal Year 1973

<u>Date Project Started</u>	<u>Project Name and Number</u>	<u>Amount of Contract</u>
1. September 1964	Rough Rock School LD35-732	\$2,129,250
2. April 1965	Beshbito School LD36-879	5,996,245
3. June 1965	Ojo Encino School LD34-854	486.130
4. February 1966	Dilcon Elementary School LD36-022	2,930,848
5. March 1966	Cottonwood School LD35-805	1,359,828
6. April 1966	Sanostee School LN32-376	3,859,000
7. September 1966	Eastern Navajo School LN34-089	2,759,058
8. February 1967	Many Farms High School LN35-026	8,288,543
9. August 1967	Rock Point School LN35-809	2,052,282
10. September 1968	Wingate Kitchen-Dining LN34-069	392,446
11. August 1967	Gray Hills High School LN33-041	7,708,036

2.

OJO ENCINO SCHOOL

Average number of employees each month

CRAFT		July 1965	Aug. 1965	Sept 1965	Oct. 1965	Nov. 1965	Dec. 1965	Jan. 1966	Feb. 1966	Mar. 1966	Apr. 1966
Asbestos Worker	Indian									0	
	Other									1	
Asbestos Improver	Indian										
	Other										
Carpenter	Indian		0	0	1	0	0	0	0	0	0
	Other		6	7	6	6	4	0	0	0	3
Carpenter Apprentice	Indian										
	Other										
Cement Mason	Indian	0	0	0	0	0	0	0	0		0
	Other	1	1	1	1	1	0	1	1		1
Electrician	Indian			0	0	0	0	0	0	0	0
	Other			1	1	1	0	1	1	1	1
Electrician Apprentice	Indian			0	0	0	0	0	0	0	0
	Other			1	1	1	0	1	1	0	0
Glazier	Indian										
	Other										
Iron Worker	Indian										
	Other										
Iron Worker Apprentice	Indian										
	Other										
Laborer	Indian	0	4	4	7	5	0	0	0	0	1
	Other	0	0	1	0	0	1	1	0	4	3
Semiskilled Laborer 1/2	Indian	0	0	0	1	1	0	0	0	0	0
	Other	0	0	0	2	2	0	4	1	2	
Lather	Indian										
	Other										
Mason	Indian				0	0					
	Other				5	3					
Operator	Indian	0	0	0	0	0	0	0	0	0	0
	Other	1	2	0	0	2	4	3	1	0	2
Painter	Indian					0	0	0	1	1	
	Other					2	0	1	1	4	
Painter Apprentice	Indian										
	Other										
Plasterer	Indian							0	0	0	
	Other							2	0	2	
Plumber- Fitter	Indian		0	0	0	0	0	0	0	0	0
	Other		1	2	3	0	2	1	1	2	1
Roofer	Indian							0	0		
	Other							7	2		
Roofer Apprentice	Indian										
	Other										
Sheetmetal Worker	Indian								0		
	Other								1		
Sheetmetal Worker Appren.	Indian										
	Other										
Tile Setter	Indian							0	0		
	Other							2	1		
Tile Setter Helper	Indian							0	0		
	Other							2	1		

841

1/ Includes powertool operator, pipe layer, moter mixer & tender and rodman

DILCON ELEMENTARY SCHOOL

Sheet 1 of 2

Average number of employees each month

CRAFT		Mar. 1966	Apr. 1966	May 1966	June 1966	July 1966	Aug. 1966	Sept. 1966	Oct. 1966	Nov. 1966	Dec. 1966	Jan. 1967
Asbestos Worker	Indian				0	0	0	0	0	0	0	
	Other				1	1	1	1	1	1	1	
Asbestos Improver	Indian				0	0	0	0	0	0	0	
	Other				1	1	1	1	1	1	1	
Carpenter	Indian	0	7	8	7	7	6	7	5	1	0	0
	Other	3	17	11	28	34	28	22	22	14	8	4
Carpenter Apprentice	Indian		1	1	2	2	0		0	0	0	0
	Other		2	2	2	2	1		1	1	1	1
Cement Mason	Indian		3	3	3	4	4	4	4	1	1	1
	Other		1	1	3	5	5	3	3	0	0	0
Electrician	Indian		1	1	2	2	2	2	2	2	2	2
	Other		0	1	2	6	1	2	3	4	7	3
Electrician Apprentice	Indian											
	Other									0		
Glazier	Indian									0		
	Other									2		
Iron- worker	Indian		1	1	1	1	0	0				
	Other		6	4	3	3	3	1				
Ironworker Apprentice	Indian											
	Other											
Laborer	Indian	5	25	26	21	25	17	17	14	12	6	7
	Other	0	1	1	1	1	1	2	1	0	2	1
Semiskilled Laborer	Indian	0	0	0	3	3	4	5	3			
	Other	2	2	1	2	3	4	2	0			
Lather	Indian					0	0	0				
	Other					6	6	2				
Mason	Indian					0			0	0		0
	Other					10			1	2		1
Operator	Indian	3	4	3	1	4	3	4	1	0	0	0
	Other	3	9	4	4	6	6	4	2	2	1	1
Painter	Indian				0	0	1	1	0	5	3	1
	Other				2	9	10	7	8	7	6	5
Painter Apprentice	Indian											
	Other											
Plasterer	Indian						0	0				
	Other						4	7				
Plumber Fitter	Indian		0	3	3	0	1	2	0	1	0	0
	Other		5	11	10	6	4	4	4	3	1	1
Plumber Apprentice	Indian		1	1	1	1	1					
	Other		1	2	2	2	1					
Roofer	Indian					0	0	0				
	Other					5	7	2				
Roofer Apprentice	Indian											
	Other											
Sheetmetal Worker	Indian			0	0	0	0	0	0	0	0	0
	Other			2	4	4	4	4	5	2	3	2
Sheetmetal Worker Appren.	Indian					1						
	Other					0						
Tile Setter	Indian						0	0	0			
	Other						5	3	4			
Tile Setter Helper	Indian						2	2	0			
	Other						1	1	3			

MANY FARMS HIGH SCHOOLAverage number of employees each month

CRAFT		Apr. 1967	May 1967	June 1967	July 1967	Aug. 1967	Sept. 1967	Oct. 1967	Nov. 1967	Dec. 1967	Jan. 1968	Feb. 1968
Asbestos Worker	Indian				0	0	0	0	0	0		
	Other				1	5	3	4	3	5		
Asbestos Improver	Indian				0	0	0	0	0	0		
	Other				1	1	1	1	1	1		
Carpenter	Indian	3	17	14	10	11	11	12	8	4	4	4
	Other	3	26	45	30	30	31	26	15	13	11	16
Carpenter Apprentice	Indian	0	3	2	0	0	1	1	0	0		
	Other	1	4	6	6	6	5	5	3	2		
Cement Mason	Indian	0	4	4	4	4	4	4	4	2		
	Other	1	6	7	7	7	7	7	3	2		
Electrician	Indian		0	1	2	2	2	2	3	4	3	3
	Other		2	12	13	12	9	11	10	10	12	9
Electrician Apprentice	Indian		0	0	1	1	1	1	1	1		
	Other		1	1	2	2	2	2	2	3		
Glazier	Indian				0	0	0	0	0	0		0
	Other				2	2	0	0	3	2		3
Iron- worker	Indian	3	4	3	5	5	5	6	2	4	4	0
	Other	3	6	8	6	8	12	12	9	6	5	5
Ironworker Apprentice	Indian	0	1	1	0	0	0	0	0	0		
	Other	1	1	1	1	1	1	1	1	1		
Laborer	Indian	5	24	21	22	32	26	30	24	24	6	2
	Other	6	15	17	18	5	0	0	10	3	2	0
Semiskilled Laborer	Indian	0	1	2	7	5	18	13	10	10	0	0
	Other	2	2	2	11	3	1	0	1	3	2	3
Lather	Indian			0	0	0	0	0	0	0	1	1
	Other			2	3	4	7	7	12	11	5	8
Mason	Indian			1	1	1	1	3	1	0		0
	Other			7	9	11	21	13	7	3		1
Operator	Indian	7	8	5	1	6		8	8	2	1	1
	Other	8	8	10	8	7		10	12	2	0	0
Painter	Indian			1	0	2	1	3	2	1	1	0
	Other			0	5	9	15	21	13	10	7	2
Painter Apprentice	Indian						0	0	0	0		
	Other						1	2	1	1		
Plasterer	Indian				0	0	0	0	0			
	Other				5	4	4	4	4			
Plumber Fitter	Indian	1	1	2	3	3	3	3	3	3	2	2
	Other	3	22	27	20	22	24	26	15	9	8	7
Plumber Apprentice	Indian	1	1	0	1	1	0	0	0	0		
	Other	0	1	1	2	2	1	1	1	1		
Roofer	Indian			0	1	0	0	0	0	0	0	
	Other			3	3	3	5	5	5	5	2	
Roofer Apprentice	Indian											
	Other											
Sheetmetal Worker	Indian		0	0	0	0	0	0	0	0	0	0
	Other		3	6	5	6	5	5	8	6	2	3
Sheetmetal Worker Appren.	Indian											
	Other											
Tile Setter	Indian						0	0	0	0		
	Other						1	1	2	2		
Tile Setter Helper	Indian						0	0	0	0		
	Other						1	1	2	2		

MANY FARMS HIGH SCHOOL

Average number of employees each month

CRAFT		Mar. 1968	Apr. 1968	May 1968	June 1968	July 1968	Aug. 1968	Sept. 1968	Oct. 1968	Nov. 1968	Dec. 1968	Jan. 1969
Asbestos Worker	Indian		0	0	0	0		0				
	Other		4	4	2	2		2				
Asbestos Improver	Indian		0	0	0	0						
	Other		2	2	2	2						
Carpenter	Indian	3	2	1	1	2	2	3	0	1	0	
	Other	16	11	9	13	13	9	6	3	2	1	
Carpenter Apprentice	Indian		0	0	0	0						
	Other		1	1	1	1						
Cement Mason	Indian	0	2	0	0	0	0	0				
	Other	2	7	9	6	6	1	1				
Electrician	Indian	3	3	3	3	3	3	2	0			
	Other	9	10	9	8	4	4	9	1			
Electrician Apprentice	Indian		0	0	0	0	0					
	Other		1	1	1	1	2					
Glazier	Indian	0		0	0	0						
	Other	2		2	1	2						
Iron- worker	Indian	0	2	0	1							
	Other	4	2	1	1							
Ironworker Apprentice	Indian					0						
	Other					1						
Laborer	Indian	7	15	18	16	18	15	11	5	2	2	
	Other	4	4	1	3	0	2	0	0	0	0	
Semiskilled Laborer	Indian	12	7	3	3							
	Other	3	1	1	1							
Lather	Indian	0	0	0	0	0						
	Other	12	9	6	3	4						
Mason	Indian	0		0		0	0	0				
	Other	1		2		2	1	1				
Operator	Indian	6	3	3	5	0	0	0		0	0	
	Other	3	5	2	4	3	6	2		1	1	
Painter	Indian	1	1	4	2	1		3	0		0	
	Other	7	14	10	11	9		3	3		1	
Painter Apprentice	Indian		0			0						
	Other		1			1						
Plasterer	Indian	0	0	0	0	0						
	Other	13	11	4	5	3						
Plumber Fitter	Indian	2	3	2	2	2	3	3	0		0	0
	Other	8	9	6	6	7	7	5	3		1	2
Plumber Apprentice	Indian		0	0	0	0	0	0	0			
	Other		1	1	1	1	2	2	1			
Roofer	Indian	0	0									
	Other	9	10									
Roofer Apprentice	Indian											
	Other											
Sheetmetal Worker	Indian	0	0	0	0	0	0	0	0			
	Other	4	4	12	13	12	6	1	1			
Sheetmetal Worker Appren.	Indian											
	Other											
Tile Setter	Indian	0	0	0		0	0					
	Other	2	4	5		2	1					
Tile Setter Helper	Indian	0	0	0		0	0					
	Other	2	4	5		3	1					

PERCENTAGE OF INDIAN EMPLOYMENT BY CRAFT

	Rough Rock School	Peshito School	Ojo Encino School	Dilcon Elementary School	Cottonwood School	Sanottee School	Eastern Navajo School	Many Farms High School	Rock Point School Expansion	Wingate Kitchen-Dining	Gray Hills High School
Asbestos Worker	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Asbestos Improver	0.0	0.0		0.0		0.0	0.0	0.0	0.0		0.0
Carpenter	13.6	31.9	3.0	19.7	10.4	11.5	7.5	25.7	23.2	0.0	30.1
Carpenter Apprentice	71.4	37.0		28.6		75.0	35.0	14.3	50.0	0.0	44.4
Cement Mason	75.4	21.6	0.0	58.0	0.0	18.2	0.0	28.8	3.3	0.0	97.4
Electrician	0.0	8.0	0.0	38.5	0.0	1.6	0.0	21.4	40.8	0.0	4.8
Electrician Apprentice	0.0	0.0	0.0			21.4	0.0	22.2	64.7		14.3
Glazier	0.0	0.0		0.0		0.0	0.0	0.0	0.0	0.0	0.0
Ironworker	0.0	13.5		16.7	14.3	14.0	0.0	33.3	6.5	46.2	75.0
Ironworker Apprentice		100.0			0.0			16.7	0.0		100.0
Laborer	86.0	81.5	67.7	93.3	68.4	70.3	53.4	78.3	86.3	81.0	90.0
Semiskilled Laborer	48.1	47.3	15.4	45.8	55.6	36.9	22.9	71.7	61.5	20.0	58.7
Lather	0.0	0.0		0.0	0.0	0.0	0.0	2.1	5.9		0.0
Mason	25.0	20.8	0.0	0.0	0.0	47.5	3.7	9.2	5.7		36.8
Operator	48.0	43.9	0.0	35.4	23.5	58.0	5.5	40.7	41.7	0.0	43.3
Painter	6.4	11.1	20.0	17.1	36.0	10.2	23.1	13.6	44.1	0.0	40.0
Painter Apprentice	33.3	0.0			0.0	0.0	33.3	0.0	100.0		90.0
Plasterer	6.3	9.1	0.0	0.0	0.0	0.0	0.0	0.0	23.0	0.0	66.7
Plumber Fitter	1.6	8.2	0.0	16.4	0.0	0.0	5.3	15.4	5.7	0.0	10.0
Plumber Apprentice	27.3	40.5	0.0	38.5	20.0	70.0	4.2	17.4	100.0		58.9
Roofer	0.0	23.8		0.0	0.0	43.9	9.5	2.0	0.0	0.0	0.0
Roofer Apprentice		0.0					33.3				0.0
Sheetmetal Worker	0.0	1.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.5
Sheetmetal Worker Appren.		100.0		50.0			0.0		0.0		64.3
Tile Setter	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Tile Setter Helper			0.0	80.0				0.0			40.0

Exhibit No. 20

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

Facilities EngineeringDIVISION OF ~~Plant Design and Construction~~

FEDERAL OFFICE BLDG. & U.S. COURTHOUSE

P. O. BOX 1248

ALBUQUERQUE, NEW MEXICO 87103

IN REPLY REFER TO:

OCT 26 1973

Mr. Larry Glich, Deputy General Counsel
 U. S. Commission on Civil Rights
 1121 Vermont Avenue, N. W.
 Washington, D. C. 20425

Dear Mr. Glich:

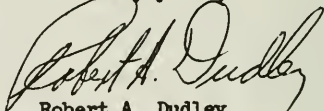
The following documents are enclosed pursuant to the request made at the hearings conducted at Window Rock, Arizona, on October 23, 1973:

Contract and Specifications for construction of
 Phoenix Gymnasium, Phoenix Indian School, Phoenix,
 Arizona, Project No. LH56-182

Contract and Specifications for construction of
 Sherman School Facilities (Phase II), Sherman
 Indian High School, Riverside, California, Project
 No. LH60-147

The Division title was changed by administrative procedure effective August 23, 1973, from Plant Design and Construction to Facilities Engineering to which I was named Acting Chief.

Sincerely yours,



Robert A. Dudley
 Acting Chief, Division of
 Facilities Engineering

Enclosures

[Following is the affirmative action clause from the BIA contracts for the gymnasium at the Phoenix Indian School and construction at the Sherman Indian High School. Complete contracts and specifications are on file at the Commission on Civil Rights.]

BID CONDITIONS

AFFIRMATIVE ACTION REQUIREMENTS

EQUAL EMPLOYMENT OPPORTUNITY

For all Non-Exempt Federal and Federally-Assisted
Construction Contracts to be Awarded in _____

Part I: The provisions of this Part I apply to bidders, contractors and subcontractors with respect to those construction trades for which they are parties to collective bargaining agreements with a labor organization or organizations and who together with such labor organizations have agreed to the _____ Area Construction Program for equal opportunity (but only as to those trades as to which there are commitments by labor organizations to specific goals of minority manpower utilization) between (names of parties, e.g., Building and Construction Trades Council, General and Specialty Contractors Associations, representatives of the minority community) together with all implementing agreements that have been and may hereafter be developed pursuant thereto, all of which documents are incorporated herein by reference and are hereinafter cumulatively referred to as the _____ Plan.

Any bidder, contractor or subcontractor using one or more trades of construction employees must comply with either Part I or Part II of these Bid Conditions as to each such trade. Thus, a bidder, contractor or subcontractor may be in compliance with these conditions by its inclusion, with its union, in the _____ Plan as to trade "A", provided there is set forth in the _____ Plan a specific commitment by that union to a goal of minority manpower utilization for such trade "A", thereby meeting the provisions of this Part I, and by its commitment to Part II in regard to trade "B" in the instance in which it is not included in the _____ Plan and, therefore, cannot meet the provisions of this Part I.

To be eligible for award of a contract under Part I of this invitation, a bidder or subcontractor must execute the certification required by Part III hereof.

Part II: A. Coverage. The provisions of this Part II shall be applicable to those bidders, contractors and subcontractors, who, in regard to those construction trades to be utilized on the project to which these bid conditions pertain:

1. Are not or hereafter cease to be signatories to the _____
_____ Plan referred to in Part I hereof;

2. Are signatories to the _____ Plan but are not parties to collective bargaining agreements;

3. Are signatories to the _____ Plan but are parties to collective bargaining agreements with labor organizations who are not or hereafter cease to be signatories to the _____ Plan;

4. Are signatories to the _____ Plan but as to which no specific commitment to goals of minority manpower utilization by labor organization have been executed pursuant to the _____ Plan; or

5. Are no longer participating in an affirmative action plan acceptable to the Director, OFCC, including the _____ Plan.

B. Requirement -- An Affirmative Action Plan. The bidders, contractors and subcontractors described in paragraphs 1 through 5 above will not be eligible for award of a contract under this Invitation for Bids, unless it certifies as prescribed in paragraph 2b of the certification specified in Part III hereof that it adopts the minimum goals and timetables of minority manpower utilization^{1/}, and specific

^{1/} "Minority" is defined as including Negroes, Spanish Surnamed Americans, Orientals and American Indians, and includes both men and women.

affirmative action steps set forth in Section B. 1 and 2 of this Part II directed at increasing minority manpower utilization by means of applying good faith efforts to carrying out such steps; or is deemed to have adopted such a program pursuant to Section B. 3 of this Part II.

1. Goals and Timetables. The goals of minority manpower utilization required of the bidder and subcontractors are applicable to each trade not otherwise bound by the provisions of Part I hereof which will be used on the project in _____

(hereinafter referred to as the _____ area):

	<u>Goals of Minority Manpower Utilization Expressed in Percentage Terms</u>
Until _____	_____ - _____
From _____ to _____	_____ - _____
From _____ to _____	_____ - _____
From _____ to _____	_____ - _____

In the event that under a contract which is subject to these Bid Conditions any work is performed in a year later than the latest year for which acceptable goals of minority manpower utilization have been determined herein, the goals for _____ shall be applicable to such work.

The percentage goals of minority manpower utilization above are expressed in terms of manhours of training and employment as a proportion of the total manhours to be worked by the bidder's, contractor's and subcontractor's entire work force in that trade on all projects (both federal and non-federal) in the _____ Area during the performance of its contract or subcontract. The manhours for minority work and training must be substantially uniform throughout the length of the contract, on all projects and for each of the trades. Further, the transfer of minority employees or trainees from employer-to-employer or from project-to-project for the sole purpose of meeting the contractor's or subcontractor's goal shall be a violation of these conditions. In reaching the goals of minority manpower utilization required of bidders, contractors and subcontractors pursuant to this Part II, every effort shall be made to find and employ qualified journeymen. Provided, however, and pursuant to the requirements of Department of Labor regulations, 29 CFR 5a, apprentices or trainees shall be employed on all projects subject to the requirements of these Bid Conditions and, where feasible, 25 percent of apprentices or trainees employed on each project shall be in their first year of apprenticeship or training.

In order that the nonworking training hours of trainees may be counted in meeting the goal, such trainees must be employed by the

contractor during the training period, the contractor must have made a commitment to employ the trainees at the completion of their training subject to the availability of employment opportunities and the trainees must be trained pursuant to established training programs which must be the equivalent of the training programs now or hereafter provided for in the _____ Plan with respect to the nature, extent and duration of training offered.

A contractor or subcontractor shall be deemed to be in compliance with the terms and requirements of this Part II by the employment and training of minorities in the appropriate percentage of his aggregate work force in the _____ area for each trade for which it is committed to a goal under this Part II.

However, no contractor or subcontractor shall be found to be in noncompliance solely on account of its failure to meet its goals within its timetables, but such contractor shall be given the opportunity to demonstrate that it has instituted all of the specific affirmative action steps specified in this Part II and has made every good faith effort to make these steps work toward the attainment of its goals within its timetables, all to the purpose of expanding minority manpower utilization on all of its projects in the _____ area.

In all cases, the compliance of a bidder, contractor or subcontractor will be determined in accordance with its respective obligations under the terms of these Bid Conditions. Therefore, contractors or subcontractors who are governed by the provisions of this Part II shall be subject to the requirements of that Part regardless of the obligations of its prime contractor or lower tier subcontractors.

All bidders and all contractors and subcontractors performing or to perform work on projects subject to these Bid Conditions hereby agree to inform their subcontractors of their respective obligations under the terms and requirements of these Bid Conditions, including the provisions relating to goals of minority employment and training.

2. Specific Affirmative Action Steps. Bidders, contractors and subcontractors subject to this Part II must engage in affirmative action directed at increasing minority manpower utilization, which is at least as extensive and as specific as the following steps:

a. The contractor shall notify community organizations that the contractor has employment opportunities available and shall maintain records of the organizations' response.

b. The contractor shall maintain a file of the names and addresses of each minority worker referred to him and what action was taken with respect to each such referred worker, and if the worker was

not employed, the reasons therefor. If such worker was not sent to the union hiring hall for referral or if such worker was not employed by the contractor, the contractor's file shall document this and the reasons therefor.

c. The contractor shall promptly notify the (agency) when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his efforts to meet his goal.

d. The contractor shall participate in training programs in the area, especially those funded by the Department of Labor.

e. The contractor shall disseminate his EEO policy within his own organization by including it in any policy manual; by publicizing it in company newspapers, annual reports, etc. by conducting staff, employee and union representatives' meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority employees.

f. The contractor shall disseminate his EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all subcontractors and suppliers.

g. The contractor shall make specific and constant personal (both written and oral) recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations and minority training organizations, within the contractor's recruitment area.

h. The contractor shall make specific efforts to encourage present minority employees to recruit their friends and relatives.

i. The contractor shall validate all man specifications, selection requirements, tests, etc.

j. The contractor shall make every effort to promote after-school, summer and vacation employment to minority youth.

k. The contractor shall develop on-the-job training opportunities and participate and assist in any association or employer-group training programs relevant to the contractor's employee needs consistent with its obligations under this Part II.

l. The contractor shall continually inventory and evaluate all minority personnel for promotion opportunities and encourage minority employees to seek such opportunities.

m. The contractor shall make sure that seniority practices, job classifications, etc., do not have a discriminatory effect.

n. The contractor shall make certain that all facilities and company activities are non-segregated.

o. The contractor shall continually monitor all personnel activities to ensure that his EEO policy is being carried out.

p. The contractor shall solicit bids for subcontracts from available minority subcontractors engaged in the trades covered by these Bid Conditions, including circulation of minority contractor associations.

3. Contractors and Subcontractors Deemed to be Bound by Part II. In the event a contractor or subcontractor, who is at the time of bidding eligible under Part I of these Bid Conditions is no longer participating in an affirmative action plan acceptable to the Director of the Office of Federal Contract Compliance, including the _____ Plan, he shall be deemed to be committed to Part II of these Bid Conditions, he shall be considered to be committed to the minority manpower utilization percentage goal of the minimum range for that trade for the appropriate year.

4. Subsequent Signatory to the _____ Plan. Any contractor or subcontractor subject to the requirements of this Part II for any trade at the time of the submission of his bid who together with the labor organization with whom it has a collective bargaining agreement subsequently becomes a signatory to the _____ Plan, either individually or through an association, may meet its requirements under these Bid Conditions for such trade, if such contractor or subcontractor executes and submits a new certification committing himself to

Part I of these Bid Conditions. No contractor or subcontractor shall be deemed to be subject to the requirements of Part I until such certification is executed and submitted.

5. Non-discrimination. In no event may a contractor or subcontractor utilize the goals, timetables or affirmative action steps required by this Part II in such a manner as to cause or result in discrimination against any person on account of race, color, religion, sex or national origin.

Part III: Certifications

A. Bidders' Certifications. A bidder will not be eligible for award of a contract under this Invitation for Bids unless such bidder has submitted as a part of its bid the following certification, which will be deemed a part of the resulting contract:

BIDDERS' CERTIFICATION

_____ certifies that:
(Bidder)

1. It intends to use the following listed construction trades in the work under the contract _____

_____ ; and

2. (a) as to those trades set forth in the preceding paragraph one hereof for which it is eligible under Part I of these Bid Conditions for participation in the _____ Plan, it will comply with the _____ Plan on all construction work (both federal and non-federal) in the _____ area within the scope of coverage of that Plan, those trades being: _____

_____, and/or

(b) as to those trades for which it is required by these Bid Conditions to comply with Part II of these Bid Conditions, it adopts the minimum minority manpower utilization goals and the specific affirmative action steps contained in said Part II, for all construction work (both federal and non-federal) in the _____ area subject to these Bid Conditions, those trades being: _____

_____ ; and

3. It will obtain from each of its subcontractors and submit to the contracting or administering agency prior to the award of any subcontract under this contract the subcontractor certification required by these Bid Conditions.

(Signature of authorized representative of bidder)

B. Subcontractors' Certifications. Prior to the award of any subcontract under this Invitation for Bids, regardless of tier, the prospective subcontractor must execute and submit to the Prime Contractor the following certification, which will be deemed a part of the resulting subcontract:

SUBCONTRACTORS' CERTIFICATION

_____ certifies that:
(Subcontractor)

1. It intends to use the following listed construction trades in the work under the subcontract _____

_____;

2. (a) as to those trades set forth in the preceding paragraph one hereof for which it is eligible under Part I of these Bid Conditions for participation in the _____ Plan, it will comply with the _____ Plan on all construction work (both federal and non-federal) in the _____ area subject to these Bid Conditions, those trades being _____

_____, and/or

(b) as to those trades for which it is required by these Bid Conditions to comply with Part II of these Bid Conditions, it adopts the minimum minority manpower utilization goals and the specific affirmative action steps contained in said Part II for all construction work (both federal and non-federal) in the _____ area subject to these Bid Conditions, those trades being: _____

_____ ; and

3. It will obtain from each of its subcontractors prior to the award of any subcontract under this subcontract the subcontractor certification required by these Bid Conditions.

(Signature of authorized representative of bidder)

In order to ensure that the said subcontractors' certification becomes a part of all subcontracts under the prime contract, no subcontract shall be executed until an authorized representative of the _____ (agency) _____ had determined, in writing, that the said certification has been incorporated in such subcontract, regardless of tier. Any subcontract executed without such written approval shall be void.

C. Materiality and Responsiveness. The certifications required to be made by the bidder pursuant to these Bid Conditions is material, and will govern the bidders performance on the project and will be made a part of his bid. Failure to submit the certification will render the bid nonresponsive..

Part IV: Compliance and Enforcement. Contractors are responsible for informing their subcontractor (regardless of tier) as to their respective obligations under Parts I and II hereof (as applicable). Bidders, contractors and subcontractors hereby agree to refrain from entering into any contract or contract modification subject to Executive Order 11246, as amended, of September 24, 1965, with a contractor debarred from, or who is determined not to be a "responsible" bidder for, Government contracts and federally assisted construction contracts pursuant to the Executive Order. The bidder, contractor or subcontractor shall carry out such sanctions and penalties for violation of the equal opportunity clause including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered by the administering agency, the contracting agency or the Office of Federal Contract Compliance pursuant to the Executive Order. Any bidder, or contractor or subcontractor who shall fail to carry out such sanctions and penalties shall be deemed to be in noncompliance with these Bid Conditions and Executive Order 11246, as amended.

Nothing herein is intended to relieve any contractor or subcontractor during the term of its contract on this project from compliance with Executive Order 11246, as amended, and the Equal Opportunity Clause of its contract, with respect to matters not covered in the _____ Plan or in Part II of these Bid Conditions.

Violation of any substantial requirement in the _____ Plan by a contractor or subcontractor covered by Part I of these Bid Conditions including the failure of such contractor or subcontractor to make a good faith effort to meet its fair share of the trade's goals of minority manpower utilization, or of the requirements of Part II hereof by a contractor or subcontractor who is covered by Part II shall be deemed to be noncompliance by such contractor or subcontractor with the Equal Opportunity Clause of the contract, and shall be grounds for imposition of the sanctions and penalties provided at Section 209(a) of Executive Order 11246, as amended.

Each agency shall review its contractors' and subcontractors' employment practices during the performance of the contract. If the agency determines that the _____ Plan no longer represents effective affirmative action, it shall so notify the Office of Federal Contract Compliance which shall be solely responsible for any final determination of that question and the consequences thereof.

In regard to Part II of these conditions if the contractor or subcontractor meets its goals or if the contractor or subcontractor can demonstrate that it has made every good faith effort to meet those goals, the contractor or subcontractor shall be presumed to be in compliance with Executive Order 11246, as amended, the implementing regulations and its obligations under these Bid Conditions and no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determines that the contractor or subcontractor is not providing equal employment opportunities. In judging whether a contractor or subcontractor has met its goals, the agency will consider each contractor's or subcontractor's minority manpower utilization and will not take into consideration the minority manpower utilization of its subcontractors. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, as amended, the implementing regulations and its obligations under these Bid Conditions, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and the regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of these Bid Conditions, but the contractor's failure to meet his goals shall shift to him the requirement to come forward with evidence to show that he has

met the "good faith" requirements of these Bid Conditions by instituting at least the Specific Affirmative Action steps listed above and by making every good faith effort to make those steps work toward the attainment of its goals within its timetables. The pendency of such formal proceedings shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246, as amended, and is therefore a "responsible prospective contractor" within the meaning of the Federal procurement regulations.

It shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.

The procedures set forth in these conditions shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within thirty days.

Requests for exemptions from these Bid Conditions must be made in writing, with justification, to the Director, Office of Federal Contract

Compliance, U. S. Department of Labor, Washington, D. C. 20210, and shall be forwarded through and with the endorsement of the agency head.

Contractors and subcontractors must keep such records and file such reports relating to the provisions of these Bid Conditions as shall be required by the contracting or administering agency or the Office of Federal Contract Compliance.

For the information of bidders, a copy of the _____ Plan may be obtained from the contracting officer.

Exhibit No. 21

STANDARD FORM 32, JULY 1955 GENERAL SERVICES ADMINISTRATION FED. PROC. REG. 141 CFR 119.161C.		SOLICITATION, OFFER, AND AWARD		3 CERTIFIED FOR NATIONAL DEFENSE UNDER DFE G 2 AND/OR DMS REG 1		4 PAGE 1	
1 CONTRACT (When Two Values) NO N04 C 1420 5396		2 SOLICITATION NO NA600-5396 <input checked="" type="checkbox"/> ADVERTISED (IFB) <input type="checkbox"/> NEGOTIATED (RFI)		5 DATE ISSUED Sept. 6, 1973		6 REQUISITION/PURCHASE REQUEST NO	
7 ISSUED BY U. S. Department of the Interior Bureau of Indian Affairs Navajo Area Office Gallup, New Mexico 87301				8 ADDRESS OFFER TO (If other than block 7) BIA-Navajo Area Office Branch of Property and Supply P. O. Box 1060 Gallup, New Mexico 87301			
SOLICITATION							
9 Sealed offers in original XXXXXX or furnishing the supplies or services described in the Schedule will be received at the place specified in block 8, OR IF HAND-CARRIED IN THE DEPOSITORY LOCATED IN <u>FEDERAL BUILDING</u> until <u>10:00 A.M., SEPT. 13,</u> <u>GALLUP, NEW MEXICO</u> LOCAL <u>1973</u> If this is an advertised solicitation, offers will be publicly opened at that time. (CAUTION-LATE OFFERS See par. 8 of Solicitation Instructions) 1. The attached Solicitation Instructions and Conditions, SF MA 2. The General Provisions of the <u>June 1964</u> edition which is attached or incorporated herein by reference 3. The Schedule included below and or attached; hereto 4. Such other provisions, representations, certifications, and specifications as are attached or incorporated herein by reference. Attachments are listed in the Schedule 1							
FOR INFORMATION CALL (Name and Telephone No.) of Seller call <u>MRS. TERESA H. MADRID, (505) 863-9501-Ext. 262</u>							
SCHEDULE							
10 ITEM NO		11 SUPPLIES/SERVICES		12 QUANTITY		13 UNIT	
				14 UNIT PRICE		15 AMOUNT	
		<u>FRESH FRUITS AND VEGETABLES</u>		<u>FOR SHIPMENT TO:</u>			
		<u>FOR THE MONTH OF</u>		<u>BUREAU OF INDIAN AFFAIRS</u>			
		<u>OCTOBER, 1973</u>		<u>GALLUP SUPPLY CENTER</u>			
				<u>CONTRACT NUMBER N04 C 1420 5396</u>			
				<u>GALLUP, NEW MEXICO 87301</u>			
		<u>F.O.B. GALLUP SUPPLY CENTER, GALLUP, NEW MEXICO</u>		<u>NOTICE</u>			
		<u>TELEGRAPHIC OFFERS: TELEGRAPHIC OFFERS ARE NOT</u>		<u>THIS IS A TOTAL SMALL BUSINESS</u>			
		<u>AUTHORIZED UNDER THIS SOLICITATION FOR OFFERS.</u>		<u>SET-ASIDE (SEE SPECIAL PROVISIONS</u>			
				<u>SECTION).</u>			
<u>OFFER (NOTE: Reverse Must Also Be Fully Completed By Offeror)</u>							
In compliance with the above, the undersigned offers and agrees, if this offer is accepted within _____ calendar days (60 calendar days unless a different period is inserted by the offeror) from the date for receipt of offers specified above, to furnish any or all items upon which prices are offered, at the price set-opposite each item, delivered at the designated point(s), within the time specified in the Schedule.							
16 DISCOUNT FOR PROMPT PAYMENT XXXXXXXXXXXXXXXXXXXX % 20 CALENDAR DAYS _____ % 30 CALENDAR DAYS _____ % _____ CALENDAR DAYS							
17 OFFEROR NAME & ADDRESS <u>NEJ Produce Company</u> <u>P.O. Box 1060</u> <u>Gallup, New Mexico</u> <u>87301</u> <u>87301 505-863-3888</u> <input type="checkbox"/> Check If Residence Address Is Different From Above - Enter Such Address In Schedule.				18 NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or Print) <u>ANDY PINNO</u>		19 SIGNATURE <u>Andy Panno</u>	
						20 OFFER DATE <u>9/13/73</u>	
AWARD (To Be Completed By Government)							
21 ACCEPTED AS TO ITEMS NUMBERED <u>1, 2, 3, 4, 5, 6, 7 and 8</u>		22 AMOUNT (Estimated) <u>\$32,776.76</u>		23 ACCOUNTING AND APPROPRIATION DATA <u>N06 -01 4 1740 1710</u>			
24 SUBMIT INVOICES (a copy unless otherwise specified) TO ADDRESS SHOWN IN BLOCK <u>26</u> (ALSO SEE PARAGRAPH 13 - PAGE 4)				25 NEGOTIATED PURSUANT TO <input type="checkbox"/> 10 U.S.C. 2304(b) (1) <input type="checkbox"/> 41 U.S.C. 252(c) (1)			
26 SUBMIT INVOICES TO: BUREAU OF INDIAN AFFAIRS GALLUP SUPPLY CENTER P. O. BOX 1060 GALLUP, NEW MEXICO 87301				27 PAYMENT WILL BE MADE BY BUREAU OF INDIAN AFFAIRS INDIAN AFFAIRS DATA CENTER 500 GOLD, S. W., P. O. BOX 2026 M. BLOUQUET, NEW MEXICO 87101			
28 NAME OF CONTRACTING OFFICER (Type or Print) <u>Area Property and Supply Officer</u>				29 UNITED STATES OF AMERICA <u>[Signature]</u> (Signature of Contracting Officer)		30 AWARD DATE <u>9/19/73</u>	

REPRESENTATIONS, CERTIFICATIONS, AND ACKNOWLEDGMENTS

The Offeror represents and certifies as part of his offer that (Check or complete all applicable boxes on blocks.)

1. SMALL BUSINESS (See par. 14 on SF 33.4.)

He is, is not, a small business concern. If offeror is a small business concern and is not the manufacturer of the supplies offered he also represents that all supplies to be furnished hereunder will, will not, be manufactured or produced by a small business concern in the United States or its possessions, or Puerto Rico.

2. REGULAR DEALER—MANUFACTURER (Applicable only to supply contracts exceeding \$10,000.)

He is a regular dealer in, manufacturer of, the supplies offered.

3. CONTINGENT FEE (See par. 15 on SF 33.4.)

(a) He has, has not, employed or retained any company or person (other than a full-time, bona fide employee working solely for the offeror) to solicit or secure this contract, and (b) he has, has not, paid or agreed to pay any company or person (other than a full-time, bona fide employee working solely for the offeror) any fee, commission, percentage, or brokerage fee contingent upon or resulting from the award of this contract, and agrees to furnish information relating to (a) and (b) above, as requested by the Contracting Officer. (For interpretation of the representation, including the term "bona fide employee," see Code of Federal Regulations, Title 41, Subpart 1-1.5.)

4. TYPE OF BUSINESS ORGANIZATION

He operates as an individual, a partnership, a nonprofit organization, a corporation, incorporated under the laws of the State of Arizona.

5. AFFILIATION AND IDENTIFYING DATA (Applicable only to advertised solicitations.)

Each offeror shall complete (a) and (b) if applicable, and (c) below.

(a) If he is, is not, owned or controlled by a parent company. (See par. 16 on SF 33.4.)

(b) If the offeror is owned or controlled by a parent company, he shall enter in the blocks below the name and main office address of the parent company:

NAME OF PARENT COMPANY	MAIN OFFICE ADDRESS (Include ZIP code)
------------------------	--

(c) Employer's Identification Number (See par. 27 on SF 33.4.)

OFFEROR'S E.I. NO.	PARENT COMPANY'S E.I. NO.
--------------------	---------------------------

6. EQUAL OPPORTUNITY

He has, has not, participated in a previous or subcontract subject either to the Equal Opportunity clause herein or the clause originally contained in section 501 of Executive Order No. 11246, or to the clause originally contained in section 505 of Executive Order No. 11114, that he has, has not, received any award, contract, or order, and that in presenting his bid he has not been in violation of required compliance reports signed by proposed subcontractors, or by the prime contractor to subcontract awards. (For information on this clause, see 41 CFR 101-11.6 and be submitted in connection with subcontracts or subcontracts.)

7. BUY AMERICAN CERTIFICATE

The offeror hereby certifies that each end product, except the end products listed below, is a domestic source end product (as defined in the clause entitled "Buy American Act"); and that components of unknown origin have been considered to have been mined, produced or manufactured outside the United States.

EXCLUDED END PRODUCTS	COUNTRY OF ORIGIN

8. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION (See par. 18 on SF 33.4.)

(a) If submission of this offer, the offeror certifies, and in the case of a joint offer, each party thereto certifies as to its own organization, that in connection with this procurement:

(1) the prices in this offer have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other offeror or with any competitor;

(2) unless otherwise required by law, the prices which have been quoted in this offer have not been knowingly disclosed by the offeror and will not knowingly be disclosed by the offeror prior to opening in the case of an advertised procurement or prior to award in the case of a negotiated procurement, directly or indirectly to any other offeror or to any competitor; and

(3) no attempt has been made or will be made by the offeror to induce any other person or firm to submit or not to submit an offer for the purpose of restricting competition.

(b) Each person signing this offer certifies that:

(1) he is the person in the offeror's organization responsible within that organization for the decision as to the prices being offered herein and that he has not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above; or

(2) he is not the person in the offeror's organization responsible within that organization for the decision as to the prices being offered herein but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above, and as their agent does hereby so certify, and that he has not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above.

ACKNOWLEDGMENT OF AMENDMENTS

The offeror acknowledges receipt of amendments to the Solicitation for Offers and related documents numbered and dated as follows:			
AMENDMENT NO.	DATE	AMENDMENT NO.	DATE

NOTE—Offeror must set forth all, accurate, and complete information as required by this Solicitation (including attachments). The penalty for making false statements in excess is provided for in E.O. 11652.

EQUAL OPPORTUNITY

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

[Remainder of this contract is on file at the Commission on
Civil Rights.]

*Exhibit No. 22*U.S. DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR

Date: AUG 17 1973

WASHINGTON, D.C. 20210

Re: CC

Subject: Guidelines for Establishment of Navajo Manpower Utilization
Requirements in Construction ActivityRe: Philip J. Davis
Director, OFCC

Pursuant to your request, we have reviewed the Guidelines proposed by the Office of Navajo Labor Relations (ONLR) to determine whether they may be properly included in federally-assisted construction contracts let by the Navajo tribe, and whether any sections are compatible with Executive Order 11246, as amended, and Title VII of the Civil Rights Act of 1964. The following analysis is in accord with OFCC's position that the Executive Order program should adopt the Indian Preference clause in Title VII as its own policy in order for the two programs to function under consistent standards for contractors operating on or near Indian reservations.

Section 703 (i) of Title VII 1/ provides that the prohibitions of Title VII do not apply to the employment of Indians on or near reservations. Therefore, the preference for Indian employment is an absolute one which may work to the total exclusion of all non-Indian employees, trainees, apprentices, or other members of the work force. The absolute preference for Indians may, where Indians and non-Indians are both members of the work force on or near a reservation, also extend to promotions, transfers, and layoffs, as well as any other benefits of employment.

The only application of Title VII on or near an Indian reservation would be in cases of discrimination involving non-Indians of different races, color or national origin, or between male and female non-Indians.

1/ "Nothing contained in this Title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which preferential treatment is given to any individual because he is an Indian living on or near a reservation."

Under this interpretation of the Indian preference provision of Title VII, and in turn, OFCC's Indian preference policy, it is our opinion that the ONLR may legally append bid conditions of its own on federally-assisted construction contracts which impose upon the contractors a burden of hiring an all or predominantly Navajo work force. Although the proposed ONLR Guidelines have taken the goals and timetables approach utilized in comparable bid conditions, there is no objection to even stronger language requiring employment of Navajos to the maximum extent of their availability. The Guidelines already take this approach in requiring that all apprentices must be members of the Tribe.

The same interpretation supports the ONLR's position that foremen should be employed in the same ratio as there are Navajos on the job, and that Navajos receive preference for all promotions. Additionally, it allows use of the provision which would prohibit laying off any Navajo until all non-Navajos in the same craft have been terminated.

Although the basic premise upon which the Guidelines are based is valid under present interpretation of the Indian preference policy, there are some changes necessary for the Guidelines to fully conform to the requirements of Federal law.

The major weakness of the Guidelines is that it does not include the goals and timetables in the invitation for bids, but specifies that they shall be negotiated between the ONLR and the contractor after award. Post-award negotiations for material conditions such as the numbers or percentages of required Indian manpower utilization would violate the Comptroller-General's opinion striking down similar practices in the first Philadelphia Plan. The ONLR has agreed to revise the Guidelines in accord with the Comptroller-General's opinion, and has prepared goals for the first year the Plan is in effect. A copy of these goals is attached, for your information.

The guidelines include within its definitions of contractors and sub-contractors covered under its terms, "government agencies." Since these provisions will be included in all contracts let by the Tribe, whether or not federally-assisted, it is essential to amend that definition to read "non-Federal government agencies." Otherwise the Federal government, in contracting for construction on Indian reservations, may be required by contract to hire an all-Indian work force, although forbidden to do so by Federal laws presently

applicable to Federal employees. These contracts would most probably be with the Bureau of Indian Affairs, whose Indian Preference Law was recently struck down by a three-judge District Court on the grounds that it violated the 1972 amendment to Title VII, prohibiting discrimination in Federal employment. 2/

Let us also call your attention to Section J. 6. , which purports to provide that the ONLR Guidelines could supersede any conflicting provision in a collective bargaining agreement. The ONLR Guidelines do not have the force and effect of Federal law or regulations. Therefore, there is some question whether such Guidelines could supersede collective bargaining agreements.

The remaining questionable provisions are both in the sanctions section.

The first is Section II. 0. 2. , which would allow the ONLR, upon a finding of non-compliance, to debar the contractor or subcontractor from any future work on the reservation for up to five years. This action could not be taken under Executive Order 11246 and questions of legality would be, as would the following question, more properly addressed to the Comptroller-General since both raise procurement law considerations on Federally-involved contracts.

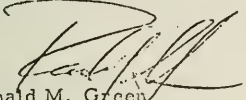
Section 0. 6. would allow the ONLR to order a non-compliant contractor to pay treble damages to the tribe based on a sum equal to the wages, salaries and benefits that would have been paid to Navajo employees had the contractor complied with its utilization requirements, plus any other damages arising from dilatory action. Since the Guidelines also authorize the award of money damages to the tribe for any injuries to it arising from the contractor's failure to comply, 3/ and similar damages, in the form of restitution, to any Navajo not hired or promoted in accord with the Guidelines, 4/ this section may not serve a valid purpose. However, this provision, as well as the provision relating to treble damages could not be imposed under Executive Order 11246. As indicated in the preceding paragraph, questions concerning their propriety on Federally-involved contracts should be addressed to the Comptroller-General.

2/ Mancari v. Freeman _____ F. Supp. _____, 5 EPD 8643 (June 1, 1973).

3/ Section II. 0. 4.

4/ Section II. 0. 4.

In conclusion, it should be noted that when a contract is to be performed on or near a reservation, it is not a violation of Executive Order 11246 if an Indian is given preference over a non-Indian for any job or promotion, or on layoffs, or in any other aspect of employment.



Ronald M. Green
Acting Associate Solicitor

Attachment

Exhibit No. 23

IN REPLY REFER TO

UNITED STATES Property & Supply
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
Navajo Area Office
P. O. Box 1060
Gallup, New Mexico 87301

JAN 29 1974

U.S. Commission on Civil Rights
Attention: Larry Glick, Deputy General Counsel
1121 Vermont Avenue N.W.
Washington, D.C. 20425

Gentlemen:

Reference is made to your letter of January 24, 1974 and to my letter to you of October 26, 1973 (copy enclosed).

I have reviewed the transcript of my testimony at Window Rock, Arizona on October 23, 1973 and the list of exhibits which I was charged with furnishing to the Commission. I believe my letter of October 26, 1973 covered all except the comments which I was to furnish regarding the proposed laundry at Tuba City, Arizona.

The question of a three year (or any multi-year) contract with the proposed laundry had not previously been discussed with me; however there are obstacles to such a proposal, e.g.

(1) The Bureau of Indian Affairs operates on annual appropriations and therefore cannot committ itself beyong the period of the currently appropriated funds;

(2) Since our laundry business presently and for the past several years is, and has been, exclusively with Indian firms, we could offer to any newcomer to the field only what we offer the existing firms -- the right to compete among Indian firms. This is in accordance with 20 BIAM 5.14A.(2) "When the products of Indian industry to be contracted for are available from more than one Indian contractor, competitive negotiations are conducted with each Indian contractor within the normal competing area."

I'm sure you would agree that even without the above stipulation, no

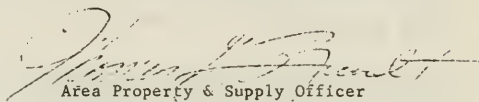
887

-2-

useful purpose would be served by committing our future business to a new or proposed Indian firm at the cost of the destruction of existing Indian businesses.

I trust these comments help clarify the position of the Bureau and myself in this matter. If I can be of further service, please advise.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "J. Howard Smith", written in dark ink.

Area Property & Supply Officer
Contracting Officer

Enclosure

JAN 24 1974

Mr. Thomas G. Brandt
 Chief
 Area Property and Supply Office
 Bureau of Indian Affairs
 Gallup, New Mexico

Dear Mr. Brandt:

In your testimony before the United States Commission on Civil Rights on October 23, 1973, a number of documents were identified as exhibits to be submitted for the written record. Several of those documents were not immediately available at the time of the hearing, but were to be submitted at a later date.

A description is enclosed of those documents which are available through your office in Gallup, together with page references to the relevant portions of the unedited hearing transcript. I have enclosed for your convenience all of the testimony given by you and Mr. Dudley on October 23, 1973, plus handwritten notes from the previous day which relates to the funding problems of the proposed laundry at Tuba City, on which you were asked to comment. (See enclosed description of exhibit number, 23).

Your assistance in supplying this information for the hearing record is very much appreciated.

Sincerely yours,

LAWRENCE B. GLICK
 Acting General Counsel

Enclosure

cc: Office/Chron/OSD/ogc
 HLewis/PALexander/LBGlick/tjg/1-23-74

Exhibits Nos. 12, 17, 18, 19, 21, 23

- (12) Where is the laundry from the Tuba City Boarding School presently being handled? Question asked of Mr. Wood, BIA Credit Officer for the Navajo Area, by Acting Chairman Horn, at page 246.
- (17) Example of typical payroll sheet from any BIA contractor on the Navajo Reservation, showing, if possible, ethnic breakdown by skill inventory. This exhibit referred to at page 305.
- (18) The number of Navajos employed by contractors under the jurisdiction of the BIA Contracting Officer (Mr. Thomas G. Brandt) for the Navajo Area. This exhibit referred to at page 308.
- (19) The total number of contracts let for school construction by the Navajo Area Office since 1965, and ethnic breakdown of employees by skill for each of these contracts. This information to be provided by Mr. Dudley at the request of Acting Chairman Horn, referred to at page 310.
- (21) Copy of contract made through Navajo Area Property and Supply Officer to supply fresh produce. Referred to at page 316.
- (23) Investigation to be conducted by Mr. Brandt, of the proposed laundry at Tuba City which was unable to obtain funding from the Small Business Administration allegedly because the BIA Navajo Area Office refused to give a contract guaranteeing BIA use of that laundry for a 3-year period. Did the Area Office in fact refuse to undertake this 3-year guarantee, and if so, what is the Area Office's position as to why it refused that guarantee which SPA claims would have made the loan possible? This exhibit referred to at page 332.
 Note: As indicated by Acting Chairman Horn at page 242, relevant material is included from previous day's testimony (pp. 227-240) by Mr. Jay Merril, Economic Development Division of the Small Business Administration, Mr. E.E. Wood, BIA Credit Officer for the Navajo Area, and Stanley Goldberg, Small Business Administration District Director.

March 25, 1974

Mr. Thomas C. Brandt
 Chief
 Property and Supply Office
 Bureau of Indian Affairs
 Gallup, New Mexico 87301

Dear Mr. Brandt:

This is in response to your letter of January 29, 1974, in which you indicate that some of the Navajo hearing exhibit materials requested by us in our letter of January 24, 1974, had been sent by you to the Commission just following the hearing in October 1973. I appreciate your prompt attention to supplying us with the needed documents, and wish that we had received them. Unfortunately, your letter did not reach us. May I ask that you send us replacement copies of the attachments referred to in your letter of October 26, 1973.

To exhibit, you took care to include information on the other exhibits (numbers 12 and 23) requested in our previous letter to you. Exhibit 23 is meant to present the position taken by the BIA Area Office on SEA's request that the BIA guarantee by contract to use the proposed Indian owned laundry facility at Tuba City for a three year period. You were requested (page 332 of the transcript) to investigate that situation, to review the previous day's testimony as to SEA's position, and to report the results of that investigation and review to us. The BIA area contracting office allegedly turned down this request for a 3 year guarantee, and those who made that decision were later had a race suit brought against them. We would like to have that information reflected in the exhibit.

You note in your letter that your office has contracted exclusively with Indian owned laundry firms in the past several years, and give that as a possible reason for not awarding a 3 year contract to the proposed Indian owned laundry at Tuba City. Is any one of those Indian laundry firms, with which your office contracts, located within travel distance of Tuba City so that it could be considered competitive with the subject Indian owned laundry proposed for location in that city? Your response, dealing with the Tuba City laundry situation, will appear in the record as exhibit 23.

Exhibit 12 is a request for the name and location of the firm which presently holds the contract for handling the laundry from Tuba City Boarding School. This information was not included in your response to us.

Thank you again for your assistance in helping us to complete the record of the Navajo hearing.

Sincerely,

LAWRENCE B. CLICK
Acting General Counsel

Enclosure

cc: office/OSD/Chron/OGC

HLEWIS:PALEXANDER:tjg/3/7/74


Number 23 as I stated in my letter of January 29, 1974, the BIA operates on an annual appropriation and, by law, cannot commit itself beyond the period of the currently appropriated funds. Also, since our laundry business has been exclusively with Indian

2

contractors for several years, any new firm qualifying under the "Buy Indian" Act would be afforded an opportunity to compete with the existing Indian firms for the available business. Surely no one seriously suggests that one Indian firm should be deprived of an established market and thereby destroyed, in order to promote the entrance of a new Indian firm in the field.

Please advise if I can be of further assistance.

Sincerely yours,


Area Property & Supply Officer
Contracting Officer

(Excerpt from letter dated April 5, 1974; see Exhibit No. 18 for full text.)

Exhibit No. 24



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

SEP 25 1972

IN REPLY REFER TO:
Contracting Services

BUREAU OF INDIAN AFFAIRS

SEP 22 1972

Mr. Browning Pipestem
Office of Program Development
Navajo Nation
Window Rock, Arizona 86515

Dear Mr. Pipestem:

On September 9, in a telephone conversation with Mr. A. O. Allen of this office, you requested copies of a draft of a proposed clause that had been in the process of development a few years back, dealing with Indian Employment Preference in construction contracts.

There is quite a file on this subject. The enclosed material includes Draft Numbers 8 and 9 and a summary of a meeting held in Phoenix on December 4, 1970. Also enclosed is a copy of the Solicitor's memorandum of April 27, 1971, subject "Negotiability of Construction Contract Under the Buy Indian Act of June 25, 1910." These documents will give you an idea of the scope and purpose of the intended clause. As Mr. Allen advised you, it was the intent in developing the proposed clause to use that part of the Buy Indian Act which reads "So far as may be practicable Indian labor shall be employed..." as the authority for promulgation of the clause. With the issuance of the Solicitor's memorandum of April 27, 1971 which stated that the Buy Indian Act "confers no substantive authority to contract for anything" it was the feeling that the basis FOR the authority for the clause no longer existed. That plus the fact that about that time contracting in the Bureau became an urgent issue which consumed and continues to consume all of the time of the staff that devoted its attention to this matter has resulted in no further action being taken.

Since the Phoenix meeting the Department of Labor has released several "Hometown Plans," in keeping with their attempts to get more minorities employed in the construction trades. One of the "Hometown Plans" covers the entire State of Arizona. These plans and

the recent announcement by the President that he no longer favored "quotas" (we haven't seen anything official on it yet), which seems to counteract the past efforts to provide procedures and policies for increasing minority workers into the construction industry, would appear to leave the whole matter up in the air.

We, of course, are very much interested in the development and use of such a clause in our construction contracts, but we also must be certain that proper authority exists for the use of such a clause.

We would be interested in what your explorations develop. If we can be of any assistance, feel free to call upon us.

Sincerely yours,

(sgd) Donald F. Asbra

Donald F. Asbra, Acting Chief
Division of Contracting Services

Enclosures

cc: ED&C, Albuquerque



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JAN 11 1971

Dear Mr. Steiger:

Thank you for furnishing us with a copy of Mr. Morrell R. Sexton's letter of December 9, 1970 to you.

The meeting which Mr. Sexton referred to was sponsored by officials of the Bureau of Indian Affairs and its purpose was two fold. Its primary purpose was to discuss a draft of a contract clause entitled "Indian Employment Preference". The development of this clause and its application has been under consideration by the Bureau for many months. Prior to the Phoenix meeting an earlier draft of the clause was reviewed by Mr. Sexton and others.

At present the Bureau is in the process of completing what will probably emerge as the final draft of the clause.

The second purpose of the Phoenix meeting was to explore in a preliminary way the possibility of entering into some type of training contract with one of the contractors doing construction work on the Navajo reservation. Under such a contract a certain number of Indians would be given on-the-job training in different crafts, with the end result qualifying them as skilled journeymen. This proposed program has only reached the discussion stages and considerable study, review and evaluation will be required before it can be put into operation - possibly as a pilot undertaking, preferably on the Navajo reservation.

The Bureau and the Department are optimistic about the possibilities of these two proposals which are designed to provide more employment for Indians on the various reservations.

We have discussed the status of the Tuba City Hospital with the Indian Health Service and they report that only design funds are available at present. They anticipate an award of a contract for A-E services within a month and completion of this work early in 1972. It will be necessary for them to obtain construction funds sometime after that period.

The role you have played in this matter is appreciated and your continued support is anticipated.

Sincerely yours,

Murray Spiesch
Secretary of the Interior

Honorable Sam Steiger
House of Representatives
Washington, D. C. 20515

INDIAN APPRENTICESHIP
in the
ARIZONA CONSTRUCTION INDUSTRY

F O R E W A R D

The success of this program will depend, to a large degree, upon the Bureau of Indian Affairs including a workable Indian preference clause in Contracts for construction. This clause should, in part, refer to apprenticeship with contractors employing and training the full ratio of apprentices as determined by the respective trade apprenticeship standards with the number of apprentices in each contract being agreed to by the respective Joint Apprenticeship and Training Committees at pre-job conferences.

The Indian Apprenticeship Program in the Construction Industry is Arizona's solution to the problem of Indian employment in the Construction Industry. The Program is so designed that ongoing groups, associations, agencies, Joint Apprenticeship Committees and unions skilled in training and presently involved in training will include this very program of bringing Indians into apprenticeship and will not be replaced or confused by new and overriding committees or programs operated outside of existing practices.

These currently operating functionaries will take on this Program, and the organized team work already prevailing in Apprenticeship and Training in Arizona will continue. Yearly planned input of Indians will be established. Adequate financing will be requested of the Bureau of Indian Affairs to assist industry. Otherwise, the general promotion and maintenance of training programs in Arizona will not be changed substantially -- just broadened.

INDIAN APPRENTICESHIP
IN THE
ARIZONA CONSTRUCTION INDUSTRY

1. PURPOSE:

To obtain maximum input of Indians into the Construction Trades, and
 To provide adequate training
 To enable the resulting craftsman obtain steady employment both on
 and of the reservations.

2. CONCEPT

The benchmark of this program is the on-going apprenticeship system in the
 Construction Industry in Arizona.

This program will not replace or be run counter to any existing program or
 system but will augment present efforts.

Training is provided by labor and management through Joint Apprenticeship
 and Training Committees, (JATC) administratively financed by Trust funds.

Being so, this Program will be channeled through these JTACs in order to
 provide diversified training and reasonably continuous training.

3. PROGRAM DESCRIPTION

The Bureau of Indian Affairs will be requested to enter into a contract with
 the Western Apprenticeship Coordinators Association (WACA) to provide the financial
 assistance necessary. WACA will maintain strong liaison with supporting JATCs
 and a very simple process of reimbursing the JATCs for this added expense.

These added expenses are for extra travel of JATC staff, extra meetings,
 extra time -- and for that extra effort vital to the promotion of hiring and
 training Indian apprentices.

The Program would be for 18 months with a goal of placing 100 Indian apprentices into construction trades.

ADMINISTRATION

WACA will administer the program with one coordinator and one secretary. They will be housed with the present WACA-MDTA staff and the Coordinator will be under the direct supervision of Morrell Sexton. Contacts with JATCs will be in unison with the present program -- thus not increasing the calls on JATCs by another or separate program. This will avoid confusing points of view and be in keeping of this new Program being quickly and easily integrated into the present team-work concept of apprenticeship in Arizona. The Coordinator's selection will be based upon knowledge and experience in apprenticeship, acceptance by the Apprentice Coordinators, background in construction and, his ability to take this program and make it work. Preference will be given to Indian applicants. WACA will be reimbursed \$150,000 per month for rent, phone, administration, etc.

Funds reallocated to JATCs will be on the basis of Indian apprentices' hours or work. These funds will give impetus to JATCs to spend the extra time, travel, etc., necessary to screen, examine, indenture, place on-the-job and into related instruction in sometimes isolated areas.

5. SCOPE

The program will be Statewide and for all Indians. It will include partially trained journeymen as outlined in Arizona Affirmative Action Program. In fact, these partially trained journeymen will be served first preferably. They will be evaluated and indentured, and paid an apprentice wage scale commensurate with their skills. For this reason, employers will not be reimbursed. Present Indian apprentices will benefit by this program, however, JATCs will not

be reimbursed for any presently indentured apprentices.

Employment will not be limited to BIA construction but also on any and all construction in Arizona.

6. BIA PARTICIPATION

BIA In addition to financing the Program can be expected to aid in recruitment, testing and transporting applicants, and, at times, registered apprentices who may have lost contact with their JATCs. BIA may provide classroom space on reservations where apprentices will carry out the provisions of the related instruction requirements.

7. BREAKDOWN OF EXPENSES

Salaries

Coordinator @ \$15,500 per year - 1½ years----- \$23,250.00
 Office Secretary @ \$7,200 per year - 1½ years----- 10,800.00
 Reimbursement to WACA @ \$1,000.00 per
 month for 18 months , . 2,900.00

\$-4- per trainee hour worked x 2,000 hours per year
 (maximum of one year)
 1,500 x 100 trainees ----- 150,000.00

Travel

Coordinator @ 1,000 miles per month @\$.12 per mile
 \$120.00 x 18----- \$2,160.00
 Per Diem @ \$25.00 per day - 10 days
 per month ----- 4,500.00
6,660.00

This is \$2035.00 per trainee

 203, 10.00

JAN 25 1971

Engineering Contract Adviser

Chief, Division of Plant Design and Construction

Indian Employment Preference Clause for Construction Contracts

There is enclosed a memorandum covering the conference held in Phoenix, Arizona, December 4, 1970, on the above subject. Also enclosed is a copy of Mr. Allen's draft clause Number 8, dated October 28, 1970, revised to include the conference suggestions, and a copy of Division of Plant Design and Construction's draft Number 9, which includes the conference suggestions together with additional reorganization and editorial changes.

As noted in the conference memorandum, several suggestions were offered as to an appropriate title for the appointed representative of Indian labor and that the term "Indian employee representative" appeared to be favored. We feel, however, that the conference suggested term does not adequately apply to off-reservation projects and have offered, in PD&C draft Number 9, the term, "Indian employment coordinator," as a more appropriate term for identification purposes in the clause itself.

Remembering of paragraphs for better organization occurs in both of the enclosed drafts. In the PD&C draft Number 9, we have suggested asking two paragraphs from the original first paragraph for the purpose of identifying the applicable laws in paragraph one and for setting forth the purpose of the clause as paragraph two. This seems to have facilitated organization to accommodate language added to paragraph two directed toward avoidance of having the Tribe or its designated Indian employment coordinator being construed as an extension of the contracting officer.

Also enclosed are two brief memoranda, dated December 22, 1970, and January 7, 1971, recounting contacts with Mr. Frank Benites, Building and Construction Trades Representative, Phoenix, Arizona, and Mr. Fred Davis, Assistant Regional Director, NLRB, Albuquerque, New Mexico, respectively. These memoranda relate to paragraph 6 of the conference memorandum and Mr. Benites' comment concerning possible conflict with the provisions of the Taft-Hartley Act.

Contributions such as those made by the participants in the Phoenix conference are considered valuable in recognizing potential problems and promoting acceptance of the proposed Indian employment preference clause. We are proceeding with distribution of the Phoenix conference memorandum to conferees. Any comments received will be forwarded for your consideration towards deriving the final clause.

Robert A. Dudley

Enclosures

cc:
 File
 Contract Branch ✓
 Labor Compliance Section
 CMEvans:bld:1/20/71

UNITED STATES GOVERNMENT

Memorandum

TO : File

DATE: December 22, 1970

FROM : Chief, Labor Compliance Section

SUBJECT: Indian Employment Preference Clause for Use in BIA Construction Contracts.

On Friday, December 4, 1970, a scheduled second conference on the subject contract clause was held in the offices of the Phoenix Area Director, 124 W. Thomas Road, Phoenix, Arizona. Those in attendance were as follows:

- | | | |
|------------------------|---|---------------------|
| 1. Art Allen | Engineering Contract Adviser | Washington D. C. |
| 2. Robert A. Dudley | Chief, Division of Plant
Design and Construction | Albuquerque, N. M. |
| 3. Terry Ortega | Field Solicitor | Albuquerque, N. M. |
| 4. W. G. Lavell | Field Solicitor | Phoenix, Arizona |
| 5. Charles Lembke | General Contractor | Albuquerque, N. M. |
| 6. Stan Borthwick | General Contractor | Albuquerque, N. M. |
| 7. Albert Lassiter | Assistant Area Director | Phoenix Area Office |
| 8. J. S. Dunn | Contracting Officer | Phoenix Area Office |
| 9. Arnold M. Lehlback | Highway Engineer | Phoenix Area Office |
| 10. James G. Gilbert | Area Employment
Assistance Officer | Phoenix Area Office |
| 11. Ford Benham | Plant Management | Phoenix Area Office |
| 12. Donald A. Humstewa | Branch of Roads | Phoenix Area Office |
| 13. George S. Overby | Branch of Roads | Phoenix Area Office |
| 14. Vernon Palmer | Branch of Roads | Phoenix Area Office |
| 15. T. G. Brandt | Contracting Officer | Navajo Area Office |
| 16. Chester G. Wilson | Area Finance Officer | Navajo Area Office |

17.	Mark LaFollette	Area Employment Assistance Officer	Navajo Area Office
18.	Frankie Marianito	Personnel Director - Navajo Tribe	Window Rock, Ariz.
19.	George L. Myers	Labor Relations Repre- sentative - Navajo Tribe	Window Rock, Ariz.
20.	Robert Martin	Navajo Tribe	Window Rock, Ariz.
21.	Ambrose McCabe	Apprenticeship & Training - Navajo Tribe	Window Rock, Ariz.
22.	Frank Peres	San Carlos Reservation	San Carlos, Ariz.
23.	Harper C. Stewart	Bureau of Apprenticeship and Training	Phoenix, Ariz.
24.	Al Lindstrom	Bureau of Apprenticeship and Training	Phoenix, Ariz.
25.	Frank G. Benites	Building & Construction Trades Council	Phoenix, Ariz.
26.	Morrell R. Sexton	Program Director, Western Apprenticeship Association	Phoenix, Ariz.
27.	Earl D. Ratliff	Chief, Contract Branch Division of Plant Design and Construction	Albuquerque, N. M.
28.	Clair W. Evans	Division of Plant Design and Construction	Albuquerque, N. M.

Following registration of participants at 9:30 a.m., the welcome and introductory remarks concerning the background of the current local residents clause were given by Mr. Dudley, Chief, Division of Plant Design and Construction.

Mr. Allen of the Central Office reviewed the changing patterns in Indian employment preference, citing the applicable provisions of the Civil Rights and Buy Indian Acts and their precedence over the provisions of Executive Order 11246. Mr. Allen briefed the conferees on the history and purpose of the proposed Indian employment clause and identified problem areas expected to be encountered. He also explained that the latest draft proposal on the contract clause, together with implementing instructions, were not to be

viewed as a final product, but were being offered for further discussion, comments and suggestions for developing a final contract provision. There followed considerable open discussion concerning the proposed clause and its implementation. Suggestions, comments and inquiries from participants are briefed below:

1. Several inquiries were directed toward the concept of a "tribal employment officer" (TEO). Included were questions concerning the role of the TEO in referral of workers, ability of some tribes to establish and finance such a position, the means of determining the TEO on off-reservation projects, the Bureau's responsibility for the total referral effort and whether the Bureau should finance a tribal appointed TEO. In general, the inquiries made on the TEO were already well covered in the draft memorandum (draft No. 3) and in further discussions thereon references were made to applicable portions of the draft. It was generally agreed that a tribal appointed TEO, contact, coordinator, employment representative or appropriate tribal representative, regardless of formal title, was desirable to bring about tribal involvement. Further, that the tribe itself would be the preferred contact for referral of workers and would be in the best position to develop the necessary employment data, labor rosters, etc., necessary for prompt referral of workers when requested by the contractor. It was also observed during the discussion of the TEO concept, that for the Bureau to assume this role would expose the Government to potential damage claims in its relation as administrator of the Government construction contract. Although the contracting officer would remain available for any needed assistance and full use would be made of the preconstruction conference in resolving administrative problems, it was suggested that the clause should avoid making the TEO an extension of the contracting officer. Of several suggestions for an appropriate title for the tribal appointed labor contact, the term, "Indian employee representative" appeared to be favored.

2. Inquiry was made as to the desirability of a single clause applicable to all areas of Bureau construction, or several clauses to be used individually in different areas of union organizational status, etc. The general consensus of opinion on this subject was to retain a single clause, the objective of which would achieve the desired Indian employment preference. Some aspects of the clause would necessarily be broad enough to fit the varying circumstances. In lieu of tailoring the clause for each contract award, problem areas would be handled administratively, with emphasis placed on use of the preconstruction conference. A suggestion was made that the clause itself make reference to the benefits of a preconstruction conference.

3. A comment as to who is qualified for employment preference as an Indian related to the current local residence clause and the contractor's problems in determining preference in hiring. Again, it was agreed that the proposed use of a tribal or Indian employment representative (TEO)

in the proposed referral system would substantially eliminate problems as to an applicant's preference status. It was pointed out that under the current local residents clause, the employer could only rely on addresses to determine an applicant's residence and that he may or may not be able to determine the lineage of an applicant.

4. A comment was made that through early adoption of the proposed Indian employment preference clause, the Bureau could be setting up a hierarchy, possibly subjecting tribes to an unwanted situation. After considerable discussion on the merits of the proposed clause, its background, EEO legislation, etc., the comment evolved into a proposal that a draft of the clause be circulated for comments of those tribes not represented at the Phoenix meeting. Although adoption of a contract clause could thus be delayed indefinitely, pending approval of approximately 200 Indian tribes or as an alternative, those tribes primarily concerned with Bureau construction programs, it was agreed that the proposal would be given full consideration by Central Office. The objections of Navajo Tribal representatives to any delay in adopting an Indian preference contract clause could only be weighed against objections that the clause had not been subjected to the comments of all Indian tribes.

5. Considerable discussion was had concerning hiring hall procedures, referral systems, working agreements and other arrangements directly related to the effect an Indian employment preference clause would have on those contractors subject to labor-management agreements. Generally, the comments involved administrative procedures to be worked out between all parties involved, rather than the provisions of the clause itself, provided the clause retained enough flexibility for implementation. Representatives of the Navajo Tribe, labor and management expressed some concern over the wording of paragraph 2, suggesting a rewrite to more adequately provide for competitive bidding by closed shop contractors. Their proposed rewrite follows:

"The contractor shall make known to the Indian employee representative, the labor requirements of the contractor, indicating at the same time, such contractual obligations, if any, as to the source of such labor supply (union hiring hall obligations) at least four days in advance."

For the same reasons, and to protect the contractor from violations of hiring hall provisions, it was suggested that paragraph 3 also be rewritten to allow the contractor to recruit from other sources if the union, through the Indian employee representative, is unable to supply the contractor's needs.

A suggestion for better organization of the total clause was to combine paragraphs 2 and 3, in rewritten form, to be numbered paragraph 3, and to renumber paragraph 4 in its present form as paragraph 2.


It was also suggested that paragraph 5 be revised to the following: (changes underlined)

"The contractor shall be responsible for determining whether an Indian possesses the skills required and is capable of performing the work, except under a registered training program. The contractor's decision shall be final as to whether or not an Indian other than a registered apprentice, possesses the skills . . ."

6. Representatives of the Navajo Tribe, labor and the Bureau of Apprenticeship training reviewed past experiences in working out problems in preference referral of Indians. It was noted that through mutual agreement, most Arizona locals were giving preference to registered Navajos, but that under the local residents clause currently in use, there was no contract requirement compelling contractors and/or unions to reach to the bottom of the union referral lists for Indian labor. It was felt that the proposed clause would also avoid forcing unions to violate provisions of the Taft-Hartley Act (National Labor Relations Act). Methods of the employer contacting the Indian employee representative direct were also discussed and it was felt a workable arrangement could be developed between the tribes and unions which would centralize and simplify recruiting.

7. Representatives of labor and the Bureau of Apprenticeship training suggested that in the interest of fairness to all bidders, the clause be worded so as to require employment of the full ratio of apprentices to journeymen. In this respect, it was pointed out that full consideration would be given to the individual caught in the so-called "grey area", i.e., a person who is not of journeyman caliber and is too old to normally qualify for apprenticeship training. Such individuals would be rated according to their present skills in the apprenticeship program, and with training, could progress through the usual apprenticeship training periods. Without a program of registered apprentices, the employer would be compelled to classify all employees as journeymen or be subject to violations of the Davis-Bacon Act.

8. The remainder of the conference related to a proposed on-the-site training program for Indians. Included were discussions on funding, who would be trained, how training would be accomplished, and the relationship of such a program to current apprenticeship programs.

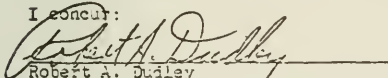


Clair W. Evans

I concur:

Earl D. Ratliff
Chief, Contract Branch

I concur:



Robert A. Dudley
Chief, Division of Plant Design and Construction

Art Allen's
Draft No. 8
10/28/70
Revised To Include Phoenix Conference suggestions

INDIAN EMPLOYMENT PREFERENCE

1. It is the purpose of this clause to give Indians preference in employment to the greatest extent possible in the performance of the work under this contract, pursuant to section 23 of the Act of June 25, 1910 (36 Stat. 861, 25 USC 47) which provides that so far as practicable Indian labor shall be employed and sections 701(b)(1) and 703(i) of Title VII of the Civil Rights Act of 1964 (78 Stat. 231-258, 42 U.S.C 2003) which provides that preference in employment may be given to Indians living on or near an Indian reservation, thus improving their skills thereby providing an opportunity for future employment. To the extent the Equal Opportunity provisions of Executive Order 11246 and Clause 21 of the General Provisions of this contract are in conflict with the above laws, they are inapplicable to this contract.
2. The contractor will advise his normal employment recruiting sources with which he has an agreement or understanding in writing of his commitment to give Indians preference in employment under this clause. A copy shall be posted at the site of the work along with the Wage Determination issued by the Secretary of Labor applicable to the work under this contract.
3. The contractor shall make known to the Indian employee representative the labor requirements of the contractor, indicating at the

same time, such contractual obligations, if any, as to the source of such labor supply (union hiring hall obligations), at least four days in advance of their need. If the Indian employee representative is unable to supply the contractor's labor requirements or can only supply a portion of the requirements by the dates indicated, the contractor may recruit the unilled labor needs from any other sources, consistent with the Equal Employment Opportunity regulations applicable to this contract.

4. The contractor shall be responsible for determining whether an Indian possesses the skills required and is capable of performing the work except under a registered training program. The contractor's decision shall be final as to whether or not an Indian other than a registered apprentice possesses the skills required and is capable of performing the work subject to the conditions in paragraph 9 below. An Indian who is determined by the contractor not to possess the skills required or is not capable of performing the work shall be informed of the contractor's reasons in writing with copies to the Indian employee representative and the contracting officer.

5. The contractor shall also give Indians who are employed preference in promotion and retention as warranted by their skills, performance capabilities and attitudes. The contractor, when requested by the contracting officer to do so, shall furnish the contracting officer in writing with the reasons for not promoting or retaining any Indian.

6. The contractor shall require each of his subcontractors to expressly indicate in their employment recruitment policies that preference must be given to the employment of Indians on this contract who possess the skills required and who are capable of performing the work. The contractor and each subcontract shall also include the Indian Employment Preference clause verbatim in each subcontract regardless of tier.
7. The contractor shall report to the contracting officer at the close of each month following the start of work the full name, job classification, hourly rate of pay and address of each Indian employed at the site.
8. General supervisory personnel and the contractor's superintendent referred to in Clause 11 of Standard Form 23-A are exempt from the provisions of this clause.
9. In the event of noncompliance with this clause, the contractor's right to proceed with the work may be terminated in whole or in part by the contracting officer and the work completed in a manner determined to be in the best interest of the Government. Failure to make the determinations required in paragraph four objectively and in good faith shall be for consideration by the contracting officer in determining whether the contractor is in substantial compliance.

Draft No. 9
Division of Plant Design and Construction
1/22/71

INDIAN EMPLOYMENT PREFERENCE

1. Indian employment preference is authorized pursuant to section 23 of the Act of June 25, 1910 (38 Stat. 681,25 U.S.C. 47) which provides that so far as practicable, Indian labor shall be employed and sections 701(b)(1) and 703(i) of Title VII of the Civil Rights Act of 1964 (78 Stat. 231-258.42 U.S.C. 2003) which provides that preference in employment may be given to Indians living on or near an Indian reservation, thus improving their skills thereby providing an opportunity for future employment. To the extent the Equal Opportunity provisions of Executive Order 11246 and Clause 21 of the Contract General Provisions are in conflict with the above laws, they are inapplicable to this contract.

2. It is the purpose of this clause to afford Indians preference in employment on the site of the work to the greatest extent possible, subject to limitations imposed by availability of qualified Indian laborers, mechanics or apprentices and Tribal cooperation. The Government, by reason of this clause, makes no representation as to the availability or qualification of such personnel, and all recruiting relations shall be carried out, directly or through his normal recruiting sources, between the contractor and the Tribe or such Indian Employment Coordinator as the Tribe may designate.

3. The contractor shall give written notice to his normal employment recruiting sources with which he has an agreement or understanding of his commitment to give Indians preference in employment under this clause. A copy shall be posted at the site of the work along with the wage determination issued by the Secretary of Labor applicable to the work under this contract.

4. The contractor shall make known to the Tribe or its Indian Employment Coordinator (if one has been designated) the labor requirements of the contractor, indicating at the same time, such contractual obligations, if any, as to the source of labor supply (union hiring hall obligations) at least four days in advance of their need. If the Tribe or the designated Indian Employment Coordinator is unable to supply the contractor's labor requirements or can only supply a portion of such requirements, the contractor may recruit the unfilled labor needs from any other sources, consistent with the Equal Employment Opportunity regulations applicable to this contract.

5. Except as to persons recruited for work for which they are enrolled in a registered training program, the contractor shall be responsible for determining whether an Indian possesses the skills required and is capable of performing the work. Subject to the conditions in paragraph 10 below, the contractor's determination shall be final. An Indian determined by the contractor to be deficient in the skills required or capability of performing the work, shall be informed by the contractor in writing, with copies furnished to the Tribe or

Indian Employment Coordinator and to the Contracting Officer.

6. The contractor shall also give Indians who are employed preference in promotion and retention as warranted by their skills, performance capabilities and attitudes. The contractor, when requested by the contracting officer to do so, shall furnish the contracting officer in writing with the reasons for not promoting or retaining any Indian.
7. The contractor shall require each of his subcontractors expressly to indicate in their employment recruitment policies that preference must be given to the employment of Indians on this contract who possess the skills required and who are capable of performing the work. The contractor and each subcontractor shall also include the Indian Employment preference clause verbatim in each subcontract regardless of tier.
8. The contractor shall report to the contracting officer at the close of each month following the start of work the full name, job classification, hourly rate of pay and address of each Indian employed at the site.
9. The provisions of this clause do not apply to employment of the contractor's superintendent referred to in Clause 11 of Standard Form 23-A or to other supervisory personnel on the site of the work.
10. In the event of noncompliance with this clause, the contractor's right to proceed with the work may be terminated in whole or in part

by the contracting officer and the work completed in a manner determined to be in the best interest of the Government. Failure to make the determinations required in paragraph five objectively and in good faith shall be for consideration by the contracting officer in determining whether the contractor is in substantial compliance.

Memorandum

December 22, 1970

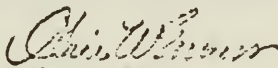
To: LCS File

From: Chief, Labor Compliance Section

Subject: Telecon - Indian Preference Clause

On December 22, 1970, the undersigned telephoned Mr. Frank Benites, Building and Construction Trades Council, Phoenix, Arizona, concerning the December 4, 1970 meeting on Indian preference and his comment concerning possible violations of the Taft-Hartley Act. Mr. Benites explained his comment stemmed from a case in his area where members of a union had filed unfair labor charges with the National Labor Relations Board alleging the employer and the union failed to comply with the provisions of a labor-management agreement requiring the union to dispatch members from the top of the unions referral list. In this case the contractor had requested workers by name and the union had dispatched the requested members regardless of their priority rating on the referral list. Although the NLRB ruled that referral by name was permissible, it was Frank's concern that referral by name did not necessarily cover referral of Indians and that the Indian preference clause was necessary to strengthen the cause and to protect both labor and management.

Frank did not have a copy of the NLRB case on file although he believed it was referred to as the Mountain-Pacific case and could be obtained through the Phoenix office of the NLRB.


Clair W. Evans

Memorandum

To: LCS File January 7, 1971

From: Chief, Labor Compliance Section

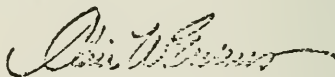
Subject: Indian Employment Preference Clause

On January 7, 1971, the undersigned contacted Mr. Fred W. Davis, Assistant Regional Director, National Labor Relations Board, Albuquerque Office, concerning possible conflicts between the Bureau's proposed Indian employment preference clause and provisions of the Taft-Hartley Act.

Mr. Davis was briefed on the purpose of the proposed clause and of the comments of Mr. Frank Benites, Building and Construction Trades Council representative, during a meeting held in Phoenix, Arizona, December 4, 1970. (See attached memo, dated December 22, 1970.)

Mr. Davis did not recall the Mountain-Pacific case referred to by Mr. Benites. He did, however, describe a case involving strip mining operations in the Farmington, New Mexico area in which the employer was charged with unfair labor practices for requesting Indian labor, regardless of their status on the union referral list. The charges were dropped when the labor-management agreement was revised to permit preference referral of Indians by the union.

Mr. Davis stated he could offer no legal advice in the area of preferential hiring. He did, however, acknowledge the Civil Rights Act of 1964 as the recognized basis for providing Indian preference in employment and indicated a clause such as that proposed for Bureau construction projects should eliminate any questions concerning preference referral of Indians when requested by the employer without altering the labor-management agreements.



Clair W. Evans

ADDITIONS TO STANDARD FORM 23-A,

GENERAL PROVISIONS

THE FOLLOWING CLAUSES ARE ADDED TO SF 23-A, GENERAL PROVISIONS:

CIVIL RIGHTS ACT OF 1964 CLAUSE:

The Equal Opportunity clause of this contract applies except where it conflicts with Sections 701(b)(1) and 703(i) of Title VII of the Civil Rights Act of 1964, 78 Stat. 253-257, 42 U.S.C. 2000e, which pertains to Indian tribes as employers and to preferential treatment in employment given to Indians residing on or near a reservation.

* * * * *

PREFERENCE TO LOCAL RESIDENTS
BIA-PD&C (October 1968)

Preference in employment for all work to be performed under this contract, including subcontracts thereunder, shall be given to local residents subject to the provisions of Clause 21, EQUAL OPPORTUNITY.

* * * * *

*Exhibit No. 25*OPENING STATEMENT OF CHARLES W. LACEY

My name is Charles W. Lacey and I am the Deputy Division Manager of Construction for the Los Angeles Division of the Bechtel Power Corporation. I would like to make a brief opening statement on behalf of the Company as I feel it will assist the Commission in understanding not only what the Bechtel Corporation is, but also why we have been requested to testify at this hearing. Also, I believe that this statement will measurably expedite this proceeding as these remarks are directed to areas which the Commission's counsel, Mr. Alexander, has indicated are of concern to this hearing.

The Bechtel Corporation is an international engineering and construction firm with offices around the world. The Company's headquarters are located at 50 Beale Street in San Francisco, California. The Bechtel Power Corporation is a wholly owned subsidiary of the Bechtel Corporation and is engaged primarily in the design and construction of electrical generating stations, both nuclear and fossil-fueled, and also substations, transmission systems and related facilities.

The Los Angeles Division of Bechtel Power Corporation is located in Norwalk, California, and has primary responsibility for Bechtel Corporation projects in the south-western portion of the United States.

One of the projects of the Los Angeles Division of the Bechtel Power Corporation is the Navajo Generating Station located on the Navajo Reservation near Page, Arizona. When completed, this facility will be Arizona's single largest electric generating station and will consist of three steam electric generating units each capable of generating 750,000 KW of electricity.

Construction of the Navajo Generating Station began on 1,100 acres of land leased from the Navajo Tribe in the summer of 1970 and is scheduled for completion in mid-1977.

Ownership of the Plant will be shared by the participants in the Navajo Project. These participants are: The Los Angeles Department of Water and Power; Arizona Public Service; Nevada Power Company; Tucson Gas and Electric; the U.S. Bureau of Reclamation of the Department of the Interior; and the Salt River Project. Salt River Project is the project manager of the Navajo Project and as such is responsible for construction management and eventual operation of the Plant for the participants. Bechtel Power Corporation's contract is with Salt River Project and it is for the engineering, construction and procurement of the Navajo Generating Station.

By way of background, as the Commission may be aware, the Bechtel Corporation is a union contractor and all of the Company's projects in the United States and Canada are constructed with union labor. As a union contractor, the Company has entered into agreements with the internationals of the building trades' unions.

Under these contracts, or "national agreements" as they are commonly known, the Company recognizes the international unions as the representative of its manual employees. As a general proposition, these national agreements provide that wages, hours and working conditions for Bechtel's manual employees will be determined in accordance with the terms and conditions of the local collective bargaining agreement in effect for the jurisdiction within which the Company performs work. These agreements, therefore, have the effect

of making all of the Company's projects "union jobs" and as such they provide that the local hiring hall of the various unions shall be the exclusive source of manpower for the company's projects. As applied to the Navajo Generating Station, this has meant that with minor exceptions all of Bechtel's manual employees are hired from union hiring halls which are located either in Phoenix or Flagstaff, Arizona.

As the Commission is aware, the indenture of lease between Salt River Project and the Navajo Tribe provides that preference in employment shall be given to qualified local Navajos at the Navajo Generating Station. This portion of the lease, Section 18, is known as the preferential employment clause and the lease further provides that this obligation shall be passed on by Salt River Project to all contractors at the Navajo Generating Station. In fact, this obligation has been passed on by Salt River Project to Bechtel and is Sections 32 and 33 of the Company's contract with Salt River Project. Bechtel, in turn, has made the preferential employment clause part of all of its subcontracts for work on the Navajo Generating Station.

At the time the contract with Salt River Project was negotiated it was our understanding that the preferential employment clause meant just what it said -- preference in employment would be given to qualified Navajos. Also, it was the contractor's understanding that this preferential clause would be implemented within the Company's previously existing contractual obligations -- specifically its union agreements. Therefore, it was the Company's understanding that when orders were placed with the hiring hall the Navajos would be asked for in preference.

However, since construction has begun on the Navajo Project, there has been a substantial and significant change in the interpretation given to the preferential employment clause. I will outline briefly the events which have led to this change in interpretation, but in summary the preferential employment clause is now interpreted to extend not only to employment, but also to other personnel actions, including locating, tenure, promotions, termination and training. Additionally, the clause has also been extended to the establishment of a separate grievance procedure for Navajos at the Project.

After the contract between Salt River Project and Bechtel had been negotiated, Bechtel notified all of the local unions with jurisdiction over work at the Project that Navajos would be given preferential employment at the Project. As I previously stated, it was understood that this preference would be given within the Company's other contractual commitments. This notification was formalized at the prejob conference which occurred on June 17, 1970, and all of the unions have been reminded of this obligation each time a call for craftsmen or laborers is placed.

In July of 1970, construction began on the Navajo Generating Station and the work force, both manual and non-manual increased slowly at first and then more significantly as the work areas were expanded. I think it may be fairly stated that this increase in the work force was accomplished substantially without incident insofar as the preferential employment is concerned until approximately September of 1971, at which time the contractors on the Project were notified by Tribal representatives that the Tribe did not feel that they were fully living up to the obligations of the preferential

employment clause as it was not being applied to the general terms and conditions of employment.

This notification formally came to Bechtel by the Tribe requesting that the Department of the Interior investigate the employment practices of the contractors at the Project. As a result of the Tribe's request, an investigation was conducted during January of 1972 at the Project by representatives of the Equal Employment Opportunity Commission, Department of Interior, and the Office of Federal Contract Compliance, as the Project is partially federally funded.

In May of 1972, a meeting was held at the request of the Department of Interior in Denver with representatives of the Tribe, Salt River Project, Morrison-Knudsen and Bechtel, to discuss the results of this investigation. At that meeting, rather than argue about past practices, it was agreed that the parties would get together and attempt to resolve their differences as to the implementation of the preferential employment clause. A series of meetings were then held which resulted in what is commonly known as the August 1, 1972, Navajo Preferential Employment Program. This Agreement has been implemented to the extent possible by the contractors and negotiations are continuing in an effort to further refine it.

The August 1 Agreement is the document which best represents the change in the meaning given to the preferential employment clause since the inception of the Project, and as I previously stated it now extends not only to employment, but also to other personnel actions, including tenure, promotions, termination, training and the establishment of a grievance procedure for Navajos at the Project.

Just prior to and during the jobsite investigation in January, 1972, the Salt River Project and the contractors

were served with numerous individual Equal Employment Opportunity Commission charges of discrimination. It should be noted, however, that the purpose of these charges was to get the contractors' attention in an effort to work out problems which had developed in the implementation of the preferential employment clause. As we have discussed with the counsel of the Commission, these charges have been investigated by the EEOC and, at this time, they have been tentatively conciliated by Bechtel. The Civil Rights Commission has been given a copy of the Company's proposed conciliation agreement which has been accepted by the EEOC and the DNA.

We understand that the Commission is interested in what efforts have been made by the Company regarding the preferential employment obligation and I would like to briefly summarize some of these efforts.

First, one of the primary areas of discussion at the Denver meeting was the availability of qualified local Navajos. In an effort to determine how many qualified Navajos were actually on or near the Reservation and interested in employment with contractors on the Project, two manpower skills surveys were conducted on the Reservation. The first survey was performed in September, 1972 and the second in May of this year. The efforts of the Office of Navajo Labor Relations, Morrison-Knudsen, the Salt River Project and Bechtel were combined in these surveys. During the first survey, interviews were conducted at 25 Chapter Houses and approximately 540 Navajos were interviewed. Considering the efforts which preceded the interview trip, the results were extremely disappointing. Upon the request of the Office of Navajo Labor Relations, a second skills survey was conducted in May of this year. The results were even more

disappointing than the first survey as less than 70 Navajos showed up for interviews.

Second, when construction began at the Project, the various unions followed their normal practice of requiring that out-of-work craftsmen report to the hiring hall in person to sign up on the out-of-work lists. As these hiring halls are all in either Phoenix or Flagstaff, it was difficult for many Navajos to get in to sign up. Through the Company's efforts, this procedure has been modified and now the Navajos may keep in contact with the various hiring halls by either telephone or mail. While this may not appear to be too significant to persons not familiar with construction it, in fact, is an important departure from established union procedures.

Third, a Jobs Entry Program, underwritten by the National Alliance of Businessmen and the United States Department of Labor, has been established at the jobsite. This program is exclusively for Navajos and the intent of this program is to prepare Navajo youths for entry into indentured apprenticeship programs in skilled crafts. It is in essence a pre-apprenticeship program and would normally last nine months, but is being accelerated to six months.

Fourth, apprentice training accounts for the largest permanent training activity on the Project. A total of 127 apprentices are currently employed -- 124 of which are Navajos. It should be noted that Bechtel employs three times more apprentices on the Navajo Project than on an similar project-- past or present.

We understand that the Commission is also interested in the types of problems Bechtel has encountered in the implementation of the preferential employment clause. The following

represents some of the major problems the Company and other contractors on the Project have incurred:

(1) One of the primary problems encountered on the Project by all contractors has been finding qualified Navajos who are interested in employment. As I have indicated, twice skills surveys have been conducted and on both occasions the results have been disappointing not only to just the contractors but also to the Tribe as well.

(2) Another problem has been in the area of recognizing and accommodating certain Navajo cultural differences as applied to employment. These differences have required that the Company modify many of its established personnel practices. As an example, in the area of absenteeism it is established Company procedure that an employee is discharged and made ineligible for rehire after three unexcused absences. For Navajos, this procedure has been changed and Navajos are first given warnings and then consulted with prior to termination. Finally, such terminations do not make the Navajos ineligible for rehire. Another area is discharge for cause as Navajos are very rarely, if ever, marked ineligible for rehire as non-Navajos are when they are discharged for cause.

(3) Also, continual dissatisfaction has been expressed by non-Navajo members of the building trades' unions as a result of preferential treatment given Navajos. This dissatisfaction has had an effect on productivity and morale and culminated in a plant-wide wildcat strike, which lasted for five days in May of 1972. This lost time has never been recovered.

(4) Another related problem is that as a result

of implementing the preferential employment clause, the Company has been served with numerous individual charges of discrimination by other minorities. The substance of these charges is that these other minorities were discriminated against in favor of Navajos.

In closing, we feel that definite progress has been made in the employment of Navajos at the Navajo Generating Station. Presently, over 500 Navajos are employed -- which is approximately 25% of the work force. This has been accomplished through a concerted effort of many groups and individuals all operating in a good faith effort to promote employment opportunities for members of the Navajo Reservation.

Exhibit No. 26

RECEIVED
UNITED STATES
DEPARTMENT OF THE INTERIOR

FEB - 8 1972

Executive Office of the Chairman OFFICE FOR EQUAL OPPORTUNITY
WESTERN REGION

THE NAVAJO NATION

Peter Macdonald, Jr.
Chairman

Window Rock, Arizona, 86515

29 November 1971



William H. Brown, III
Chairman
Equal Employment Opportunity Commission
1300 "D" Street, NW
Washington, D. C. 20006

Dear Mr. Brown:

As Chairman of the Navajo Tribal Council, it has recently been called to my attention that in August of 1971 several Navajo Indians filed a complaint with the Equal Opportunity Commission, alleging that certain unions and companies engaged in work on the Navajo Power Project in the Navajo Nation near Page, Arizona, "have excluded Indians from jobs on or near the Reservation by giving preference to non-Indians who are members of the union... and have refused to hire Indians." While I am not personally familiar with all of the facts upon which the complaint is based, I do know that a recent report demonstrates that Navajos represent only 25% of the work force on this project despite the fact that (i) applicable contracts require that Navajos be given preference in employment and (ii) Navajos make up nearly 100% of the population in the area surrounding Page.

I understand that these complaints are often lost and forgotten in the bureaucratic maze. Recognizing the seriousness of the problem and the great number of people involved, I would hope that the hearing on this complaint could be expedited.

Thank you very much for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Peter Macdonald, Jr."

Peter Macdonald
Chairman
Navajo Tribal Council

Exhibit No. 27

IN THE MATTER OF:

U. S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

and

CASE NO. YPX2 038

FRANK BIGMAN, et al

CHARGING PARTIES

CONCILIATION AGREEMENT

and

BECHTEL POWER CORPORATION
Page, Arizona

RESPONDENT

* * * * *

Charges having been filed under Title VII of the Civil Rights Act of 1964, as amended, with the U. S. Equal Employment Opportunity Commission, by the Charging Parties against the Respondent, the charges having been investigated, and the Commission having gathered all relevant facts in the matter, the parties do resolve and conciliate this matter in the following extent and manner:

Case No. YPX2 038

LIST OF CHARGING PARTIES INCLUDED IN THIS AGREEMENT

Frank Bigman	TPX2 0014
Nelson Williams	TPX2 0015
Henry Sloan	TPX2 0016
Ray B. Bryant	TPX2 0017
Andrew N. Begay	TPX2 0018
Tom Benally	TPX2 0019
Harry R. Begay	TPX2 0020
Charley Emerson Young	TPX2 0021
Robert DeJolie	TPX2 0330
Eskie Saliego	TPX2 0331
Claw Tsinnigine	TPX2 0332
Joe Littleman	TPX2 0333
Richard Sage	TPX2 0334
Albert Dele	TPX2 0335
John Scott	TPX2 0336
Charlie Homer	TPX2 0337
Duke Yazzie	TPX2 0338
Nick Yazzie	TPX2 0339
Kee Chee Littleman	TPX2 0340
Robert DeJolie	TPX2 0341
Tully Tsinnijinnie	TPX2 0342
Jimmy Mexicano	TPX2 0343
Stephan Tsinnijinnie	TPX2 0347

I. GENERAL PROVISIONS

- A. Bechtel Corporation, the Respondent named in the charges herein, on January 1, 1973, assigned all of its right, title, benefit and interest in its Agreement for the Navajo Generating Station Project near Page, Arizona ("Project") to the Bechtel Power Corporation. The Bechtel Power Corporation, a wholly owned subsidiary of the Bechtel Corporation, accepted this assignment and agreed to perform all obligations and assume all liabilities of the Bechtel Corporation at the Project. Bechtel Power Corporation is referred to hereinafter as the "Respondent".
- B. The Respondent agrees that the Equal Employment Opportunity Commission (hereinafter the "Commission"), on request of any Charging Party or on its own motion, may review compliance with this Agreement. As a part of such review, the Commission may require written reports concerning compliance, may inspect the premises; examine witnesses; and examine and copy documents.
- C. It is understood that this Agreement does not constitute an admission by Respondent of any violation of Title VII of the Civil Rights Act of 1964.
- D. The Charging Parties and the Commission agree and covenant not to sue the Respondent with respect to any matters which were or might have been alleged as charges filed with the Commission, subject to performance by the Respondent of the promises and representations contained herein. The Commission shall determine, pursuant to the terms of the Administrative Procedure Act, whether the Respondent has complied with the terms of this Agreement.
- E. All hiring, assignments, promotions, transfers, dismissals, and other conditions of employment shall be maintained and conducted in a manner which does not discriminate on the basis of race, color, sex, religion, or national origin in violation of Title VII of the Civil Rights Act of 1964.
- F. The Parties agree that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice declared unlawful under Title VII of the Civil Rights Act of 1964 or because of the filing of a charge, giving of testimony or assistance, or participation in any manner in any investigation, proceeding or hearing, under Title VII of the Civil Rights Act of 1964.

G. The Respondent agrees to report in writing to the Director, Equal Employment Opportunity Commission, Suite 601, 112 North Central Avenue, Phoenix, Arizona 85004, when it has completed the undertakings outlined in the following paragraphs of this Agreement. The report will describe the manner in which the undertakings were carried out. This report shall be submitted not later than 90 days from the date of this Agreement.

II. HIRING AND REINSTATEMENT OF CHARGING PARTIES

- A. Respondent's review of its records discloses the following information as to the Charging Parties:
- (1) Some of the Charging Parties are currently, and have been for some time, employed by Respondent;
 - (2) Some of the Charging Parties have, subsequent to the filing of the charges herein, worked for Respondent but have since either voluntarily quit or been terminated for cause;
 - (3) Some of the Charging Parties have worked for other contractors on the Project; and
 - (4) Respondent has no information as to the remaining Charging Parties nor is Respondent able to determine whether these individuals have ever been employed by other contractors on the Project or, in fact, ever sought employment on this Project from Respondent or any other contractors.

As to all of the Charging Parties, the Respondent agrees to review each case individually with the Commission and, if appropriate, offer employment to all Charging Parties or reinstatement to employment to those Charging Parties who previously worked for Respondent but may have left Respondent's employ. In this regard, the Respondent agrees that the reinstatement of the Charging Parties shall, wherever practicable, be to the same job classification they held on the dates they were terminated.

B. After this review with the Commission, the Respondent will offer employment to all qualified Charging Parties in the following manner:

- (1) The Respondent shall immediately notify the Charging Parties by Certified Mail Return Receipt Requested of the offer of employment pursuant to the above paragraph. The Charging Parties shall, within ten days after receipt of said letter, report for work or notify the Respondent of their decision to decline employment with the Respondent. The ten-day period can be extended if reasonable cause is offered by the Charging Parties.
- (2) Should the Charging Parties accept employment, the Respondent shall provide a reasonable period of training and orientation on the job to which they are assigned, consistent with the training and orientation given other new employees.

C. In the event reinstatement to the job classifications held on the date of termination by the Charging Parties is not possible, the Respondent agrees that the Charging Parties will be offered employment in such job classifications as their experience, and ability to perform the job may have entitled them on the dates they were terminated.

D. The Respondent is prepared, upon review with the Commission, to pay each qualified Charging Party backpay sufficient to make each Charging Party whole, less interim earnings, such deductions as may be required by Federal Laws and other mitigating factors.

III. PROMOTION AND TRAINING

A. The Commission and the Charging Parties acknowledge that promotions with the Respondent are based exclusively on individual merit or capabilities without regard to the race, religion, national origin or sex of the individual involved. Seniority is not a factor in Respondent's employment practices.

- B. Respondent agrees to review the records of the Charging Parties presently employed, as well as those who will be reinstated under this Agreement, in an effort to determine those who are eligible for promotion.
- C. Respondent agrees to promote the qualified Charging Parties to the next promotional opportunities when such opportunities arise.
- D. Respondent agrees to:
 - 1. Subsidize any reasonable training necessary to prepare Charging Parties for promotions, including, if necessary, instruction in the English language;
 - 2. Allow Charging Parties sufficient time off without penalty during normal working hours to attend such training.
- E. The Respondent will not require the Charging Parties to spend any period of residence in any job which exceeds the period factually necessary to qualify for movement to a higher rated job.

IV. DISCHARGE AND DISCIPLINARY ACTION

- A. The Respondent agrees that the Charging Parties shall not be discharged, disciplined, laid off or downgraded except in accordance with the provisions of this Agreement. The Respondent agrees that its Project Equal Employment Opportunity Officer will determine the following when any of the Charging Parties are discharged:
 - 1. Whether sufficient cause for discharge exists;
 - 2. Whether applicable provisions of the collective bargaining agreement were complied with;
 - 3. Whether the employee's improper conduct was in any way caused by misconduct on the part of his foreman or other supervisor;

4. Whether other non-minority employees have been discharged for similar conduct; and
 5. Whether mitigating circumstances or the employee's previous record indicate that the penalty of discharge is overly harsh.
- B. The Respondent agrees that when a Charging Party is to be downgraded, the Respondent's Project Equal Employment Opportunity Officer will examine such action in order to determine whether it is warranted by the facts. When a Charging Party is downgraded because of alleged failure to perform properly, the Project Equal Employment Opportunity Officer will examine the situation to determine:
1. Whether the downgraded Charging Party received an adequate length of time to learn the job properly, and
 2. Whether the Charging Party has been given adequate assistance to enable him to learn the job.
- C. The Respondent agrees that when a Charging Party has voluntarily agreed to be downgraded, Respondent's Project Equal Employment Opportunity Officer will make an examination similar to that which would have been undertaken with regard to an involuntary downgrading in order to determine whether the Charging Party has been given adequate assistance in learning his new job. If it appears that he has not had such assistance, the Charging Party will be encouraged to remain in the higher grade position and all necessary assistance should be given to aid him in acquiring the skills necessary for such a job.
- D. Respondent agrees that any discipline of any Charging Party shall be reviewed by the Respondent's Project Equal Employment Opportunity Officer in a manner similar to the review given in instances of discharge or downgrading of the Charging Party as set out herein.
- E. Respondent agrees that when it is necessary to reduce its forces at the Project the Charging Parties shall be given preference for continued employment consistent with the terms of the Program for Preferential Employment of Navajos at the Navajo Project which is part of Appendix 1 (see V(A), infra).
- F. The Respondent further agrees where appropriate to remove from its records and files any notations, remarks, or other

indications evidencing that the services performed by the Charging Parties prior to termination were other than or anything less than satisfactory. The Respondent further agrees that, in furnishing oral or written reference concerning the Charging Parties as may be requested by same or by prospective future employers, it will mention only the nature and duration of Charging Parties' employment.

G. The Respondent agrees that where appropriate it will eliminate from the Charging Parties' personnel records all documents and entries relating to the facts and circumstances which led to the Charging Parties' filing of their charges herein. In addition, the Respondent affirms that the Charging Parties will not be penalized in future considerations for transfers, promotions or upgrading because of said circumstances and that no other employer, union or potential employer of the Charging Parties will be advised in any fashion of the facts or circumstances involved.

H. The Respondent agrees that if it is required or requested to evaluate the services performed by the Charging Parties, that any such evaluation shall be based on the period of employment antedating the beginning of events which led to the subject charges.

I. Respondent agrees to notify the District Director of the District Office of the Commission of any proposed personnel actions adversely affecting the Charging Parties. Where possible, such notice shall be made prior to the contemplated effective date of said personnel action and shall be within sufficient time for Commission response.

J. Respondent will submit to the Commission any written warnings or reprimands given to the Charging Parties during the next year.

K. Respondent will not discharge the Charging Parties without just cause.

L. Respondent agrees not to engage in or allow any of its employees to engage in any conduct against the Charging Parties or any party to or participant in these proceedings the nature of which conduct might be construed as retaliatory.

M. Respondent agrees that it will inform all of its supervisors of the terms of this Agreement and instruct them as to its performance.

V. RESPONDENT'S AFFIRMATIVE ACTION PROGRAM

A. At the Project the Respondent has established and implemented an Affirmative Action Program which is attached for the

convenience of the Commission to this Agreement as Appendix 1. This affirmative Action Program has been filed with the Western Regional Manager, Office of Equal Opportunity, United States Department of the Interior, Denver Federal Center, Denver, Colorado, 80225, under the authority of Presidential Executive Order 11246.

B. This Affirmative Action Program reflects the preferential hiring treatment which Respondent has agreed to give to Navajo Indians at the Project. It is agreed that said preferential treatment for Navajos is not violative of Title VII of the Civil Rights Act of 1964.

I have read the foregoing Conciliation Agreement and I accept and agree to the provisions contained therein:

DATE _____

CHARGING PARTY

DATE _____

RESPONDENT

I recommend approval of this Conciliation Agreement:

DATE _____

CONCILIATOR

I concur in the above recommendation for approval of this Conciliation Agreement:

DATE _____

SUPERVISOR OF CONCILIATIONS

APPROVED ON BEHALF OF THE COMMISSION:

DATE _____

EDWARD VALENZUELA
DISTRICT DIRECTOR

Exhibit No. 28

JOBS 70 PROGRAM

MORRISON-KNUDSEN COMPANY, INC.
LAKE POWELL-BLACK MESA NAVAJO COAL HAUL RAILROAD PROJECT

PAGE, ARIZONA

Training & Employee Development

At the inception of this project Morrison-Knudsen Company, held a M.A. 6 JOB '70 Training Contract with the U.S. Department of Labor Manpower Administration. This Contract provided for the utilization of this program in areas where Manpower shortages prevail. The program was presented and explained to the respective craft Unions Phoenix Building Trades Council and Arizona Apprenticeship Coordinating Committee. After a series of meetings with the parties involved we received concurrence and a declaration of support. From January 1971 to June 1972 when the Department of Labor discontinued the MA. 6 JOBS '70 Training Program 88 Navajo employees received training on this project, with approximately 60% completing. D.O.T. classifications included (manual) Construction worker I Laborers, Heavy Equipment Operator, Heavy Truck Driver, and Engineering (Field Surveyors), (Non-manual) Clerical, time-keepers, weighman and duplicating machine operators.

Phases of the construction where we were particularly successful in implementing the program was on our field survey crews, erection of multi-plate culverts, fencing, sub-ballast haul. Programming and guidelines were prepared by M-K Labor Relations Department and instructors selected from project personnel. Navajo concentrated employment program assisted in recruiting and certifying the applicants. In most instances applicants completing the program were retained and transferred to other phases of construction.

Morrison-Knudsen Company, Inc.

CONTRACTORS - ENGINEERS - DEVELOPERS

EXECUTIVE OFFICE
400 BROADWAY
P. O. BOX 7808, BOISE, IDAHO 83707

March 26, 1974

Mr. Jim Brewer
Box 1980
Phoenix, Arizona 85201

Dear Jim:

Pursuant to our phone conversation on Friday, I have dug into our Jobs '70 file and have found the following answer to the questions you posed.

1. As reported on the Monthly Progress Report and Invoice, we had 65 authorized training slots in Page, Arizona.
2. As of June, 1972, we had employed 81 trainees, 100% of whom were Navajo.
3. The breakdown by classification, number authorized, and number completing training is shown below.

	<u>Auth.</u>	<u>No. Completing Train. to Date</u>	<u>Tot. Emp. To Date</u>
Rodman	12	5	16
Construction Worker	23	14	33
Gen. Office Clerk	5	2	3
Instrument Man	1	-0-	1
Heavy Equipment Oper.	5	3	6
Duplicating Mach. Operator	1	-0-	1
Truck Driver - Heavy	<u>18</u>	<u>13</u>	<u>21</u>
TOTALS	65	37	81

4. The training rates of pay for all trainees during the life of the project was equal to the applicable labor rates of the local unions.

Page Two
Jim Brewer
March 26, 1974

5. After completion of training, all the trainees were hired full-time, through completion of the project.

I believe this answers all of the questions asked of you by the U. S. Civil Rights Commission. Please feel free to call again if you need further assistance.

Yours very truly,

David S. Harris
Assistant Director of Labor Relations

BECHTEL POWER CORPORATION
NAVAJO GENERATING STATION PROJECT
PAGE, ARIZONA

JOBS ENTRY PROGRAM

Program Objective: Preparatory training of Navajo Indian personnel for entry into indentured apprentice programs in skilled mechanical trades.

Contracting Agency: National Alliance of Businessmen (NABS) and U. S. Department of Labor.

Length of Contract: Nine months.

Authorized Number of Trainees: Total 25
15 Pipefitter Trainees
5 Boilermaker Trainees
5 Millwright Trainees

Number of Trainees Hired: 15 Pipefitter Trainees
5 Boilermaker Trainees
2 Millwright Trainees

Recruiting Agencies Utilized: Navajo Tribal Apprenticeship Office
Navajo Concentrated Employment Program (CEP)

Comments: Trainees, upon successful completion of the program, will be indentured into the respective craft union apprentice programs. Employment as apprentices will be provided on the Navajo Generating Station Project or with such other employees as the respective union may designate.

Trainees receive compensation for time spent in training. The hourly rates are established by the terms of the contract and are comparable to rates paid indentured apprentice personnel.

SALT RIVER PROJECT

P.O. BOX 1880
PHOENIX, ARIZONA 85001

TELEPHONE 273-5800

April 1, 1974

Mr. Lawrence B. Glick
Acting General Counsel
United States Commission on Civil Rights
Washington, D. C. 20425

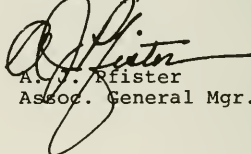
Dear Mr. Glick:

Attached is the additional information requested in your letter of March 12, 1974 on the JOBS ENTRY PROGRAM and the JOBS 70 PROGRAM conducted by Bechtel Power Corporation and Morrison-Knudsen, Inc., respectively during construction of the Navajo Generating Station and Black Mesa and Lake Powell Railroad at Page, Arizona.

The 81 Trainees reported by Morrison-Knudsen, Inc., in their attached correspondence during the period January 1971 and June 1972, does not coincide with the 88 Trainees reported previously. The source of the attached information is from Morrison-Knudsen's Monthly Progress Report and Invoice which would appear to be the correct information.

In the event further information is desired, please advise the undersigned or feel free to contact Morrison-Knudsen, Inc., or Bechtel Power Corporation direct.

Sincerely,



A. J. Pfister
Assoc. General Mgr.-Power

AJP/JB/ss
attachments

BECHTEL POWER CORPORATION
JOBS ENTRY PROGRAM
NAVAJO GENERATING STATION PROJECT
PAGE, ARIZONA

Contract Award Date: June 19, 1973
Authorized Length of Contract: 9 months
Authorized number of Trainees: 25

Breakdown 15 Pipefitter Trainees
 5 Boilermakers Trainees
 5 Millwright Trainees

Date training commenced: August 13, 1973
Total number of Trainees enrolled on contract: 21
Program completion date: January 16, 1974
Number of Trainees completing Program and entering craft union apprenticeship: 17

Breakdown 13 Pipefitters
 3 Boilermakers
 1 Millwright

Wage rates earned by Trainees upon entering into apprenticeship:

Pipefitter: 5.40 hr.
Boilermaker: 5.57 hr.
Millwright: 7.05 hr.

Recruitment of Trainee personnel for this Program was conducted through the Navajo Tribe Apprenticeship Coordinator's Office with the assistance of the Employment Assistance Branch of the Bureau of Indian Affairs and the Navajo Concentrated Employment Program. The Jobs Entry Contract provides that recruitment and enrollment may be conducted only during a ninety-day period following award of a contract.

R. D. Fountain
Project Superintendent
P. O. Box 1565
Page, Arizona 86040

Exhibit No. 29

Bechtel Corporation
Engineers—Constructors

Fifty Beale Street
San Francisco, California

Mall Address: P. O. Box 3965, San Francisco, CA 94119



March 18, 1974

Lawrence B. Glick, Esq.
Acting General Counsel
United States Commission on Civil Rights
Washington, D. C 20425

Re: U.S Civil Rights Hearing
Window Rock, Arizona
October 23, 1974

Dear Mr. Glick:

Enclosed please find a memorandum dealing with union hiring halls and their validity under Arizona's right to work laws and the compatability of Bechtel Power Corporation's international union agreements with a direct hire policy.

You will recall in your letter of January 18, you requested that we address these issues. Unfortunately, I have been out of the office and unable to prepare the answers to your questions and, therefore, offer my apologies for the delay in submitting this memo to you.

Should you have any questions after reviewing the enclosed memo, please do not hesitate to call me.

Very truly yours,

BECHTEL CORPORATION

Stephen D. Butler

MEMORANDUM

I. ARE UNION HIRING HALLS INCOMPATIBLE WITH ARIZONA'S RIGHT-TO-WORK LAW?

The Arizona right-to-work law provides, in relevant part, that:

"No person shall be denied the opportunity to obtain or retain employment because of non-membership in a labor organization, nor shall the state or any subdivision thereof, or any corporation, individual or association of any kind enter into any agreement, written or oral, which excludes any person from employment because of non-membership in a labor organization." Arizona Revised Statutes §1301, et seq.

The constitutionality of this right-to-work law was upheld in a decision which carefully pointed out that the statute was intended to prohibit union membership as a condition of employment and was not intended to otherwise curtail or abridge an individual's right to join a union or a union's right to represent its members. AFL v. American Sash & Door, 335 U. S. 538(1949). See also, Arizona Flame Restaurant v. Baldwin, 313 P. 2d 759 (1957).

In Arizona Flame, supra, the hiring hall agreement between the union and employer required that the employer hire only union members. The Arizona Supreme Court found that this type of arrangement clearly violated the statute because it required union membership as a prerequisite to employment.

The hiring hall in operation at the Navajo Generating Station, however, does not violate the right-to-work statute because it is operated equally for the benefit of union and non-union workers. Union membership is not a prerequisite for use of the hall, nor is it a consideration when job referrals are filled from the hall. Bechtel Power Corporation's use of the hall, therefore, does not deny employment to workers because of non-membership in a labor organization since union and non-union workers are required to be treated equally by the hall for the purpose of filling job orders.

Although there are no Arizona decisions dealing directly with the legality of a non-discriminatory hiring hall vis-a-vis the state's right-to-work law, other jurisdictions having right-to-work statutes similar to Arizona's have held that the operation of a

non-discriminatory hiring hall is not a violation of the right-to-work statute. See eq., NLRB v. Houston Chapter, Associated General Contractors of America, 349 F.2d 449 (1965), Cert. den., 382 US 1026 (1966).

The Houston AGC decision stated that the operation of a hiring hall which did not require union membership as a prerequisite to its use did not violate the Texas right-to-work statute. The rationale for this holding is based on the premise that state right-to-work laws are sanctioned by Section 14 (b) of the National Labor Relations Act which provides:

"Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State Law." (29 USC Section 164 (b)).

The court in the Houston AGC case held that the authority granted to states by Section 14 (b) is limited to state prohibition of agreements requiring union membership as a condition of initial or continuing employment. The court found that the statutory grant of authority provided by 14 (b) does not, however, give states the power to prohibit hiring halls which do not require union membership as a prerequisite to their use, and which do not distinguish between union and non-union workers for the purpose of filling job referrals.

The rationale of the 5th Circuit in the Houston AGC case is equally applicable to the use of union hiring halls at the Navajo Generating Station. The use of these hiring halls is not because of a "loophole" in the Arizona right-to-work statute. Rather, as the rationale in the Houston AGC decision makes clear, a hiring hall which is non-discriminatorily operated for the benefit of union and non-union workers alike does not violate, or even come within the auspices of state right-to-work laws.

Therefore, the hiring halls in operation at the Navajo Generating Station are not incompatible with Arizona's right-to-work law. Bechtel Power Corporation's use of the halls does not deny to any person the opportunity to obtain or retain employment because of membership in a labor organization since the halls are operated for the benefit of union and non-union workers alike, without regard to union or non-union status.

II. IS IT COMPATIBLE WITH BECHTEL POWER CORPORATION'S INTERNATIONAL UNION AGREEMENTS TO HIRE AT THE JOBSITE RATHER THAN THROUGH THE HIRING HALLS?

Each international union agreement to which Bechtel Power

Corporation is a party provides, in essence, that the Company will conform its hiring practices to established local union procedures. Such established local union procedures generally require the use of hiring halls in obtaining craftsmen. The hiring provisions in the international union agreements further stipulate that local hiring procedures will be used unless inconsistent with applicable law.

The use at the Navajo Generating Station of hiring halls does not violate Arizona's right-to-work law because they are operated equally for the benefit of union and non-union craftsmen alike, without the requirement that their use be conditioned on union membership. As such, the hiring hall clauses in the Company's national agreements are valid and lawful in Arizona since they do not, by their terms or operation, make union membership a condition of employment.

Therefore, if the Company were to hire workers at the gate, in direct contravention of the hiring hall provision contained in its agreements, it would be in violation of the terms and conditions of its agreements. Such action on Bechtel's part would not only expose it to liability for any damages incurred by the unions from Bechtel's breach of contract, but such action would also be violative of the National Labor Relations Act.

This is because if Bechtel were to unilaterally initiate a gate-hiring policy in violation of its collective bargaining agreements it would commit an unfair labor practice by violating Sections 8 (a) (5) and 8 (d) of the National Labor Relations Act.

In the Houston AGC case, supra, the Fifth Circuit held that a hiring hall provision is a mandatory subject of bargaining, notwithstanding state right-to-work laws. The hiring hall clauses in question are a legally established part of Bechtel's union agreements, and under Section 8 (d) of the National Labor Relations Act, they may not be unilaterally terminated or modified.

The establishment of a gate-hiring procedure by Bechtel Power Corporation at the Navajo Generating Station would, therefore, be incompatible with its international union agreements and would expose the Company to liability for breach of contract and for violation of the National Labor Relations Act.

Exhibit No. 30

NAVAJO AREA INDIAN HEALTH SERVICE

INFORMATION AND DATA

SUPPORTING F.Y. 1974 INDIAN HEALTH SERVICE BUDGET

DECEMBER, 1972

N A V A J O A R E A I N D I A N H E A L T H S E R V I C E

DECEMBER, 1972

Director - - - - - George E. Bock, M. D.

Executive Officer - - - - - Ralph A. Lauxman

NAVAJO AREA INDIAN HEALTH BOARD

Chairman - - - Benjamin J. Hogue

Vice Chairman - - - Frank Luther

MEMBERS

Wilmer Benally

Chavez Coho

Wayne Freeland

Lillian George

Ben Gilmore

Sallie Lester

Paul Maloney

Robert Pino, Sr.

Leonard Pinto

Elwood Saganey

Jimmie Store

Dr. Annie D. Wauneka

Jack White

George Young

NAVAJO AREA INDIAN HEALTH SERVICE

DECEMBER, 1972

GOAL OF THE NAVAJO AREA INDIAN HEALTH SERVICE:

TO PROVIDE THE PEOPLE SERVED BY THE NAVAJO AREA INDIAN HEALTH SERVICE THE HIGHEST QUALITY HEALTH SERVICES POSSIBLE WITHIN AVAILABLE RESOURCES, AND WITH THE ACTIVE PARTICIPATION OF THE NAVAJO PEOPLE, CONTINUE TO DEVELOP A HEALTH DELIVERY SYSTEM WHICH RESPONDS TO THEIR NEEDS.

N A V A J O A R E A I N D I A N H E A L T H S E R V I C E

INFORMATION AND DATA

SUPPORTING F.Y. 1974 INDIAN HEALTH SERVICE BUDGET

DECEMBER, 1972

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NAVAJO AREA INDIAN HEALTH SERVICE

INFORMATION AND DATA

SUPPORTING F.Y. 1974 INDIAN HEALTH SERVICE BUDGET

DECEMBER, 1972

INTRODUCTION

1. Area memorandum of January 24, 1972, reflected the problems in F.Y. 1972 created by large withdrawals of funds by higher echelons of the Department of HEW. This memo reflected a need for \$911,900 in mandatory increases against an actual increase in funds of \$651,900 for a loss in base of \$260,000.

The Gallup inpatient mental health ward was initiated in its infancy with 8 positions in F.Y. 1970, however the Headquarters additional allowance of 15 positions in F.Y. 1971 and F.Y. 1972 did not reflect the 8 positions from F.Y. 1970. Area memo of January 24, 1972, indicates the need of \$66,000 additional to the \$228,000 allowance, to support a total of 23 positions rather than 15.

The third problem in the F.Y. 1972 budget was the expected annualization for 64 new positions added in F.Y. 1971 with \$485,000, a portion of which was to be used for supplies. Although Headquarters did not specify how much should be used for supplies, it was strongly indicated at the Area Director-Executive Officer meeting that all Areas were expected to use a reasonable portion of the increase for supplies. The Navajo Area followed these instructions and utilized \$181,000 for supplies. Since the average annual salary was approximately \$8,836, the Area expected annualization of \$261,500 to a total of \$565,500 in F.Y. 1972, which did not occur. Headquarters later indicated that we should not have expected annualization and therefore should not have added or expected to add the full 64 positions. However there was no formal indication of this received by the Area, and in a telephone conversation with Headquarters on or about May 24, 1971, they requested information as to annualization needs for the positions added in F.Y. 1971 for both hospital and field health. The annualization allowed in field medical service of \$269,000 approximated the amount requested by the Area in that telephone conversation, but the \$261,500 requested in the same conversation for annualization of hospital positions did not materialize, leaving another hole in the budget balancing process. This series of events left the Area a total gross deficit of approximately \$588,000 which was covered in various ways including non-recurring funds the Area gratefully received from Headquarters

and economies initiated by the Area.

This reduction in base in F.Y. 1972, amounted to \$434,000 in hospital health and field medical services combined. It was the first time the Area was aware of such drastic cuts in base, since the previous year, F.Y. 1971, a cut of \$140,000 was made, and prior to that we operated on a fairly stable base from year to year except for the inefficient and uneconomical freezes in positions that took place in F.Y. 1968 and 1969. We apparently must take such large reductions in our base into serious consideration in the future since we lost another \$400,000 in the F.Y. 1973 base. Added together, the Navajo Area has suffered a loss of almost \$1,000,000 in base since F.Y. 1971.

A look at the tabulation of positions authorized by Headquarters, and Area utilization of the positions, provides some additional insight into budget base deterioration.

- a. The position allowance of 150 positions in field medical services in F.Y. 1968, deteriorating to 107 in F.Y. 1969, due partially to the 1968-1969 freezes but also a result of the Department of HEW withholding \$3,000,000 of IHS funds much of which was later released under Congressional pressure. However, when released it was non-recurring and was therefore not available in the future years' base.
- b. The position allowance of 150 in field medical services in F.Y. 1968 as compared to the F.Y. 1973 allowance of 173 positions in spite of adds of 28 positions in F.Y. 1971 and 10 in F.Y. 1972. Furthermore, with the present funded base in field medical services, the Area projection indicated only 155 positions can be supported this fiscal year, or 5 more than the F.Y. 1968 authorized.
- c. The 830 positions authorized in hospital health in F.Y. 1968, as compared to 907 in F.Y. 1973, in spite of position adds in F.Y. 1971, of 83 positions and in F.Y. 1972 of 29 positions plus 31 additional positions funded but not included in ceilings. These 31 positions are:
 - 8 long-term training replacements,
 - 17 Family Practice Residency positions added in F.Y. 1973,
 - 4 in the Pneumococcal Research Program, and
 - 2 positions formerly supported by Department of Labor Training funds.

Thus the total positions added since F.Y. 1968 would have resulted in an authorized ceiling of 973 (830+83+29+31) rather than 907. Furthermore, with the present funded base in hospital health, the Area projection indicates only 885 positions can be supported this fiscal year, or 55 more than in F.Y. 1968 but 88 less than the adjusted authorized ceiling of 973.

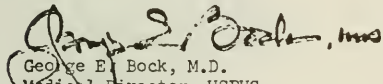
			5.
Navajo Area Population	94,055	= 20% of Total Indian Population of	477,546
Adjusted Navajo Area Population	130,000	= 25% of Adjusted Total Indian Population of	513,491
Navajo Area Average Daily Patient Load	395	= 24% of Total Indian Health Average Daily Patient Load	1,626
Navajo Area Outpatient Work Load	454,291	= 20% of Total Indian Health Outpatient Work Load	2,235,881
Navajo Area Outpatient Work Load - Hospitals only	292,003	= 23% of Total Indian Health Outpatient Work Load - Hospitals only	1,275,726
Navajo Area Admissions	18,127	= 24% of Total Indian Health Admissions	76,054
Navajo Area Newborns	3,161	= 32% of Total Indian Health Newborns	9,923
Navajo Area Budget	\$ 23,131,900	= 14% of IHS Budget of	\$166,540,000
Excluding CMC - Navajo Area Budget	\$ 20,203,800	= 15% of IHS Budget - Excluding CMC - of	\$135,632,000
Navajo Area CMC Budget	\$ 2,928,100	= 9.4% of IHS CMC Budget of	\$ 30,908,000
President's Budget CMC Increase	\$ 2,225,000	= 7.1% of IHS CMC Budget of	\$ 30,908,000
Navajo Area Budget CMC Increase	\$ 131,000	= 5% of IHS CMC Budget Increase	\$ 2,225,000
Navajo Area Positions -	1,394	= 18.5% of IHS Positions of	7,481

In the discussions at Headquarters the last of October, it was indicated that one reason the Navajo Area could not expect a larger increase than \$131,000 in CMC funds was because we are the largest Direct Service Area in IHS. This being true, the percentage of resources for direct patient care allocated to the Navajo of 14% appears to be significantly low when compared to our inpatient and admission work load of 24%, and hospital outpatient work load of 23%.

Thus, while percentage-wise we may have received our equitable share of the Presidential budget increase of CMC funds, it would appear an argument could be made to provide the Navajo with a larger portion of the total CMC funds to offset the lack of sufficient resources to take care of the direct patient care load.

5. All of the above leads to a further philosophic question relating to programs needed in Indian Health yet increasingly difficult to justify in view of declining availability of positions. The Navajo Area produces 2 Social Worker Associates each one to two years through training programs; also Nutrition-Technicians, X-ray and Laboratory Technicians, etc., and the latest training program of all, - the Community Health Medics.

All of these programs train Indian people in health professions but if positions are not going to be available to hire these people upon completion of training, then other steps should be taken to assure them of positions or decrease the volume of people being trained. Attrition and turnover has in the past made positions available for many trainee program graduates, but not all of them. In addition, the Navajo Health Authority with its \$5,000,000, 5-year grant to train Indian people in health careers, will promote additional pressure on IHS to supply jobs, which in view of past experience and future outlook would indicate are difficult to come by. Can we then use the funds for training programs to provide additional positions, and allow the Navajo Health Authority and other agencies to provide the training? In the Navajo Area alone, excluding the Community Health Medic Training Program, funds in excess of \$200,000 could be transferred to the operating program from training programs.


George E. Bock, M.D.
Medical Director, USPHS
Director, Navajo Area Indian Health Service

encl.

Resource Summary

FY 1973 Base Program

I. Patient Care

A. Direct	Positions	Dollars	Page No.
1. Hospital	880	\$ 11,496,000	10
2. M & R		552,100	37
3. Equipment			38
4. Mental Health	15	228,000	39
5. Medical Supplies ¹			42
6. Consultants		87,000	43
7. Medical Lab	8	115,000	46
8. Training ²	4	43,000	51
B. Indirect			
1. All other	3	2,774,100	55, 56
2. Dental		154,000	" "
3. Otitis Media ¹			" "

II. Field Health Service

A. Field Medical			
1. Pre. Health	159	2,286,000	98
2. Mental Health	28	462,000	110
3. Consultants		17,000	113
4. Trachoma	13	147,000	115
5. Mat. and Child	11	94,000	118
6. Alaska Native			
7. Comm. Health Rep.		1,050,700	122
8. Training ³	3	22,000	51
9. Equipment			125
10. Medical Supplies ¹			126
11. Otitis Media ¹			127
12. Eye Care ¹			130
B. OEH ⁴	72	953,000	134
C. Dental	82	1,065,000	139
D. PHN	63	737,000	144
E. Health Education	16	228,000	150
III. Area Office Services	37	621,000	153

1 Included in total

2 PH LPN School at Shiprock only, see pages 51-54 for other training

3 Social Worker Assoc. Training Program only, see pages 51-54 for other training

4 Includes Plague

Resource Summary

FY 1973 Current Program
Increase

1. Patient Care		
A. Direct	<u>Positions</u>	<u>Dollars</u>
1. Hospital	-22	-250,000
2. M & R		
3. Equipment		
4. Mental Health		
5. Medical Supplies		
6. Consultants		
7. Medical Lab		
8. Training		
B. Indirect		
1. All other	1	15,000
2. Dental		
3. Otitis Media		
II. Field Health Service		
A. Field Medical		
1. Pre. Health	-18	-200,000
2. Mental Health		
3. Consultants		
4. Trachoma		
5. Mat. and Child		
6. Alaska Native		
7. Comm. Health Rep.		
8. Training		
9. Equipment		
10. Medical Supplies		
11. Otitis Media		
12. Eye Care		
B. OEH	6	90,000
C. Dental		
D. PHN	-7	-70,000
E. Health Education		
III. Area Office Services	37	621,000

Resource Summary

Total Unmet Need

I. Patient Care

A. Direct	<u>Positions</u>	<u>Dollars</u>	<u>Page No.</u>
1. Hospital	383	4,063,932	18, 22, 26, 29,30,32
2. M & R	54	703,200	37
3. Equipment		759,513	38
4. Mental Health	9	66,109	41
5. Medical Supplies		443,300	42
6. Consultants		210,630	45
7. Medical Lab	59	1,185,000	49
8. Training		3,636,000 ¹	53
B. Indirect			
1. All other		1,671,000	57
2. Dental		190,000	57
3. Otitis Media		250,000	57

II. Field Health Service

A. Field Medical

1. Pre. Health	70	662,953	102, 106, 109
2. Mental Health	8 1/2	70,909	112
3. Consultants		46,000	114
4. Trachoma	1	60,000	117
5. Mat. and Child	51	510,000	120
6. Alaska Native			
7. Comm. Health Rep.	17	153,000	124
8. Training		(See Pg. 51)	51
9. Equipment		277,844	125
10. Medical Supplies		162,000	126
11. Otitis Media		600,000	129
12. Eye Care	19	425,000	133

B. OEH 11 170,000 137

C. Dental 54 914,986 143

D. PHN 28 230,956 149

E. Health Education 8 86,000 152

III. Area Office Services 22 300,000 154

¹Includes total Unmet Career Development Requirements

Resource Summary

FY 1974 Increment of Unmet Need

I. Patient Care

A. Direct	<u>Positions</u>	<u>Dollars</u>	<u>Page No.</u>
1. Hospital	138	1,380,000	13
2. M & R	7	90,000	13
3. Equipment		169,700	38
4. Mental Health	9	66,109	41
5. Medical Supplies		149,800	42
6. Consultants		210,630	45
7. Medical Lab	12	225,000	13, 49
8. Training	53	310,000	54
B. Indirect			
1. All other		1,671,000	57
2. Dental		190,000	57
3. Otitis Media		250,000	57

II. Field Health Service

A. Field Medical

1. Pre. Health	51	622,951=	102, 106, 109
2. Mental Health	8 1/2	70,909	112
3. Consultants		46,000	114
4. Trachoma		35,509	117
5. Mat. and Child	26	260,000	120
6. Alaska Native			
7. Comm. Health Rep.	17	153,000	124
8. Training		(See Pg. 51)	51
9. Equipment		52,600	125
10. Medical Supplies		162,000	126
11. Otitis Media		600,000	129
12. Eye Care		355,000	133

B. OEH 7 116,000 138

C. Dental 38 798,986 143

D. PHN 28 230,956 149

E. Health Education 4 40,000 152

III. Area Office Services 22 150,000 154

Exhibit No. 30

(IEP:mem 10-19-73)

NAVAJO AREA INDIAN HEALTH SERVICE BUDGETARY NEEDS

	F.Y. '73 Revised Allowances	*F.Y. '74 Proposed	*F.Y. '74 Required To Maintain F.Y. '72 Level	*F.Y. '74 Increment Of Unmet Needs	Total Required for Comprehensive Program
<u>DIRECT PATIENT CARE</u>					
Hospital Services	\$ 12,651,000	\$ 11,807,400	\$ 12,658,000	\$14,457,000	\$ 17,234,400
Meetings	2,000	2,000	2,000	2,000	2,000
Maintenance & Rep.	526,600	539,000	604,000	694,000	1,307,200
Family Prac. Res.	349,000	349,000	349,000	390,000	390,000
Med. Lab Program	115,000	115,000	125,000	125,000	125,000
Pharmacy Residency	31,000	31,000	33,200	33,200	33,200
Consultants	87,000	87,000	93,000	185,600	185,600
Inpatient Ment.Hlth.	228,000	228,000	302,200	368,100	368,100
PHN School	43,000	43,000	45,200	45,200	45,200
Reimbursements	108,600	67,000	92,600	92,600	92,600
Lab. Improvement	32,000	32,000	32,000	257,000	1,217,000
Less Taps	(400,000)	(424,000)	-0-	-0-	-0-
TOTAL DIRECT	\$ 13,773,200	\$12,876,400	\$14,336,200	\$16,649,700	\$ 21,000,300
<u>INDIRECT PATIENT CARE</u>					
Dental	\$ 164,000	\$ 169,000	\$ 169,000	\$ 359,000	\$ 359,000
Medical	3,473,100	3,075,000	4,046,100	5,967,100	5,967,100
TOTAL INDIRECT	\$ 3,638,100	\$ 3,244,000	\$ 4,215,100	\$ 6,326,100	\$ 6,326,100
TOTAL PATIENT CARE	\$ 17,411,300	\$16,120,400	\$18,551,300	22,975,800	\$27,326,400

	F.Y. '73	*F.Y. '74	*F.Y. '74 Required To Maintain F.Y. '72 Level	*F.Y. '74 Increment of Unmet Needs	Total Required for Compre- hensive Program
	Revised Allowances	Proposed			
FIELD HEALTH SERVICES					
Sanitation	\$ 991,200	\$ 946,000	\$ 970,000	\$1,086,000	\$1,140,000
Dental	1,148,500	998,400	1,091,000	1,890,000	2,006,000
Public Health Nurse	786,600	752,000	819,700	1,050,600	1,050,600
Health Education	232,400	233,000	240,900	280,900	326,900
Field Medical Svcs.					
Ambulance Care	2,975,300	2,400,800	2,684,500	3,902,100	3,902,100
Mental Health	542,200	350,500	376,500	447,400	647,400
Consultants	17,000	17,000	20,000	66,000	56,000
Commun.Hlth.Reps.	1,050,700	1,274,700	1,274,700	1,427,700	1,427,700
Social Wkr. Assoc.	22,000	22,000	23,200	23,200	23,200
Trachoma	156,400	132,300	181,000	246,500	271,000
Plague	62,000	62,000	107,600	107,600	107,600
Maternal & Child Hlth.	94,000	94,000	99,200	359,200	609,200
Otitis Media	100,000	200,000	200,000	800,000	800,000
Less Taps	<u>(76,000)</u>	<u>(70,000)</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
TOTAL FIELD HEALTH	\$ 8,102,300	7,412,700	8,038,300	11,687,200	12,377,700
AREA OFFICE SERVICES	\$ 647,300	629,000	677,400	827,400	977,400
EQUIPMENT REPLACEMENT	\$ 367,000			222,300	1,037,300
Sub total	\$ 26,527,900				
Less Non-recurring	(1,618,700)				
TOTAL AREA	\$ 24,909,200	24,162,100	27,317,000	35,712,700	41,718,800

- ✓ Mobile Dental Unit Purchased F.Y. '73 Not Included F.Y. '73.
- ✓ Transfer of Headquarters Mental Health Personnel to Albuquerque Area.
- * Does Not Include October Pay Raise.

*Exhibit No. 31*EQUIPMENT BUDGET DATA1. Purpose

This document prescribes the procedures to be followed in submitting the annual equipment budget plan.

2. References

HEW/FHS Personal Property Management Manual, Chapter 3-30, Use Standards; Chapter 3-40, Replacement Standards; HEW-53 Manual Circular - General Administration; and HEW-13 Manual Circular - Personal Property Management must be complied with prior to the acquisition of equipment.

3. Definitionsa. Equipment

An article of personal property which is complete in itself, is of durable nature with an expected service life of one year or more, and does not ordinarily lose its identity or become a component part of another article when put into use.

(1) Expenditized

An article having a unit cost of less than \$100 or meeting the criterion of HEW FPM, chapter 12-10-30A2.

(2) Capitalized

An article having a unit cost of \$100 or more or meeting the criterion of HEW FPM, chapter 12-10-30A2.

(3) Mechanical

An article of an administrative, technical, medical, or scientific nature which consists of working parts, generally requires preventive maintenance, and must be inventoried annually in accordance with HEW FPM chapter 12-10.

(4) Non-mechanical

An article of an administrative, technical, medical, or scientific nature which does not generally require preventive maintenance, at least to the same extent associated with mechanical equipment; but which must be inventoried triennially. This group includes, but is not limited to, articles of equipment such as desks, chairs, documents, bookcases, hospital furniture, and quarters furniture.

June 2, 1973

4. Annual Equipment Budget Plan

- a. The annual budget plan for equipment will be submitted in accordance with Exhibit No. 1 by the following categories:
- (1) Replacement.--Articles of capitalized equipment having a unit acquisition cost of \$100 or more.
 - (2) Replacement or Additional.--Articles of noncapitalized equipment having a unit acquisition cost of less than \$100.
 - (3) Additional.--Articles of equipment which, if acquired, would have a unit acquisition cost of \$100 or more.
- b. The Nonexpendable Equipment Control Program (NEECP) provides an annual equipment replacement report. The report is developed from the Consolidated Memorandum Receipt Record File (CMRF) submitted by each area office to the Automatic Data Processing Study Center, Albuquerque, New Mexico.
- (1) The file will be forwarded annually to the ADPSC to arrive no later than the third Monday in May.
 - (2) The report, Exhibit No. 2, will be prepared by the ADPSC within two weeks after receipt of the CMRF file and forwarded immediately to the appropriate area office.
- c. An analysis of the report must be made promptly in order that the annual equipment budget plan may be completed and forwarded to arrive in HH Headquarters no later than July 15.

The report received from the ADPSC will be prepared to place the replacement value for nonmechanical equipment, (3a(4)) above, outside of the 5-year budget plan regardless of the replacement year carried in the CMRF.

- (1) The total dollar value in the "Prior" year column must be reduced to zero. The memorandum forwarding the annual equipment budget plan must enclose an analysis sheet (Exhibit No. 3) itemizing the value of the actions taken to accomplish this requirement. The actions may represent one or more of the following reasons:
 - (a) Articles have been ordered but not delivered;
 - (b) Articles to be ordered prior to July 1;
 - (c) Articles will be purchased in next FY (this would indicate a top priority requirement);

June 1, 1968

- (d) Articles have been rescheduled for a specific year(s) - identify; and
- (c) Articles have been classified - not to be replaced.
- (2) Any change in the scheduled year of replacement for an article will affect the values in two columns of the report and the CRR in the file.
- (3) Replacement year changes to extend the life expectancy of an article within the range of the 5-year budget plan should not be made to extend the action on a year to year basis. For example, using Exhibit No. 2 as a guide, an article scheduled for replacement in 1970 should not be extended to 1971 for the current submission and then extended for one year on each subsequent submission. Such action would not be indicative of sound management practices.
- (4) The replacement values of articles moving into the budget year column (1970 for Exhibit No. 2) must be reevaluated to determine that they represent the latest estimate for replacement cost. The figure should include all charges required for shipment and installation. If the budget year replacement values for the annual equipment budget plan vary from the value shown on the equipment replacement report, it will be necessary to identify the reasons.
- (5) When it has been determined that capitalized nonmechanical equipment meets HEW replacement criteria, the replacement value will be deleted from the "After" column and added to the column for the budget year. The CRR for the articles will be corrected by eliminating the alphabetical "L" in column 41 and replacing it with a numeric "3." The replacement year will also be changed to correspond to the budget year.
- d. The values to be reported on the annual budget plan for articles of replacement or additional equipment having a unit acquisition cost of less than \$100 (see 4a(2) above) will represent 17% of the values reported under 4a(1) above.
- e. The requirement for articles of additional equipment estimated to have an acquisition cost of \$100 or more (4a(3) above) must be justified on a line item basis, the documentation for which will be attached to the annual equipment budget plan. This will be a refinement to the additional equipment requirements included in the estimates for the FFB 5-year plan.

1, 1968

5. Acquisition of Equipment

Funds for the purchase of articles of equipment will be allocated by an advice of allotment. This advice will identify the amounts applicable to the categories outlined in 4a above. Obligations are restricted for the use programmed unless authorized by IH Headquarters. Procurement files must be properly documented to support the actions taken.

a. Equipment Replacement

Life expectancy tables identify by broad categories of equipment the estimated number of years of useful life. The replacement of an article is not justified on the sole basis that it has met this criterion. Use and replacement standards established by HEM must be adhered to.

- (1) Articles may be replaced prior to the scheduled year under the following conditions:
 - (a) When the item is damaged beyond economic repair;
 - (b) When continued operation depends upon constant, excessive repair or operating costs; or
 - (c) When output requirements of the article are not compatible with the available level of staff capabilities.
- (2) The use of equipment replacement funds dictate that the article scheduled for replacement must be removed from use because it meets all replacement standards. The continued use of such an article will be considered a breach of ethics and cannot be condoned except as authorized in (3)(a) and (b) below.
- (3) The continued use of the replaced item under the condition outlined in 5a(1)(c) above is permissible under the following conditions: (a) when the replaced item is used to replace another like item located in the area concerned or within the Indian Health program and that replaced item is scheduled for replacement; or (b) when prior IH Headquarters approval, based upon a detailed documentation of justification to support the reprogramming of funds, is obtained and used to support the acquisition.
- (4) When continued use of a replaced article is condoned under (3)(a) or (b) above, it must have been determined that the condition of the replaced article, as well as the installation and transportation cost, justified such action as being economical and proper.

June 1, 1968

6. Disposal of Replaced Equipment

- a. Articles of equipment scheduled for replacement will not be retained in use or in reserve by activities of the Division of Indian Health after receipt and installation of the replacement article unless authorized by 5a(4) above.
- b. Articles of equipment replaced prior to the scheduled year in accordance with 5a(1)(c) by articles purchased with additional equipment funds may be reassigned first to an activity within the IHAO where the action took place, and secondly to other activities within the Division providing such action fulfills programmed additional equipment requirements.
- c. Articles of equipment transferred to account 137.2, "Personal Property (other than stores stock) Pending Disposal" shall not be returned to use in the Indian Health program except in cases of extreme emergency or in accordance with 5a(4) above.
- d. If the equipment cannot be utilized within the Indian Health program, it will be disposed of in accordance with chapters 4 and 5, IHS FMEL.

7. Procurement Files

The procurement file which contains the requisition for purchase of articles of equipment with replacement funds must be supported by a document indicating the final disposal action of the replaced item.

June 1, 1968

ANNUAL EQUIPMENT BUDGET PLAN

BUDGET YEAR 1970

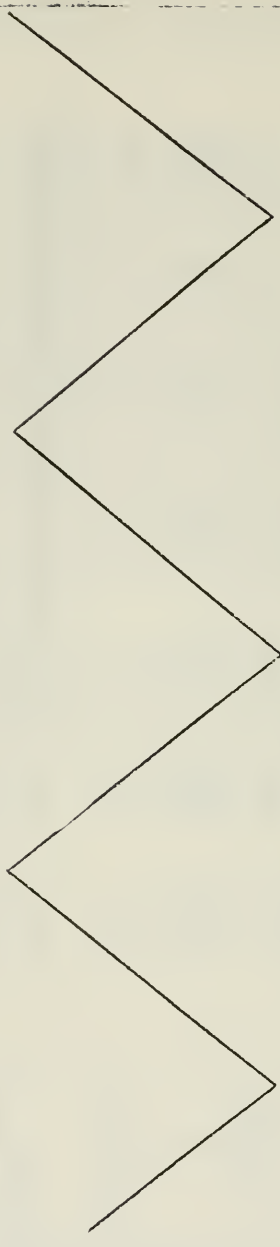
Indian Health Area Office
Tucson, Arizona

	1969	1970	1971	1972	1973	1974	AFTER
<u>Replacement</u>	17,524	31,012	21,533	7,445	4,677	4,430	59,587
Hospital Health	10,394	18,607	1,502	4,467	2,926	2,658	35,631
Field Health	6,930	12,405	1,001	2,978	1,951	1,772	23,754
Subactivity							
11	1,250	2,750	200	400	451	400	3,300
12	1,680	2,400	400	778	200	322	4,254
13	2,000	4,500	150	1,500	600	550	8,500
14	2,000	2,755	251	700	700	500	7,700
Noncapitalized	2,945	5,272	426	1,265	829	753	10,095
<u>Additional</u>	8,750	15,000					
Hospital Health	5,670	11,500					
Field Health	3,750	3,500					
Subactivity							
11	1,050	1,500					
12	500	700					
13	900	700					
14	900	600					

EQUIPMENT RETRACTION REPORT

STA	INDEX NO	DESC	ACQ COST	QTY	POJOR	1969	1970	1971	1972	1973	1974	AFTER SA
08	13056.4	CALC MACH EL	275	10			275					11
08	13068.0	ADDING SHIP W	560	1					360			11
08	13070.6	CALC MACH EL	470	10	470							11
08	13088.5	TYPEWRITER N	190	10			180					11
08	13088.6	TYPEWRITER D	110	10			110					11
08	13090.0	TYPEWRITER F	260	10					260			11
08	13100.2	TYPEWRITER P	242	10			242					11
08	13106.0	TYPEWRITER S	226	10			226					11

June 1, 1960



08	13375.2	X RAY DENTAL	750	10						750		52		
08	13375.7	HANDPIECE DE	80	10					80			52		
08	13376.5	HANDPIECE DE	50	10					80			52		
08	13382.1	BOTTLE WASH	230	1								230		
08	13387.5	MIXER	195	1								195		
08	13504.5	EVACUATOR EL	179	1								179		
08	13527.5	THERMOTRON P	185	1								185		
08	13553.4	SAM	201	1								201		
08	13571.2	COMPRESSOR	266	1								266		
08	13660.9	POJ SPWR	486	1								486		
08	13660.7	BUILD PRE FA	1074	1								1074		
			129590*				50936*	70825*	2503*	7645*	4077*	4630*	34389*	
			129590				50938	17324	20825	2503	7645	4877	4430	34385

FORM NO.

ANALYSIS OF EQUIPMENT REPLACEMENT REPORTBUDGET YEAR 1970

	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>AFTER</u>
PRIOR							
EXP**	17,324	20,825	2,503	7,445	4,877	4,430	34,395
ADJ. /1		+10,197					
		<u>31,012</u>					
" /2 - 5,000							
		<u>35,751</u>					
" /3 -10,751							
		<u>25,000</u>					
" /4 -25,000							
EXP**	17,324	31,012	2,503	7,445	4,877	4,430	+25,000
							<u>59,395</u>

/1 Value of articles which must be replaced in 1970.

/2 Value of articles on order and undelivered.

/3 Value of articles to be ordered prior to July 1, 1968.

/4 Value of articles where replacement has been deferred or extended beyond FY 1974.

* Values on Equipment Replacement Report (Exhibit No. 2).

** Values on Equipment Budget Plan (Replacement - Exhibit No. 1).

*Exhibit No. 32***3-9.1 PURPOSE**

This chapter sets forth the Indian Health Service policy regarding various ancillary clinical services which are not otherwise covered under Part 3, Chapter 1.

3-9.2 FAMILY PLANNING

- A. Purpose. To establish policy, program objectives and procedures for the Indian Health Service Family Planning activities in accordance with Health Services and Mental Health Administration Family Planning Policy Guidance, Circular No. 72.1, February 17, 1972 and HSMHA Policy on Abortion, Circular No. 72.2, February 17, 1972.
- B. Indian Health Service Policy on Family Planning. Family Planning assistance is one element of comprehensive health care. Family planning, as one phase of the total health and welfare program, is much broader than "birth control" and includes increasing fertility as well as the promotion of education for responsible parenthood. It is an essential element of the Maternal and Child Health program. The Indian Health Service activities concerning family planning are similar to those carried out in the normal course of any patient--physician relationship. The goal of the IHS is that each child shall be a wanted one. The purpose of the Indian Health Service in the area of family planning is to provide all Indians and Alaska Natives with the freedom to choose or not to choose family planning and, in addition, the freedom to choose among all the alternative methods of family planning, if they so desire. Individuals lacking adequate information on family planning cannot exercise intelligently their freedom of choice to determine the spacing of their children and the size of their families. Consequently, family planning information will be volunteered as an integral part of the comprehensive health program, with particular emphasis to mothers. It is IHS policy that Indian or Alaska Native families requesting assistance on family planning should receive it, irrespective of the reasons for the request. This information must be of a type that can meet the individual's needs, desires, and religious beliefs. Where, in medical judgment, a future pregnancy would be detrimental to the life or

CHAPTER 9
ANCILLARY CLINICAL SERVICES

3-9.2 (Continued)

health of the mother, the physician in attendance will volunteer advice, guidance and services on appropriate methods of family planning. Medical reasons include not only many disease entities but psychological factors as well. Spacing of pregnancies, for instance, may be important for the well being of mother and child. Married and unmarried women are eligible for services. In the case of minors the provision of family planning services shall conform with appropriate state laws concerning parental (or legal guardian) consent for medical treatment of minors. If a tribal or community group wishes a family planning program instituted, the IHS, upon request, will provide this. Activities conducted by the IHS shall guarantee freedom from coercion or pressure of mind or conscience. In no case should a family be told how many children they should have, except for sound medical reasons, and no single procedure should be forced on any individual seeking assistance. Indian Health Service personnel, particularly physicians, nurses, social workers and health educators, will cooperate actively with the Bureau of Indian Affairs and local boards of education in implementing and improving in the school setting programs on family life and sex education.

- C. Voluntary Character of Services. Indian Health Service physicians may abstain from providing birth control services if they have any moral or ethical objections to it. In these circumstances, they should withdraw from the case after making arrangements for the patient to be under the care of another qualified physician. If for medical reasons, a physician refuses to provide requested or medically indicated family planning services, he shall obtain and place in the record written concurrence or another qualified physician that such services would endanger the physical or mental health of the patient.
- D. Indian Health Service Program Objectives. The Indian Health Service has as its program objectives concerning family planning the following:
- (1) To improve the health of mothers and children,
 - (2) To provide information concerning the maternity cycle and its relation to health,

CHAPTER 9
ANCILLARY CLINICAL SERVICES

3-9.2 (Continued)

- (3) To provide information to families in order to let them make use intelligently of their freedom to choose the size of their families and the spacing of their children.
 - (4) To provide family planning services, when medically indicated or requested.
- E. Procedures. In the implementation of the Indian Health Service Family Planning program, services may include the prescription and provision of contraceptive drugs and devices, instruction in the rhythm method, abortion, sterilization, infertility treatment, and counseling as appropriate.
- F. Birth Control Methods Other Than Abortion and Sterilization. In the implementation of the program IHS physicians are free to recommend oral or parenteral contraceptive drugs, intra-uterine or other mechanical device, the rhythm method or any other scientifically recognized contraceptive method according to their own medical judgment and the desires and religious beliefs of the patient. When for personal or social reasons the individual decides that pregnancy is to be avoided and requests assistance, the Indian Health Service will provide medically accepted anti-conceptual methods of birth control to the extent of available resources. The Area offices will take the necessary steps to assure that in each IHS hospital and health center at least one physician will have the necessary training for the use of the intra-uterine devices. Eligible patients delivering in IHS or contract hospitals will be advised by the physician in attendance that information and services on family planning are available on request. Indian Health Service Public Health Nurses and Social Workers in their home visits will give similar advice to mothers and will refer them to the physician if information or services are requested.
- G. Abortion and Male or Female Reproductive Sterilizations.
- (1) Policy. The performance of abortion procedures in IHS facilities shall be in accordance with the laws of the state where the procedure is to be performed. The decision for a surgical sterilization is a matter between the physician and patient. Each Indian Health Service Area Director will

CHAPTER 9
ANCILLARY CLINICAL SERVICES

3-9.2 (Continued)

designate the facilities, under his jurisdiction, adequate for the performance of abortions and/or surgical (male or female) sterilizations. Facilities lacking the capability of providing these services shall refer eligible patients to the nearest facility having such capability, or will arrange for the services if funds are available, under customary contract medical care.

(2) Abortions.

- a. Although the doctrine of Federal supremacy provides that state and local laws shall not be binding on Federal officers and employees acting within the scope of their office, it is Presidential policy that abortion procedures in Federal medical facilities be made to correspond with the laws of the state where those facilities are located.
- b. No funds appropriated under Title X^{1/} of the Public Health Service Act will be used in the provision of abortions as a method of family planning. This restriction applies irrespective of state laws.
- c. A policy on abortion shall be established by the Indian Health Area Director for each qualified facility to conform with state and local laws and with usual and customary practices within their respective geographical areas. In states where two or more HSMHA facilities are located the policy on abortions shall be developed jointly. The Regional Attorney may be consulted in the preparation of such policy.

- (3) Sterilizations. Male or Female. The performance in IHS facilities of male or female sterilization procedures as a method of family planning is a matter to be decided between the patient and the physician, irrespective of state laws. No concurring medical opinions are necessary unless medically indicated because of known or suspected complications.

^{1/} "Family Planning Services and Population Research Act of 1970, PL 91-572". Title X does not apply to the Indian Health Service as it does not receive funds under this Title.

CHAPTER 9
ANCILLARY CLINICAL SERVICES

3-9.2 (Continued)

Indian Health Service regulations concerning surgical procedures - including informed patient consent - will be followed. The physician must be assured that the patient has been provided the necessary information to allow him or her to arrive at an informed decision. The written informed consent of the patient will be obtained before performing the procedure and placed in the patient's medical record. If the patient is married, the written consent of the spouse should be obtained also. There may be cases where the spouse is unavailable or refuses to give consent and the indications for the procedure are, in the judgment of the physician, critical to the physical or mental health of the patient. In these cases, the informed consent of the patient will be sufficient. The patient's record should show clearly why the consent of the spouse could not be obtained, and state the medical necessity and justification of performing the sterilization operation without the consent of the spouse. If the patient is a minor or otherwise incompetent to consent, the signature of the parent or legal guardian shall be obtained, but in such cases the consent of a minor who is sufficiently mature to understand the nature and consequence of the treatment shall also be obtained. The operation shall not be performed over the objection of the minor.

- (4) Abortions and Sterilizations Outside of IHS Facilities. The performance in a non-IHS facility of abortion and male or female sterilization procedures on IHS recipients of health care may be paid for with IHS funds, subject to their availability, if it is authorized within the applicable state law. IHS regulations relating to the provision of care under Contract Health Services will be adhered to.
- (5) Legal Consultation. The HEW Regional Attorney serving the areas where the IHS facility is located should be consulted as to the applicable state law, and when necessary his advice requested regarding any legal problems relating to abortions or reproductive sterilizations.

Exhibit No. 33



U.S. DEPARTMENT OF COMMERCE
 Social and Economic Statistics Administration
 BUREAU OF THE CENSUS
 Washington, D.C. 20233

February 5, 1974

Mr. Lawrence B. Glick
 Acting General Counsel
 United States Commission
 on Civil Rights
 Washington, D. C. 20425

Dear Mr. Glick:

This is in reply to your letter of January 25 requesting information about the Census Bureau's identification and classification of the American Indian population.

The data on the American Indian population in the 1970 Census of Population were derived from question 4, color or race, which was asked of all persons. The question on race was as follows:

4. COLOR OR RACE		
Fill one circle.		
If "Indian (American)," <u>also</u> give tribe.		
If "Other," <u>also</u> give race.		
<input type="radio"/> White	<input type="radio"/> Japanese	<input type="radio"/> Hawaiian
<input type="radio"/> Negro or Black	<input type="radio"/> Chinese	<input type="radio"/> Korean
<input type="radio"/> Indian (Amer.)	<input type="radio"/> Filipino	<input type="radio"/> Other— <i>Print race</i>
<input type="checkbox"/> <i>Print tribe</i> →		

The concept of race as used by the Bureau of the Census does not denote any scientific definition of biological stock. Rather, it reflects self-identification by respondents. Since the 1970 census obtained

information on race primarily through self-enumeration, the data represent essentially self-classification by people according to the race with which they identify themselves. For persons of mixed parentage who were in doubt as to their classification, the race of the person's father was to be used. Information on tribal affiliation was obtained through write-in entries made by persons who responded that they were American Indian.

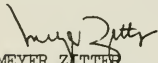
The following factors should be considered when comparing census data and Bureau of Indian Affairs estimates:

1. Bureau of Indian Affairs estimates are made annually whereas the census figure refers to those Indians counted in 1970. Since there would be some natural increase, it would seem reasonable to assume that estimates made for 1973 or 1974 would be larger than a figure for 1970.
2. Estimates made by the Bureau of Indian Affairs are based upon tribal rolls, which may not employ the same definitions as the corresponding census figures. For example, many tribal rolls include members of the tribe who have moved away from the reservation or State. The census figures refer to the Indian population actually living on the reservation or in the State on April 1, 1970.
3. Inasmuch as race was generally reported by the household members themselves in the 1970 census, the classification of persons as American Indian or of other race would be correct in terms of the preference of the respondent. This classification may differ from that of the Bureau of Indian Affairs or that recognized by various Federal and State laws but, of course, several bases of classification may be appropriate depending on the uses of the figures.

Referring to the hearing transcript (page 445), the Bureau does special censuses at the request and expense of the local community. Enclosed is a copy of the procedures to follow in requesting a special census.

If you wish to request a special census, or if we can be of further assistance to you, please let us know.

Sincerely,



MEYER ZITTER
Chief, Population Division
Bureau of the Census

Enclosure

U. S. DEPARTMENT OF COMMERCE
Social and Economic Statistics Administration
Bureau of the Census

FEDERAL SPECIAL CENSUSES

The Bureau of the Census stands ready to assist cities, towns, villages, counties, townships and school districts which need up-to-date census figures by taking a special census at their expense. Such a census, taken under Federal supervision, is consistent with the Federal censuses taken each 10 years. Many States recognize only Federal censuses for distribution of tax funds and other matters. If there is any doubt whether a special census would be recognized for the purposes the local government has in mind, it is suggested that the matter be cleared up with the appropriate State authority.

When the community desires to have a special census taken, an authorized official of the community should write a letter to the Director and request an estimate of the cost. He should indicate his estimate of present population. The community will then receive information regarding costs and maps needed by the Bureau. The present corporate limits and any annexations since the last Federal census must be shown on one of the maps, and must be certified as correct by an appropriate official.

If the community sends payment and maps to the Bureau to proceed with a census, normally the census will be scheduled within 60 to 90 days. A cost estimate which has not been accepted within 90 days by local officials is subject to revision to take into account any changes in wage rates or other costs that may have occurred.

CONDITIONS

The community agrees to pay all necessary expenses. These may exceed the estimate, particularly if the number of persons enumerated exceeds the expected population on which the cost estimate was based. The community agrees to provide suitable office space equipped with furniture, telephones, typewriters, and other equipment necessary for the successful completion of the census. The community should make available qualified, mature persons who are able and willing to work full time as enumerators in the special census. The census supervisor will interview and test these people and select those he considers suitable for the work. The decision of the supervisor in such matters is final.

A special census is undertaken only on the authorization of the appropriate local government. A countywide census must have the approval of the governing board of the county. After the final count has been tabulated, an official statement of the population will be issued to State and local officials unless the Bureau receives a written request that no official statement be released. However, the results of a completed census will be made available to the public by the Bureau in published form. Once the field work for the census has begun, the census can be stopped only with the approval of the Director.

The individual returns from a special census remain the property of the Bureau of the Census. Special tabulations at additional cost may be made available in the form of statistical summaries, provided that no information is released which might disclose the identity of any person. Special tabulations must be requested within three months of the date on which the special census count is finalized.

THE ENUMERATION

The special census supervisor, who will be an experienced employee of the Bureau of the Census, will make the necessary arrangements for the selection, appointment, and training of the staff, and the conduct of the enumeration. The standard schedule includes for each resident of the community, his name, relationship to head of household, age, sex, and color or race. Under certain circumstances, questions may be added, provided that additional lead time is allowed for preparing a new schedule and additional estimated costs are agreed upon.

The enumeration is conducted under the same rules as those which govern the Federal Decennial Census. Members of the Armed Forces living and stationed in the community are included in the enumeration, but persons who have entered the Armed Forces from that particular city or town and who are now stationed elsewhere are not included. Visitors who are staying in the area for the summer only or the winter only are not enumerated unless they are working in the area or have no usual residence elsewhere. Persons enrolled in colleges or universities are enumerated at the place where they stay while attending college.

At the conclusion of the enumeration, a preliminary count will be made by the supervisor and the results will be submitted to the local officials requesting the census. The census supervisor may also release preliminary figures to officials of the political subdivisions of the area enumerated, to news media, and others who are interested.

For areas of 50,000 or more inhabitants in which census tracts have been delineated, a tabulation of sex and race by age for tracts is published in a separate census report. Summary data for all special censuses are published in quarterly and annual reports issued by the Bureau.

SC-1
(3-22-73)

THE COST

The cost of a special census if based on the estimated population and the type of area to be enumerated. Special census cost in urban areas are slightly higher than the costs for areas which are essentially rural. Total estimated costs for special censuses of selected populations are as follows:

Population	Estimated total cost
100	\$620
500	\$840 to \$850
1,000	\$1,000 to \$1,020
5,000	\$2,180 to \$2,300
10,000	\$4,390 to \$4,680
20,000	\$7,165 to \$7,795
30,000	\$10,175 to \$11,165
40,000	\$12,880 to \$14,200

A part of this cost, the Bureau fee, will be paid directly to the Bureau, and the remainder will be paid locally on certification by the Bureau's representative. Local officials should not send any money to the Bureau until they have received an official cost estimate.

The final Bureau fee will be determined on the basis of the total population reported in the census. If the census count is less than the figure on which the initial fee was based, an appropriate refund will be made; if it is greater, the community will be billed for the difference.

A standard Bureau charge is not used for communities of 50,000 population and over and for most counties. An individual estimate of the total cost, including the amount to be sent to the Bureau and the local cost, will be prepared for each such place. Separate accounts will be maintained and the final charges will be based on the actual cost incurred.

The Bureau of the Census is authorized to conduct Federal special censuses by Section 8(b) of Title 13, U.S. Code. The Bureau cannot attest to the results of any census not taken under its direct supervision, nor will it accept volunteer, unpaid help for the enumeration in a Federal special census.

3. The cover page of the enclosed Bureau report explains some of the procedures underlying the BIA population and labor force statistics. These are local estimates, and the exact procedure varies from reservation to reservation depending upon the existence of records or recent surveys available at the particular location. The BIA does not conduct house to house surveys on a regular basis because this is very expensive, and there are many other Indian needs which take priority.

Sincerely yours,

La Follette Butler

Acting Deputy Commissioner of Indian Affairs

Enclosure

(See Exhibit No. 12c for the full text of this letter.)

ESTIMATES OF RESIDENT INDIAN POPULATION AND LABOR FORCE
STATUS; BY STATE AND RESERVATION: MARCH 1973

Coverage. The term resident Indian means Indians living on or near Federal reservations. It also includes Indians living in former reservation areas of Oklahoma, and all Indians and Alaska Natives in Alaska.

Tribal members may live anywhere and still be members of the tribe. It appears that the figures being reported for some reservations include some members living away, and thus correspond more to tribal membership than to resident Indians as defined above. The New Mexico pueblos in the Southern Pueblos Agency fall into this category, and probably the Navajo reservation also.

Labor force status is not estimated for over 30,000 Indians, mostly the rural California group. Information is lacking.

Estimated figures. The local Agency offices of the Bureau of Indian Affairs estimate the figures using whatever information is available. Accuracy varies from place to place; it is particularly difficult to estimate for Alaska, Oklahoma, and the Navajo reservation where Indians are scattered over enormous geographic areas.

Figures are reported to units, even though they are estimated, because of the many small figures which would not add to totals and subtotals if rounded.

Labor force status. The labor force reported here includes all persons 16 years and older except those who cannot work because they are attending school, caring for children, or are unable to work by reason of disability, retirement, or age. Unlike the national statistics, we include persons not seeking work, because of difficulty in estimating this group without expensive surveys. There are also problems in developing a useful concept of those seeking work in places where few jobs are available, as in many of the reservations. In any case, to include persons not wanting work in the labor force results in a higher unemployment rate than would be found in a standard household survey such as the Current Population Survey.

Employment is defined according to national standards, and refers to the third week of March, or a nearby week. The term "temporary employment" means jobs which are seasonal or part-time.

Age and sex. The total population distributed by broad age groups and by sex is given on the following page. Labor force status is not known for the various age groups.

B. RESIDENT INDIAN POPULATION, LABOR FORCE, UNEMPLOYMENT, AND UNDEREMPLOYMENT: SUMMARY BY AREA: MARCH 1973
(Tabulation of selected items as reported by Agencies.)

	POPULATION ON & ADJACENT TO RESERVATION	LABOR FORCE (16 YRS. & OVER)	UNEMPLOYMENT	RATE OF UNEMPLOY- MENT	TEMPORARY EMPLOYMENT	RATE OF UNEMPLOYMENT & UNDEREMPLOYMENT
BIA GRAND TOTAL POPULATION	542,897					
Population reported but not labor force status	30,066					
Total in labor force survey	512,831	167,321	61,678	37%	30,213	55%
Aberdeen Area	48,846	13,141	5,283	40%	2,321	58%
Albuquerque Area	34,952	12,961	4,373	34	1,848	48
Anadarko Area	23,713	6,313	2,956	47	966	62
Billings Area	30,450	8,259	3,259	39	769	48
Juneau Area	61,026	19,878	12,461	63	2,906	78
Minneapolis Area	22,052	6,660	2,546	38	1,256	57
Muskogee Area	62,538	22,572	3,784	17	4,546	37
Nava'jo Area	136,686	47,317	16,567	35	9,845	56
Phoenix Area Total Population	(50,879)					
Population reported but not I/f status	41					
Total in labor force survey	50,838	16,415	5,876	36	2,814	53
Portland Area	25,395	8,325	2,997	36	1,526	54
Sacramento Area Total Population	(36,255)					
Population reported but not I/f status	30,025		910	49	420	72
Total in labor force survey	6,230	1,858	666	18	996	45
Southeast Area	10,095	3,622				

POPULATION ESTIMATES FOR THE NAVAJO RESERVATION
 (prepared by Dr. Theodore W. Thoburn, 10-20-72)
 (Corrected 2-12-73)

The following sources of data are available:

1) The BIA maintains a population register of all Navajos living on or near the Reservation. This is updated by: a) Birth and Death Certificates; b) School Enrollments - either in BIA schools or public schools (the public schools get Johnson-O'Malley Funds for Indian students); c) Requests for service from the BIA; d) Tribal (and other) Court actions such as marriages, divorces, adoptions; e) Employment surveys, particularly in Eastern Navajo.

This register has been maintained for some time, with particular emphasis on bringing it up to date since 1964. Several items of information have been dropped because it caused too great problems in updating. This is the source of the population figures used by the BIA and Tribe.

2) In 1968 the Tribe made a survey of population by Chapter in connection with work programs. The general criteria used were Chapter members living in the Chapter area, but members not living in the Chapter area who might be eligible for work were often included. The BIA Vital Statistics Office compared these figures with their register and then arrived at Chapter population estimates by expanding the Chapter figures on a prorated basis to make the total equal their total. This expansion has been revised each year but no new survey has been made. For the past three years increases have been added on an agency basis. Comparisons with voter records from the 1970 Tribal Election showed all Chapters to be within plus or minus one standard deviation of the expected population except for St. Michaels Chapter which was considerably over.

Chapter membership has traditionally followed that of the mother. It is not definitely determined until a person tries to participate in Chapter affairs. The only Chapter significantly departing from the tradition is St. Michaels Chapter which is inclined to accept Navajos on a residency basis.

3) NTUA has estimates for the population of larger, on-Reservation communities for which they provide utility service. As this can include water, sewer, gas and/or electricity, estimates were available for all agency headquarters.

4) 1970 census figures are available for Indians. Enumeration Districts on-Reservation did not follow any other boundaries making comparison with Chapter estimates difficult. Also, locally many instances of under-enumeration are known. These figures were, however, used as a source of data for Indians living in bordertowns. These were obtained from the local Chambers of Commerce for New Mexico and from Arizona Department of Economic Planning and Development for Arizona.

5) Several local estimates made by the Service Units have suggested that in the more distant Chapters, not as many people can be found as are shown in the Tribal estimates. In Lower Greasewood only about 75% of the Chapter members were in residence. A study by Gallup utilizing family folders suggested that the more distant Chapters had less residence than called for with the Chapters closer to the trade centers having more.

In arriving at Service Unit populations the following assumptions have been made: 1) Our total Area population is similar to BIA's and Tribe's except for the Chapters of Ramah, Canonicito and Alamo. The population figures for these three Chapters have been subtracted from the Tribal figures to get our Total Population.

2) Most Chapter figures should be reduced by 1/4 to get actual residents. The exceptions are those Chapters surrounding border-towns, those Chapters on a major highway (I-40), and those Chapters with a significant community not separately estimate^d.

3) NTUA community estimates should be reduced by 1/2 to allow for non-Indian residents and local Chapter members. Navajo, New Mexico was reduced by only 1/3 as there are only minimal numbers of non-Indian residents.

4) Off-Reservation 1970 Census figures where used were taken at full value.

5) Tuba City Service Unit estimate was used for Moencopi Village. Attached is an initial comparison of several population estimates for the Navajo Area for 1970. As a result of this the Navajo Area Indian Health Board passed a resolution recommending to IHS Headquarters that the Tribal Census figures be used as a basis for our population estimates.

In using the data, although Chapter estimates are developed, it is suggested that age and sex breakdowns be limited to the Service Units as a whole.

6) According to BIA Vital Statistics Office, the January 1, 1971 figures were the most accurate and should be projected both forward and backward at 2.5% change per year. This was done for the over-all figures. For individual figures the following changes were used:

- a) Where NTUA estimates were used, their estimated growth rate was used.
- b) For Urban areas where 1970 Census figures were used a growth rate of 3% was used. Also for Moencopi Village.
- c) Elsewhere a rate of 2.5% was used.

POPULATION ESTIMATES FOR THE NAVAJO RESERVATION - Page 3
(Corrected 2-12-73)

Tabulated below are population estimates by Service Unit for the past four Fiscal Years based upon the April 1, 1971 Tribal Census Estimates. This is in keeping with a resolution passed by the Navajo Area Indian Health Board. These figures should be used with the data now being generated by the data system in program planning and evaluation both internally and when dealing with other groups. Re-revisions have been made as a result of more careful study of Service Unit and Chapter boundaries.

<u>SERVICE UNIT</u>	<u>FY 1969</u>	<u>FY 1970</u>	<u>FY 1971</u>	<u>FY 1972</u> (Provisional)
Chinle	20,750	21,350	21,900	22,450
Crownpoint	10,550	10,800	11,100	11,400
Fort Defiance	17,000	17,950	18,850	19,800
Gallup	18,000	18,450	18,950	19,450
Kayenta	8,850	9,100	9,350	9,550
Shiprock	25,900	26,900	27,950	28,950
Tuba City	11,150	11,450	11,750	12,050
Winslow	<u>9,050</u>	<u>9,300</u>	<u>9,550</u>	<u>9,800</u>
Total Area	121,250	125,300	129,400	133,450
Total Navajo Census (Less Ramah, Canoncito, Alamo)			128,123	135,853 (Including Ramah, Canoncito & Alamo)

COMPARISON OF THE
SEVERAL POPULATION FIGURES FOR
THE NAVAJO RESERVATION
1970
(Ramah, Canoncito, and Alamo excluded)

<u>Service Unit</u>	<u>Tribal Census</u>	Dr. Thoburn's		<u>1970 IHS</u>	<u>U. S. Census</u>
		<u>Initial Estimate</u>	<u>Revised Estimated</u>		
Chinle	19,796	19,373	19,400	13,600	12,301
Crownpoint	12,963	11,258	11,300	8,600	8,732
Fort Defiance	17,230	20,771	19,200	14,000	11,210
Gallup	19,497	19,322	19,500	17,000	17,876
Kayenta	9,309	8,794	9,100	7,200	5,301
Shiprock	26,819	25,721	25,700	20,500	22,092
Tuba City	10,376	10,906	10,900	10,900	5,990
Winslow	<u>8,858</u>	<u>9,856</u>	<u>9,900</u>	<u>9,400</u>	<u>8,051</u>
Totals	124,848	126,001	125,000	101,200	91,553

POPULATION ESTIMATES FOR THE NAVAJO RESERVATION - Page 5
(Correct 2-12-73)

CHINLE SERVICE UNIT		1971		
		<u>Tribal Census</u>	<u>Factor</u>	<u>Estimate</u>
4-1	Forest Lake	1601	0.75	1,201
4-2	Hard Rock (1/2 of 2189)	1095	0.75	821
4-3	Pinon	3194	0.75	2,396
4-4	Tah Chee	1646	0.75	1,234
7-4	Low Mountain	963	0.75	722
9-3	Rock Point	1233	0.75	925
10-1	Chinle	3996	0.75	2,997
10-2	Many Farms	1457	1.00	1,457
10-3	Nazlini	1631	0.75	1,223
10-4	Rough Rock	851	0.75	638
10-5	Tselani	1713	0.75	1,285
11-1	Lukachukai	1242	0.75	932
11-2	Round Rock	1006	0.75	754
11-3	Tsailee-Wheatfields	<u>1288</u>	0.75	<u>966</u>
		24,562		17,551

CHINLE ESTIMATED POPULATION

1969	8,177	0.50	4,088
1970	8,430	0.50	4,215
1971	8,683	0.50	4,342
1972	8,936	0.50	4,468

CHINLE SERVICE UNIT ESTIMATED POPULATION

1969	20,761
1970	21,327
1971	21,893
1972	22,458

CROWNPOINT SERVICE UNIT	1971		Estimate
	Tribal Census	Factor	
15-1 Becenti	548	0.75	411
15-2 Crownpoint	769	0.75	577
15-3 Lake Valley	551	0.75	413
15-4 Little Water	811	0.75	608
15-5 Nahodishgish	478	0.75	358
15-6 Pueblo Pintado	847	0.75	635
15-7 Standing Rock	829	0.75	622
15-8 Torreon-Star Lake	1,530	0.75	1,148
15-9 White Horse Lake	860	0.75	645
15-10 White Rock	355	0.75	266
16-1 Baca	822	1.00	822
16-3 Casamero Lake	658	0.75	494
16-8 Mariano Lake	722	0.75	542
16-12 Smith Lake	679	0.75	509
16-13 Thoreau	844	1.00	844
19-2 Nageezi (1/3 of 2187)	729	0.75	547
19-3 Ojo Encino	<u>688</u>	0.75	<u>516</u>
	12,770		9,957

CROWNPOINT ESTIMATED POPULATION

1969	2,153	0.50	1,076
1970	2,220	0.50	1,110
1971	2,287	0.50	1,144
1972	2,354	0.50	1,177

CROWNPOINT SERVICE UNIT ESTIMATED POPULATION

1969	10,541
1970	10,818
1971	11,101
1972	11,381

FORT DEFIANCE SERVICE UNIT		1971		Estimate
		<u>Tribal Census</u>	<u>Factor</u>	
16-14	Tsyatoh (1/4 of 783)	196	1.00	196
17-1	Cornfields	971	0.75	728
17-2	Ganado	937	1.00	937
17-3	Greasewood	1,265	0.75	949
17-4	Kinlichee	1,595	0.75	1,196
17-5	Klagetoh	1,352	0.75	1,014
17-6	Steamboat	1,198	0.75	898
17-7	Wide Ruins (3/4 of 967)	725	1.00	725
18-1	Crystal	793	0.75	595
18-2	Fort Defiance	3,071	0.75	2,303
18-5	Oak Springs	767	0.75	575
18-6	Red Lake	469	0.75	352
18-7	St. Michaels	841	0.75	631
18-8	Sawmill	<u>988</u>	0.75	<u>741</u>
		15,168		11,840
FORT DEFIANCE	1969	3,750	0.50	1,875
	1970	4,050	0.50	2,025
	1971	4,350	0.50	2,175
	1972	4,650	0.50	2,325
NAVAJO, NEW MEX.	1969	3,000	0.67	2,000
	1970	3,500	0.67	2,333
	1971	4,000	0.67	2,680
	1972	4,500	0.67	3,000
WINDOW ROCK	1969	3,750	0.50	1,875
	1970	4,050	0.50	2,025
	1971	4,350	0.50	2,175
	1972	4,650	0.50	2,325
FORT DEFIANCE SERVICE UNIT ESTIMATED POPULATION				
	1969			17,005
	1970			17,927
	1971			18,870
	1972			19,786

GALLUP SERVICE UNIT	1971 <u>Tribal Census</u>	<u>Factor</u>	<u>Estimate</u>
14-1 Coyote Canyon	1,137	0.75	853
14-2 Mexican Springs	1,051	0.75	788
14-3 Naschitti	1,372	0.75	1,029
14-4 Tohatchi	1,207	1.00	1,207
14-5 Twin Lakes	1,334	1.00	1,334
16-2 Bread Springs	931	0.75	698
16-4 Cheechilgeetho	1,449	0.75	1,087
16-5 Church Rock	1,486	1.00	1,486
16-6 Iyanbito	951	1.00	951
16-7 Manuelito	746	1.00	746
16-9 Pinedale	1,315	0.75	986
16-10 Red Rock	1,604	1.00	1,604
16-11 Rock Springs	778	1.00	778
16-14 Tsyatoh (3/4 of 783)	587	1.00	587
17-7 Wide Ruins (1/4 of 967)	242	1.00	242
18-3 Houck	1,321	1.00	1,321
18-4 Lupton	<u>687</u>	1.00	<u>687</u>
	18,198		16,384

GALLUP ESTIMATED POPULATION

	1969	2,235	1.00	2,235
	1970	2,304	1.00	2,304
	1971	2,373	1.00	2,373
	1972	2,472	1.00	2,472
SOUTH OF I-40 (Arizona)	1969	169	1.00	169
	1970	173	1.00	173
	1971	177	1.00	177
	1972	181	1.00	181

GALLUP SERVICE UNIT ESTIMATED POPULATION

	1969	17,979
	1970	18,451
	1971	18,934
	1972	19,447

KAYENTA SERVICE UNIT		1971 <u>Tribal Census</u>	<u>Factor</u>	<u>Estimate</u>
2-1	Inscription House	1,161	0.75	871
2-2	Navajo Mountain	954	0.75	716
2-3	Shonto	1,460	0.75	1,095
8-1	Chilchinbeto	909	0.75	682
8-2	Dennehotso	2,075	0.75	1,556
8-3	Kayenta	2,118	0.75	1,588
8-4	Oljato	<u>1,464</u>	1.00	<u>1,464</u>
		10,141		7,972

KAYENTA ESTIMATED POPULATION

1969	2,575	0.50	1,288
1970	2,650	0.50	1,325
1971	2,725	0.50	1,362
1972	2,800	0.50	1,400

KAYENTA SERVICE UNIT ESTIMATED POPULATION

1969	8,866
1970	9,098
1971	9,334
1972	9,571

SHIPROCK SERVICE UNIT		1971 <u>Tribal Census</u>	<u>Factor</u>	<u>Estimate</u>
9-1	Mexican Water	792	0.75	594
9-2	Red Mesa	1,316	0.75	987
9-4	Sweetwater	1,374	0.75	1,030
9-5	TeecNosPos	1,564	0.75	1,173
12-1	Aneth	1,456	0.75	1,092
12-2	Beclabito	867	0.75	650
12-3	Red Rock	2,152	0.75	1,614
12-4	Sanostee	2,103	0.75	1,577
12-5	Sheep Springs	1,306	0.75	980
12-6	Shiprock	6,270	0.75	4,702
12-7	Two Grey Hills	2,338	0.75	1,754
13-1	Burnhams	1,102	0.75	826
13-2	Fruitland	863	1.00	863
13-3	Nenahnezad	1,440	0.75	1,080
19-1	Huerfano	2,714	1.00	2,714
19-2	Nageezi (2/3 of 2187)	<u>1,458</u>	0.75	<u>1,094</u>
		29,115		22,730
SHIPROCK	1969	7,700	0.50	3,850
	1970	8,560	0.50	4,280
	1971	9,500	0.50	4,750
	1972	10,400	0.50	5,200
FARMINGTON	1969	427	1.00	427
	1970	440	1.00	440
	1971	453	1.00	453
	1972	466	1.00	466
SHIPROCK SERVICE UNIT ESTIMATED POPULATION				
	1969			25,885
	1970			26,882
	1971			27,933
	1972			28,964

TUBA CITY SERVICE UNIT		1971 <u>Tribal Census</u>	<u>Factor</u>	<u>Estimate</u>
1-1	Coppermine	1,220	0.75	915
1-2	Kaibeto	999	0.75	749
1-3	LeChee	412	1.00	412
1-4	Red Lake	1,951	0.75	1,463
3-1	Bodaway	1,120	0.75	840
3-2	Cameron	1,336	0.75	1,002
3-3	CoalMine Mesa	1,129	0.75	847
3-4	Tuba City	2,125	0.75	1,594
4-2	Hard Rock (1/2 of 2189)	<u>1,094</u>	0.75	<u>820</u>
		11,386		8,642
TUBA CITY				
	1969	4,475	0.50	2,238
	1970	4,613	0.50	2,307
	1971	4,751	0.50	2,376
	1972	4,889	0.50	2,444
MOENCOPI				
	1969	699	1.00	699
	1970	721	1.00	721
	1971	743	1.00	743
	1972	765	1.00	765
TUBA CITY SERVICE UNIT ESTIMATED POPULATION				
	1969			11,152
	1970			11,454
	1971			11,761
	1972			12,067

POPULATION ESTIMATES FOR THE NAVAJO RESERVATION - Page 12

WINSLOW SERVICE UNIT		1971		
		<u>Tribal Census</u>	<u>Factor</u>	<u>Estimate</u>
5-1*	Bird Springs	879	1.00	879
5-2	Leupp	1,426	0.75	1,070
5-3	Tolani Lake	1,029	0.75	772
7-1	Dilkon	1,091	1.00	1,091
7-2	Indian Wells	878	1.00	878
7-3	Jeddito	850	0.75	638
7-5	Teesto	1,297	0.75	973
7-6	White Cone	<u>979</u>	0.75	<u>734</u>
		8,429		7,035
WINSLOW	1969	1,080	1.00	1,080
	1970	1,113	1.00	1,113
	1971	1,146	1.00	1,146
	1972	1,179	1.00	1,179
HOLBROOK	1969	516	1.00	516
	1970	532	1.00	532
	1971	548	1.00	548
	1972	566	1.00	566
SOUTH OF I-40	1969	785	1.00	785
	1970	805	1.00	805
	1971	825	1.00	825
	1972	845	1.00	845
WINSLOW SERVICE UNIT ESTIMATED POPULATION				
	1969			9,069
	1970			9,309
	1971			9,554
	1972			9,801
Area Totals	1969	121,258		
(Corrected	1970	125,266		
2-12-73)	1971	129,380		
	1972	133,475		

Director
Division of Resource Coordination
Indian Health Service Headquarters

August 3, 1973

Director
Navajo Area Indian Health Service

WINSLOW SERVICE UNIT

In response to your memo of July 6, 1973, I totally concur with the desirability of resolving population differences and reconciling Area geographic boundaries. For some time my staff has been attempting to resolve the complex problem of population differences between the Office of Program Statistics, IHS and the Bureau of Indian Affairs - Navajo Tribal population register.

Although this activity is continuing, we recognized the immediacy of the Winslow Service Unit situation. At your request, therefore, we have made a concerted effort to reconcile geographic boundaries with the Phoenix Area generally, and specifically regarding Winslow Service Unit.

After engaging in dialogue with Phoenix Area, reviewing written agreements between Navajo Area and Phoenix Area, reviewing maps provided by Headquarters, and reviewing other pertinent data, the attached memo was prepared.

This memo and its supporting data delineate the Navajo Area's perception of its geographic boundaries contiguous to the Phoenix Area. In the immediate future we will follow this same process in regard to the Albuquerque Area.

As you will note, my staff has also attempted to rationalize the population within the defined boundaries.

Please advise me of any questions you may have regarding this matter.

George E. Bock, M. D.
Medical Director, U.S.P.H.S.
Director, Navajo Area Indian Health Service

Subject file
Chrono
JKnight/drc/8-3-73

Director
Navajo Area Indian Health Service

August 3, 1973

NAIHS/HIB

WINSLOW SERVICE UNIT

In reply to Dr. Lindsay's memo of July 6, 1973, the Enumeration Districts listed below belong in the Winslow Service Unit. This is based on the Agreement between the Navajo and Phoenix Areas, a copy of which is attached.

COCONINO COUNTY:	<u>Count Total</u>	<u>Age 5-14</u>
SED 11 (Leupp) - All	1,415	449
SED 12 (Disputed Land) - 1/4 (3/4 goes to Tuba City)	313	102
(NOTE: SED 13 is a corner of the Hopi Reservation in Land Management District 6).		
ED 31-49 (Flagstaff) - All	1,324	301
ED 53 (NE of Flagstaff) - 1/2 (1/2 goes to Tuba City)	33	3
ED 54 (Immediately N of Flagstaff) - All	0	0
ED 56 (N of Flagstaff) - 16 (1/6 goes to Tuba City and 2/3 goes to Phoenix Area)	1	0
ED 60 (SE of Flagstaff) - 1/2 (1/2 goes to Phoenix Area)	12	2
	<u>3,098</u>	<u>857</u>

(NOTE: ED 50-52 (Sedona); ED 55 (S of Flagstaff); ED 57, 58, 59; and ED 61 (Navajo Army Depot) all lie either South or West of Flagstaff and so belong in Phoenix Area).

Memo to Director, NAIHS, August 3, 1973 - - Page 2
 re: WINSLOW SERVICE UNIT

NAVAJO COUNTY:	<u>Count</u> <u>Total</u>	<u>Age 5-14</u>
SED 9 (Disputed Land) - All	1,947	612
SED 10 (Greasewood and South) - 1/4 (3/4 goes to Fort Defiance)	246	78
SED 11 (Dilcon) - All	836	247
SED 12 (Bird Springs) - All	212	69
ED 13-16 (Holbrook) - All	532	155
ED 17-24 (Winslow) - All	1,113	293
ED 25 (NE of Holbrook) - All	5	1
ED 26 (N and S between Holbrook and Winslow) - All	47	8
ED 27 (N and S of Winslow) - All	280	83
SED 28 (Petrified Forest) - All	0	0
ED 29, 30 (Snowflake) - All	123	55
ED 34 (NE of Snowflake) - All	3	1
ED 35 (NW of Snowflake) - All	22	7
ED 36 (Western part of Sitgraves Nat'l Forest, including Heber) - 1/3 (2/3 goes to Phoenix Area)	32	9
	<u>5,398</u>	<u>1,618</u>

Note: According to the Agreement, Phoenix Area would get:

ED 31 (Taylor) - All
 ED 32, 33 (Showlow) - All
 ED 36 (See above) - 2/3
 ED 37 (S of Snowflake) - All
 ED 38 (S of Showlow) - All
 SED 39-41 (Apache Reservation) - All

Memo to Director, NAIHS, August 3, 1973 - - Page 3
re: WINSLOW SERVICE UNIT

APACHE COUNTY:	<u>Count Total</u>	<u>Age 5-14</u>
SED 15 (Steamboat) - 1/5	248	85
(2/5 goes to Chinle and 2/5 goes to Fort Defiance)		
1	3	
Total Count for Winslow Service Unit according to 1970 U.S. Census	8,744	2,560
On Reservation	5,217	1,642
Off-Reservation	3,527	918

However, we do not feel that this figure is correct. In keeping with a resolution passed by the Navajo Area Health Board, we feel we should be basing our population estimates on the BIA Population Register. If we compare comparable geographic areas, the 1970 U.S. Census is 26.2% below the BIA Population Register over-all and 20.8% below the Register in the 5-14 year old age group. Unfortunately, it is impossible to directly transpose BIA Agencies into Service Units. The most reliable residence data available besides the U.S. Census to aid in this distribution is the BIA School Census. After eliminating those children identified as living "Off-Reservation" and those for whom no information was available, there are still 9.7% more children in the 5-14 year old age group than show up in the Population Register. The comparison of figures is attached as an appendix. It would seem that a reasonable population estimate would be to accept the BIA Population Register for "On Reservation" and "Checkerboard" residents and the 1970 U.S. Census for "Off-Reservation" residents lying within our Service Area. This would count double any persons still carried on the Register, but who were actually living immediately "Off Reservation". However, this would not count any non-Navajo eligibles living on the Reservation, for example, the Hopies at Moencopi. In view of the even larger number of children in the 5-14 year old age group identified in the School Census, we feel that this is a fair trade-off. The added advantages to us of using the BIA figures is that once the boundary equivalents are worked out, we have a ready method updating our figures, and of estimating locations within the Service Units.

Memo to Director, NAIHS, August 3, 1973 - - Page 4
 re: WINSLOW SERVICE UNIT

<u>School Census District</u>	<u>School Census</u>	<u>Ratio Sch/Reg.</u>	<u>Age 5-14 Adjusted to Pop. Register</u>	<u>Ratio 5-14/ Total</u>	<u>Total Pop.</u>
Fort Defiance Agency:					
Dilcon	1,195				
Greasewood (1/4)	127				
Toyei (1/3)	268				
	<u>1,590</u>	0.8257	1,313	0.2773	4,734
Tuba City Agency:					
Sand Springs	120				
Tolani Lake	230				
Leupp	630				
	<u>980</u>	0.8882	870	0.3083	<u>2,823</u>
					Total "On Reservation" 7,557
					From 1970 U.S. Census - Total "Off Reservation" <u>3,527</u>
					Total S.U. Population 11,084

Theodore W. Thoburn, M. D.
 Chief, Health Information Branch

APPROVED:

 Mr. Jack Knight
 Chief, Office of Planning and Program Development

Attachments

cc: Service Unit Director, PHS Indian Hospital, Winslow

Mr. Gordon Aidr, Phoenix Area Office

APPENDIX - COMPARISON OF 1970 SCHOOL CENSUS AND 1971 POPULATION REGISTER ADJUSTED TO 1970.

AGENCY:

	Chinle	Fort Def.	Ship-rock	Tuba City	Total On-Res.	Eastern Navajo * "Checker-board"	Total On-Res. & "Checker-board"	Off-Res.
School Census Age 5-14	6,560	9,628	8,455	8,611	33,254	8,445	41,699	
Less "Off Reservation"	24	46	602	504	1,176	70	1,246	
Less "No Information"	0	15	3	109	127	171	298	
Net School Census	6,536	9,567	7,850	7,998	31,951	9,204	40,155	1,246

Population Register
Age 5-14
Ratio:
Population Register/
School Census

	0.9720	0.8257	1.0025	0.8882	0.9147	0.9014	0.9120	
Total Population	21,149	28,485	25,380	23,044	98,058	24,775	122,833	
Ratio: Age 5-14/ Total Pop.	0.3004	0.2773	0.3101	0.3083	0.2980	0.2985	0.2981	

1970 U.S. Census:	Age 5-14	Total Population
	21,764	29,009
	67,503	90,612
	7,245	1,186
	23,109	4,362

* Ramah, Canoncito and Alamo have been excluded.

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

TO : Director
Division of Resource Coordination
Indian Health Service Headquarters

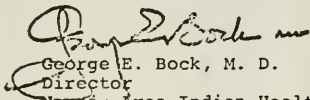
DATE: September 6, 1973

FROM : Director
Navajo Area Indian Health Service

SUBJECT: NAVAJO AREA SERVICE UNIT BOUNDARIES

Enclosed are the boundary materials you requested in your memo of July 31, 1973 as prepared by Dr. Thoburn. Included are maps, and copies of agreements between our Area, Albuquerque and Phoenix Areas. We still feel there is ample evidence that the BIA Population Register is more accurate than the 1970 U.S. Census and that we should follow the recommendation of our Health Board and use it as the basis of our population estimates. It has the further advantage that there is a constant effort to increase its accuracy, whereas the 1970 U.S. Census will not be corrected for another six years.

It is of note that the difference between the Population Register and the U.S. Census is not uniform. In the "Checkerboard" in New Mexico the Census was 89% of the Population Register, whereas for the "On Reservation" portions (mostly Arizona) it was only 69% of the Register. As the Register is run by a single, local Agency and the Census was done by several different non-continuing groups, it appears reasonable that the Register is fairly consistent in its accuracy. Even allowing that the Census might be right in the "Checkerboard", it would still appear that the Census was 20% low "On Reservation".


George E. Bock, M. D.
Director
Navajo Area Indian Health Service

Enclosure

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATIONTO : Director
Navajo Area Indian Health Service

DATE: September 6, 1973

FROM : NAIHS/HIB

SUBJECT: SERVICE UNIT AND AREA BOUNDARIES

As requested by Dr. Lindsay in his memo of July 31, 1973 we have defined our boundaries and correlated them with enumeration districts. Attached are maps for detail, and copies of boundary agreements between the Navajo Area and the Phoenix and Albuquerque Areas. Also attached is the justification sheet used in our discussion with Albuquerque on fixing the boundary.

A few special comments:

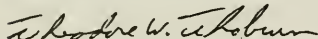
1. Winslow Service Unit has been again included for completeness. It has been necessary to change the split of Navajo County ED 35, between the Navajo and Phoenix Areas after study of a more detailed map than the ones supplied from Mr. Spector's office. This resulted in a loss of seven persons to the Navajo Area. Also, although there has been no change in Winslow's split of Apache County ED 15, there has been a change in the split between Fort Defiance and Chinle.

2. Again I have included a comparison with the BIA figures as I still feel they are the more accurate. As stated in the Winslow write-up, it appears that the "Off Reservation" figures in Arizona should be in addition to the BIA figures. Although this should possibly be so in New Mexico as well, after counting Gallup and Farmington in, there really aren't that many living outside the "Checkerboard" as shown on the Tribal Chapter maps.

3. In obtaining the 5-14 year old age group from the 1970 U.S. Census runs, I took the same portion of the 5-14 year old age group of "Other Races" (not White or Negro) as Indians accounted for in all age groups. In distributing the BIA Population Register between Service Units, I used School Census District figures, reduced them to Population Register levels and then expanded them from 5-14 year old age group to total population. The figures so developed are only 0.11% below the figures taken straight from the Population Register for the Area as a whole. It should be mentioned here that I have learned that Ramah is not included in agency figures so I am not subtracting it as I did in previous presentations.

Memo to Director, NAIHS, September 6, 1973 - - Page 2
re: SERVICE UNIT AND AREA BOUNDARIES

4. Unfortunately part of the confusion in Headquarters was a misreading of a previous presentation where I tried to group together blocks of land in which I could get fairly comparable boundaries for Enumeration Districts on the one hand and Chapter boundaries on the other. Unfortunately, such blocks of land had to cross State, County and Service Unit borders. Headquarters mistakenly lined up EDs with Chapters and Service Units within these blocks.



Theodore W. Thoburn, M. D.
Chief, Health Information Branch

Attachments

cc: Mr. Jack Knight, Navajo Area
Mr. Don Bergstrom, Albuquerque Area
Mr. Gordon Aird, Phoenix Area

SUMMARY COMPARISON BY SERVICE UNITS

Service Unit	Total Population U.S. Census	BIA Register	U.S. Census	Age 5 - 14 Adjusted to Reg.	School Census
Chinle					
On Reservation	12,457	20,963	4,031	6,269	6,518
Crownpoint					
On Reservation	558	-	180	-	-
Checkerboard	8,320	12,926	2,697	3,858	4,053
Totals	<u>8,878</u>	<u>12,926</u>	<u>2,877</u>	<u>3,858</u>	<u>4,053</u>
Fort Defiance					
On Reservation	11,943	16,606	3,799	4,605	5,577
Checkerboard	296	-	97	-	-
Totals	<u>12,239</u>	<u>16,606</u>	<u>3,896</u>	<u>4,605</u>	<u>5,577</u>
Gallup					
On Reservation	6,090	7,146	1,870	1,982	2,400
Checkerboard	10,202	9,335	2,886	2,787	2,927
Sub-Totals	<u>16,292</u>	<u>16,481</u>	<u>4,756</u>	<u>4,769</u>	<u>5,327</u>
Off Reservation	170	(170)	63	(63)	-
Totals	<u>16,462</u>	<u>(16,651)</u>	<u>4,819</u>	<u>(4,832)</u>	
Kayenta					
On Reservation	7,543	9,187	2,541	2,832	3,189
Shiprock					
On Reservation	16,749	24,731	5,461	7,669	7,650
Checkerboard	4,413	3,904	1,366	1,165	1,224
Totals	<u>21,162</u>	<u>28,635</u>	<u>6,822</u>	<u>8,834</u>	<u>8,874</u>
Tuba City					
On Reservation	7,155	11,730	2,395	3,611	4,045
Off Reservation	34	(34)	3	(3)	-
Totals	<u>7,189</u>	<u>(11,764)</u>	<u>2,398</u>	<u>(3,614)</u>	
Winslow					
On Reservation	5,217	7,557	1,642	2,183	2,570
Off Reservation	3,520	(3,520)	916	(916)	-
Totals	<u>8,737</u>	<u>11,077</u>	<u>2,558</u>	<u>3,099</u>	
Area Totals					
On Reservation	67,712	97,920	21,919	29,151	31,949
Checkerboard	23,231	26,165	7,046	7,810	8,204
Sub-Totals	<u>90,943</u>	<u>124,085</u>	<u>28,965</u>	<u>36,961</u>	<u>40,153</u>
Off Reservation	3,724	(3,724)	982	(982)	-
Totals	<u>94,667</u>	<u>(127,809)</u>	<u>29,947</u>	<u>(37,943)</u>	

APPENDIX - COMPARISON OF 1970 SCHOOL CENSUS AND 1971 POPULATION REGISTER ADJUSTED TO 1970.

AGENCY:

	Chinle	Fort Def.	Ship-rock	Tuba City	Total On-Res.	Eastern Navajo * "Checker-board"	Total On-Res. & "Checker-board"	Off-Res.
School Census Age 5-14	6,560	9,628	8,455	8,611	33,254	8,445	41,699	
Less "Off Reservation"	24	46	602	504	1,176	70	1,246	
Less "No Information"	0	15	3	109	127	171	298	
Net School Census	6,536	9,567	7,850	7,998	31,951	8,204	40,155	1,246

Population Register
Age 5-14

7,810

Ratio:

Population Register/
School Census

0.9720

Total Population

Ratio: Age 5-14/
Total Pop.

0.9720 0.8257 1.0025 0.8882 0.9147 0.9520 0.9223

1970 U.S. Census:

Age 5-14
Total Pop.

21,149 28,485 25,380 23,044 98,058 26,164 124,222 0.2985 0.2981

* Less Alamo, Canoncito and Ramah.

21,919 7,046 28,965 67,712 23,231 90,943 3,724

Exhibit No. 34



(505) 265-7957

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August 23, 1972

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CHESTER YELLOWHAIR

REPORT

To: All persons concerned with Indian Education
From: Earl J. Waits and other NILT Staff members *EJW*
Subject: The use of Johnson O'Malley funds for basic support in Arizona

We have on several occasions asked why Johnson O'Malley money is used for basic support in Arizona. The standard answer from State and local school authorities has been that JOM money is necessary for basic support because the enrollment of Indian students from non-taxable lands creates a financial burden upon the district. They contend that it is necessary for them to use JOM in this was in order to keep their schools open.

In reviewing the statistics on public school finance for the fiscal year 1970-71, the only year for which we were able to get complete statistics, we find some very interesting facts. Our figures were compiled from the publication, "ANNUAL REPORT OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION, Statistical Section, for the Fiscal Year 1970-71," published in compliance with Arizona Revised Statutes § 15-123, by the office of the Superintendent of Public Instruction, State of Arizona. Our figures represent those reported to that office, and any errors, other than typographical errors, in our figures result from errors in reporting to or compilation by that office.

We now refer the reader to attachments A, B, and C, to this report. We find that in all common size groups, with the exception of the elementary schools of ADM (average daily membership) 10,000-20,000, those districts that receive Johnson O'Malley funds receive more money without JOM than the districts which do not subsequently receive any JOM aid. In that one large grouping we find that the per pupil receipts in the JOM district is only \$17 per pupil less than in the comparably sized non-JOM districts. This difference is not significant in light of the size of these districts. In all other cases, the difference ranges from a low of \$34 per pupil in

the large high school districts (which may or may not be significant) to a high of \$846 per pupil in the smallest elementary districts (ADM 0-150). All of these averages are higher in the districts that subsequently receive Johnson O'Malley money.

It is interesting to note that the non-JOM elementary districts in the ADM range of 0-150 receive an average of only \$1,354 per pupil, while the JOM districts in that group receive \$846, or 63% more money per pupil before JOM is added. When JOM is added the difference is then \$1,362 per pupil, or 101% more. It is also significant to note that, in all cases, these are the amounts received before P.L. 89-10 (Title I, etc.) or other categorical aid is received. They represent only that money which is considered operational funding by the State of Arizona.

Therefore, we fail to see how the enrollment of Indian students creates any financial hardship on the district which receives these students. The reason that the districts which enroll Indian students do so well, financially, is readily apparent. While the parents of most of these students pay no property taxes, the children do make the district eligible to receive general aid from Public Law 81-874 (Impact Aid). In every case we have found, and it seems to hold true in Arizona, the district receives more, in some cases two or three times more, money for each child from P.L. 874 than it would if that child lived on taxable land and paid property taxes.

It seems to us absurd to say that a district which has a greater financial base to start with can successfully argue that it needs additional money to keep its schools open, when the poorer schools which cannot qualify for JOM are able to operate. This then brings us to the next topic.

When confronted with the above statistics the school officials contend that in their district there are certain "hidden costs" which make it necessary for them to use JOM for basic support. When we asked them why these hidden costs would not be reflected in our analysis, they maintain that we did not have the correct statistics in the beginning. As stated previously in this report, our figures were taken from an official report, compiled pursuant to an Arizona State law.

If our figures are not correct, the two questions must be asked: 1. "Why were not the correct figures reported to the State Department of Public Instruction?" and 2. "What are the correct figures?"

If the correct figures were not reported to the State Superintendent, was it because of error or misrepresentation? If the cause was an error in reporting, more care should be taken to insure that such errors are not repeated. If the cause was misrepresentation, a violation of the law is then apparent. In either case something should be done to correct the problems.

We are then faced with another problem. If there truly are "hidden costs" that would make basic support from JOM funds necessary, but they are not reported to the Bureau of Indian Affairs, Phoenix Area Office, why has the BIA consistently approved the use of JOM for basic support? If our figures are correct, there can be no possible justification for the use of JOM for basic support, and if the districts do not supply additional

information, which is documented, then the BIA is wrong in approving funding for those districts. If this other information is documented to the BIA, why is it not documented to the State of Arizona? There must be a uniform reporting requirement so that all the facts can be presented. We are not dealing with the accounting of a few dollars but rather a large sum (several million dollars) of money. And even beyond pure monetary considerations, we are dealing with the quality of education for the children, especially the Indian children, of Arizona.

As we delve further into the situation in Arizona, we are faced with determining what a basic school program is. When we asked if Arizona had minimum standards for public schools, we were told that they did not. How then does one determine what is considered to be a basic school program? Further, how does one determine whether a specific instructional program is a basic one? Is underwater basket-weaving a basic program? How about English as a second language or hogan-building, or speech and debate, or Kindergarten, or remedial math and English? The list of programs goes on and on. In one school a program is considered basic; in another the same program is a supplemental one.

The districts which receive JOM and subsequently use it as basic support claim that they have as a part of their basic school curriculum, certain programs that are designed for their Indian students. Can the school's officials tell anyone exactly how much these programs cost? The answer is no. There is no separate accounting of program costs by source of funds when that program is considered a basic school program.

When it is suggested that JOM money be restricted solely to supplemental programs for Indian children, the school officials say that if this happens they will have to cut certain programs for Indian children out of their curriculum. This simply is not the complete truth, for some of these programs are supplemental in nature and could still be funded by JOM. The districts do not want to have to account for their JOM money separately because they could not then use part of their JOM funding for other programs that do not benefit Indian children. Their statements are simply half-truths designed to keep the Indians in their place, out of the decision making process which directly affects their children.

Since there is no separate accounting of JOM funds, parents of Indian children, and even Federal government officials are forced to accept the word of the local school officials when told that JOM is used only on Indian children. It is impossible for anyone, even the best auditor in the world, to determine what the school district is really doing with the money. If the districts really are using the money for their Indian children, why do they seem so afraid of having anyone check on them?

In summary, it seems absurd to us to believe that all school officials in Arizona are so honest and well meaning that they would not try to get as much money as possible to use in general school operation. It certainly makes their chore much easier if they can use JOM for any purpose. No other place in the country is so willing to trust its school officials this much, so why is Arizona? Maybe the clear Arizona air has the effect of making an honest person out of anybody. If this is the case, maybe we should consider sending all the dishonest people in the United States to Arizona for reform. Much has been said about the benefits of living in Arizona; this is one aspect we have not yet heard about. So endeth this long dissertation. PEACE . . .

ARIZONA ELEMENTARY SCHOOLS

(F.Y. 1970-71 Comparison of JOM vs. Non-JOM Districts)

Attachment A

DISTRICT	Total Adm. All Students	Oper. Budget Receipts w/o JOM	Per Pupil Receipts w/o JOM	JOM Receipts	Oper. Budget Receipts w/ JOM	Per Pupil Receipts w/ JOM
JOM DISTRICTS (S.M. 0-150)						
Young	38	216,415	5,695	9,000	225,415	5,932
Mocasin	11	18,026	1,639	368	18,394	1,672
Valentine	18	25,261	1,403	1,125	26,386	1,466
Keams Canyon	117	145,046	1,240	84,348	229,394	1,961
JOM Averages	184	404,748	2,200	94,841	499,729	2,716
Non-JOM Districts						
Alpine	35	26,292	751			
Concho	31	18,404	594			
AshCreek	47	45,059	980			
Bowie	115	139,967	1,217			
Cochise	35	114,977	3,285			
Double Adobe	56	96,216	1,718			
McNeal	36	60,466	1,680			
Ponarana	71	85,939	1,210			
Pine	47	87,254	1,856			
Aguila	78	122,524	1,571			
Norristown	46	56,826	1,235			
Hackberry	13	28,312	2,178			
Littlefield	14	17,150	1,225			
Pinedale	21	23,003	1,095			
San Fernando	30	39,051	1,302			
Combs	100	104,739	1,047			
Lochiel	12	10,250	854			
Wenden	89	108,992	1,225			
Non-JOM Averages	876	1,186,421	1,354			
JOM DISTRICTS (S.M. 300-933)						
Ft. Thomas	320	201,507	630	109,227	310,734	971
Mohave Valley	320	373,650	1,168	8,000	381,650	1,193
Puerco	545	415,303	762	11,313	426,616	783
Round Valley	713	506,467	710	2,000	508,467	713
Page	629	1,352,084	1,671	5,040	1,357,124	1,678
Pice	674	1,059,913	1,213	79,380	1,139,293	1,304
Indian Oasis	723	754,990	1,044	122,886	877,876	1,214
Payanta	904	801,990	887	311,472	1,113,462	1,232
Safford	632	616,763	907	240,058	856,821	1,260
JOM Averages	5,838	6,082,667	1,033	889,376	6,972,043	1,184

DISTRICTS	Total Adm. All Students	Oper. Budget Receipts w/o JOH	Per Pupil Receipts w/o JOH	JOH Receipts	Oper. Budget Receipts w/ JOH	Per Receipt w/ JOH
<u>en-JOH Districts</u>						
Mohawk Valley	309	261,837	847			
Bagdad	489	382,620	782			
Camp Verde	410	293,320	715			
Cottonwood-Oak Creek	921	620,111	673			
Apache Junction	760	396,984	522			
Oracle	389	251,138	646			
Catalina Foothills	576	1,020,799	1,772			
Snowlow	574	637,095	1,110			
Riverside	351	343,280	951			
Wickenburg	488	358,719	735			
Buckeye	926	660,202	713			
Gilbert	866	604,688	698			
Thatcher	607	386,639	637			
<u>en-JOH Averages</u>	<u>7,676</u>	<u>6,217,432</u>	<u>810</u>			
<u>JOH DISTRICTS ADM 1,000-2,000)</u>						
Ganado	1,005	1,184,136	1,178	170,000	1,354,136	1,347
Tuba City	1,258	1,021,513	812	389,737	1,411,250	1,118
Laveen	1,477	858,191	581	5,000	863,191	585
Whiteriver	1,074	883,839	823	171,777	1,055,616	982
Parker	1,103	775,360	704	31,894	808,254	732
Chinle	1,878	1,870,761	996	486,094	2,356,855	1,255
Window Rock	1,848	1,815,092	982	559,444	2,374,536	1,284
<u>JOH Averages</u>	<u>9,643</u>	<u>8,609,892</u>	<u>872</u>	<u>1,823,946</u>	<u>10,233,838</u>	<u>1,057</u>
<u>en-JOH Districts</u>						
Bisbee	1,806	1,298,162	719			
Willcox	1,096	707,830	646			
Globe	1,794	1,043,317	582			
Miami	1,763	1,249,165	709			
Safford	1,535	904,953	590			
Deer Valley	1,312	1,225,933	934			
Littleton	1,203	651,999	542			
Peoria	1,561	976,539	626			
Lake Havasu City	1,001	902,430	902			
Holbrook	1,506	1,126,364	748			
Winslow	1,844	1,067,336	579			
Coolidge	1,919	1,140,079	594			
Crena	1,695	985,553	666			
Somerton	1,001	571,713	571			
Marana	1,145	924,241	807			
<u>en-JOH Averages</u>	<u>21,961</u>	<u>14,775,614</u>	<u>651</u>			
<u>en-JOH DISTRICTS (en 10,000-20,000)</u>						
Mesa	14,828	9,707,616	655	5,000	9,712,616	655
<u>en-JOH Districts</u>						
Cartwright	11,233	6,752,957	601			
Poanah	10,871	9,291,619	855			
Scottsdale	19,372	13,080,349	675			
Washington	19,915	12,715,786	639			
Roosevelt	10,298	6,523,356	633			
Tempe	11,219	7,344,737	655			
<u>en-JOH Averages</u>	<u>82,903</u>	<u>55,703,804</u>	<u>672</u>			

ARIZONA PUBLIC SCHOOLS (Elementary)

(F.Y. 1970-71) Summary of Attachments A and B

Attachment C Page 1

DISTRICT	Total Adm. All Students	Oper. Budget Receipts w/o JOM	Per Pupil Receipts w/o JOM	JOM Receipts	Oper. Budget Receipts w/ JOM	Per Pupi Receipt w/ JOM
<u>Elementary</u>						
ADM 0-150						
JOM Districts	184	404,748	2,200	94,841	499,729	2,716
NON-JOM Districts	876	1,186,421	1,354	-0-	1,186,421	1,354
<u>Elementary</u>						
ADM 300-999						
JOM Districts	5,888	6,082,667	1,033	889,376	6,972,043	1,184
NON-JOM Districts	7,676	6,217,432	810	-0-	6,217,432	810
<u>Elementary</u>						
ADM 1,000-2,000						
JOM Districts	9,643	8,409,892	872	1,823,946	10,233,838	1,061
NON-JOM Districts	21,961	14,775,614	673	-0-	14,775,614	673
<u>Elementary</u>						
ADM 10,000-20,000						
JOM District	14,828	9,707,616	655	5,000	9,712,616	655
NON-JOM Districts	82,908	55,708,804	672	-0-	55,708,804	672

ARIZONA PUBLIC SCHOOLS (High Schools)

(F.Y. 1970-71) Summary of Attachments A & B

Attachment C Page 2

DISTRICT	Total Adm. All Students	Oper. Budget Receipts w/o JOM	Per Pupil Receipts w/o JOM	JOM Receipts	Oper. Budget Receipts w/ JOM	Per Pupil Receipts w/ JOM
<u>High Schools</u> ADM 100-499						
JOM Districts	1,271	1,516,214	1,193	420,743	1,936,957	1,524
NON-JOM Districts	1,389	1,473,977	1,061	-0-	1,473,977	1,061
<u>High Schools</u> ADM 500-999						
JOM Districts	1,358	1,859,713	1,369	24,513	1,884,226	1,388
NON-JOM Districts	6,592	6,046,600	917	-0-	6,046,600	917
<u>High Schools</u> ADM 1000-2000						
JOM Districts	3,066	3,258,892	1,063	7,558	3,266,450	1,065
NON-JOM Districts	12,701	11,972,592	943	-0-	11,972,592	943
<u>High Schools</u> ADM Over 5,000						
JOM Districts	6,541	5,881,201	899	9,500	5,890,701	901
NON-JOM Districts	53,897	46,598,813	865	-0-	46,598,813	865

ARIZONA F.Y. 1970 - 1971
 HIGH SCHOOLS EDY. 100-149 and 500-999
 COMPARISON OF JOM VS NON-JOM DISTRICTS

DISTRICT	Total Adm All Student	Oper Bud Receipts W/O J'OM	Per Pupil Receipts W/O J'OM	J'OM Receipts	Oper Bud Receipts W/ J'OM	Per Pupil Receipts W/ J'OM
JOM DISTRICTS						
Ed. Thomas	111	\$ 110,949	1,000	\$ 65,962	\$ 176,911	1,594
Maricopa	137	172,710	1,261	1,984	174,694	1,275
Tuba City	433	443,033	1,023	85,315	528,348	1,243
Alchessay	273	356,376	1,305	161,480	517,856	1,897
Monument Valley	317	433,146	1,366	106,002	539,148	1,701
JOM Augs	1,271	1,516,214	1,193	420,743	1,936,957	1,524
NON-JOM DISTRICTS						
St. David	131	117,156	894			
Tombstone	225	284,907	1,266			
Williams	261	316,597	1,213			
Hayden	235	253,226	1,078			
Thatcher	237	228,041	962			
Wickenburg	300	274,050	914			
NON-JOM Augs	1,389	1,473,977	1,061			
ADM 500-999						
JOM DISTRICTS						
Apache County	759	1,016,681	1,340	16,000	1,032,681	1,361
N. Yuma County	599	843,032	1,407	8,513	851,545	1,422
JOM Augs	1,358	1,859,713	1,369	24,513	1,884,226	1,388
NON-JOM DISTRICTS						
Bisbee	902	893,345	990			
Globe	873	668,964	766			
Morenci	546	460,339	843			
Buckeye	659	723,359	1,098			
Dysart	721	813,844	1,129			
Snowflake	819	715,307	873			
Ajo	568	480,317	846			
Coolidge	695	640,365	921			
Winslow	809	650,760	804			
NON JOM Augs	6,592	\$,046,600	917			

ARIZONA F.Y. 1970 - 1971
 HIGH SCHOOLS ADM 1000-2000 and over 5000
 COMPARISON OF JOM VS NON-JOM DISTRICTS

ADM	DISTRICT	Total Adm All-Students	Oper Bud Receipts W/O JOM	Per Pupil Receipts W/O JOM	J'OM Receipts	Oper Bud Receipts W/ JOM	Per Pupil Receipts W/ JOM
JOM DISTRICTS							
	Casa Grande	1,341	1,250,738	933	300	1,251,038	933
	Mohave Valley	1,725	2,008,154	1,164	7,258	2,015,412	1,168
	JOM Avg	3,066	3,258,892	1,063	7,558	3,266,450	1,065
NON-JOM DISTRICTS							
	Buena	1,292	1,183,695	914			
	Douglas	1,329	1,241,180	934			
	Aqua Fria	1,039	1,048,060	1,009			
	Chandler	1,541	1,530,856	993			
	Paradise Valley	1,842	1,875,914	1,018			
	Flowing Wells	1,155	1,031,938	893			
	Sunnyside	1,862	1,718,649	923			
	Hogales	1,023	836,455	818			
	Prescott	1,618	1,508,845	933			
	NON-JOM AVGS	<u>12,701</u>	<u>11,972,592</u>	<u>943</u>			
ADM Over 5,000							
	JOM DISTRICT						
	Mesa:	6,541	5,881,201	899	9,500	5,890,701	901
NON-JOM DISTRICTS							
	Glen Dale	10,935	8,769,093	802			
	Scottsdale	9,168	7,911,610	863			
	Yuma	6,497	3,290,251	506			
	Phoenix	27,297	26,627,859	975			
	NON-JOM AVGS.	<u>53,897</u>	<u>46,598,813</u>	<u>865</u>			

ARIZONA JOHNSON - O'NAMALLEY PROGRAM FY 1971-72

SCHOOL DISTRICT	DIA EST. INDIAN %	EST. 71-72 TOT.	EST. 71-72 ADA	EST. 71-72 ADA	GR. TOT EX. W/O CATEG AID	PER PUPIL EXPENDITURE	EST. 71-72 JOH AMT.	PER JOH PUPIL EXPENDITURE	GRAND TOT EX W/O JOH	PER PUPIL EXPENDITURE	AMT. SPENT ON INDIANS
Chinle	90.2	2350	2120		3,191,913	1358	1,205,412	569	1,986,501	845	1415
Canado	91.2	1264	1153		2,077,524	1644	858,324	744	1,219,200	965	1709
Window Rock	85.5	2160	1847		2,818,416	1305	850,000	460	1,968,416	911	1371
Indian Oasis	97.6	860	839		955,000	1110	123,000	147	832,000	967	1114
SUBTOTALS, SUBRENS	89.8	6634	5959		9,042,853	1363	3,036,736	510	6,006,117	905	1415
Apache Co. H.S.	29.0	722	209		1,125,964	1560	-0-	-0-	1,125,964	1560	1560
Tuba City H.S.	64.1	412	264		585,255	1430	133,909	507	655,316	1105	1612
Ft. Thomas H.S.	73.6	106	78		198,377	1871	79,000	1013	119,377	1126	2139
Toilleson Union H.S.	1.3	793	10		775,240	978	-0-	-0-	775,240	978	978
Gila Bend H.S.	5.5	185	10		265,416	1435	-0-	-0-	265,416	1435	1435
Mesa H.S.	18.0	6609	1190		6,577,966	995	10,000	8	6,567,966	994	1002
Mohave Co. H.S.	1.8	1800	32		2,318,879	1288	2,000	63	2,316,879	1287	1350
Alachasay H.S.	78.4	279	219		530,358	1901	193,782	885	336,630	1207	2092
Monument Valley H.S.	67.4	325	219		666,061	2049	359,165	1640	306,896	944	2584
Casa Grande H.S.	9.6	1300	125		1,422,056	1094	300	2	1,421,756	1094	1096
Coolidge Union H.S.	57.6	744	42		783,374	1053	-0-	-0-	783,374	1053	1053
Narkopa H.S.	19.9	130	26		189,118	1455	1,500	58	187,618	1443	1501
Prescott H.S.	0.4	1526	6		1,544,468	1012	-0-	-0-	1,544,468	1012	1012
N.Yuma Co. Union H S	22.5	622	140		945,470	1520	8,500	61	937,240	1507	1568
SUBTOTALS, SUBRENS	16.5	15553	2570		17,932,002	1153	788,156	307	17,144,140	1102	1409
Round Valley	3.1	670	21		498,556	744	-0-	-0-	498,556	744	744
Fuero	80.5	490	394		560,110	1243	163,040	414	397,070	810	847
Page	38.6	1123	433		990,664	882	3,000	7	987,664	879	886
Tuba City	87.1	1225	1067		1,466,631	1197	224,277	208	1,244,354	1016	1224
Rice	94.7	935	885		1,103,530	1180	53,000	60	1,050,530	1184	1184
Young	90.6	275	249		1,270,855	985	3,000	12	267,855	974	986
Ft. Thomas	73.8	315	232		323,622	1027	43,000	185	280,622	891	1076
Gila Bend	6.5	550	36		389,131	708	-0-	-0-	389,131	708	708
Kyrene	2.2	585	13		462,666	791	-0-	-0-	462,666	791	791
Laveen	3.7	1500	56		881,425	588	-0-	-0-	881,425	588	588
Mesa	3.3	15602	515		11,609,077	745	20,000	39	11,609,077	744	783
Union	59.0	144	85		100,220	696	-0-	-0-	100,220	696	696
Nocasin	47.4	16	8		18,707	1169	1,400	175	17,307	1082	1257
Peach Springs	93.3	95	89		83,387	878	-0-	-0-	83,387	878	878
Valentine	28.6	26	7		24,850	956	1,124	161	23,726	913	1074
Mohave	11.1	330	37		371,637	1126	5,000	135	366,637	1111	1246
Kayenta	92.4	863	797		1,113,449	1290	319,847	401	793,602	920	1321

(continued on next page)

9-12

9-12

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SCHOOL DISTRICT	BIA EST. INDIAN %	EST. 71-72 TOT. ADA	EST. 71-72 IND, ADA	GR. TOT EXP W/O CATEG AID	PER PUPIL EXPENDITURE	EST. 71-72 JOM AMT.	PER JOM PUPIL EXPENDITURE	GRAND TOT EXP W/O JOM	PER PUPIL EXPENDITURE ON INDIANS	AMT. SPENT ON INDIANS
Keams Canyon	59.8	311	186	521,106	1676	299,359	1609	221,747	713	2322
Whiteriver	86.3	1062	917	1,041,649	961	108,896	119	932,752	878	997
Casa Grande	1.8	2454	44	1,881,879	767	-0-	-0-	1,881,879	767	767
Coolidge	7.7	1766	136	1,206,947	683	-0-	-0-	1,206,947	683	683
Maricopa	1.8	388	7	348,945	899	-0-	-0-	348,945	899	899
Sacaton	96.6	704	680	848,547	1205	220,000	324	628,547	993	1217
Stanfield	2.6	468	12	359,442	802	-0-	-0-	359,442	802	802
Prescott	0.4	2644	11	1,970,691	745	-0-	-0-	1,970,691	745	745
Crane	0.9	1340	12	1,085,143	810	500	42	1,084,643	809	851
Parker	26.8	1054	282	1,886,247	861	31,000	110	855,247	811	921
Somerton	3.6	880	32	517,530	588	-0-	-0-	517,530	588	588
SUBTOTALS, SUBMEANS	19.2	37795	7243	30,956,643	819	1,494,443	206	29,462,200	700	986
GRAND TOTALS, GRAND MEANS	26.3	59982	15772	57,931,498	966	5,319,335	337	52,612,457	877	1214

* ASSUMES JOM IS SPENT ONLY ON INDIAN PUPILS, I.E. IT IS CORRECTLY SPENT

N E W I N D I C O J O H N S O N O ' M A L L E Y N A V A J O A R E A

SCHOOL DISTRICT 1970-1971	ADH	OPERATIONAL BUDGET	OPERATIONAL BUDGET PER PUPIL	JOHNSON O'MALLEY	OPERATIONAL BUDGET V/O J'OK PER PUPIL
Central	4015	3,406,467	847.93	155,914	809.10
Bloomfield	1801	1,508,951	837.84	65,271	801.60
Fairington	6746	4,043,348	599.37	10,416	597.83
Gallup	11375	9,657,322	849.00	419,278	812.14
Verde Mtn	680	575,985	847.04	24,929	810.38
Cuba	946	849,282	897.76	113,819	777.45
Magdalena	586	478,219	816.07	44,875	738.10
	26149	20,517,554	784.64	834,502	752.73
		19,683,052			

ARIZONA JOHNSON-O'MALLEY PLAN

PURPOSE: The purpose of this plan is to define an objective basis on which Johnson-O'Malley contract funds may be programmed to eligible school districts participating under the program. This program of funds will be in accord with the contract signed by the Bureau of Indian Affairs and the Arizona State Board of Education.

AUTHORITY: The Act of June 4, 1936, popularly called the Johnson-O'Malley Act. The contract authority under which funds are provided states, has been delegated by the Secretary of the Interior to the Commissioner of Indian Affairs and redelegated to the Area Director.

POLICY: It is the intent of this plan to be in complete harmony with (1) State laws pertaining to the education of all children and (2) Secretarial policy pertaining to the Johnson-O'Malley Act program (Part 33, Title 25, Code of Federal Regulations). All commitments under this plan are subject to funds available to the Bureau of Indian Affairs for this purpose. It is intended further that the revisions to this plan be made in harmony with the principles expressed in the March 5, 1968 letter of the Commissioner of Indian Affairs to Senator Paul Fannin of Arizona.

The special program provisions of this plan are intended to foster the closest possible involvement of the Indian patrons and local tribal leaders in the development of school programs responsive to the needs of Indian children.

NEED CRITERIA ON WHICH CONTRACT BUDGET IS BASED

- I. The Bureau will provide funds in a budget and will pay an amount equal to the full per capita cost of the school attended for those children who will be boarded by the Bureau for the purpose of attending public schools.

It is mutually understood that these dormitory children, accommodated under an emergency program, are not counted presently for P. L. 874 purposes (U. S. Office of Education Bulletin 49, revised).

1. Prior to the 20-year expiration of the agreements made with local school districts, a joint study will be made as to the feasibility of incorporating the dormitized students within other provisions of the State Plan.
- II. The Bureau will pay a share of the cost of education of children of one-fourth or more degree Indian blood, residing on Indian reservation land.

Eligible districts fall into two types: (1) Major Impact Districts, (2) Minor Impact Districts. A Major Impact District is one located on or principally on an Indian Reservation and/or has 60% or more of its enrollment composed of Reservation Indian children. These districts are characterized by the lack of or a small minority of resident real property taxpayers who are electors.

All other eligible districts are Minor Impact Districts and have local resident real property taxpayer control.

Major Impact Districts - Funds otherwise justified and to the extent available will be provided on the basis of the total deficit need after receipts from all other sources of revenue to which the district is entitled including (but not exclusive of) balances forward, state and county apportionments, state financial assistance, equalization funds, P. L. 874 funds, and funds raised from a local tax levy based on an average tax rate (prior year) in comparison with similar type districts in the state.

For this purpose, the proposed budget submitted by the districts which anticipate Johnson-O'Malley Act funds that exceed the prior year allotment plus funds for the percentage of increase in ADA may be reviewed by a committee appointed by the State Board of Education prior to publication. This committee will consist of a representative of the Bureau of Indian Affairs, State Indian Education Division, and one or more members of the staff of the State Superintendent of Public Instruction.

Minor Impact Districts - Funds will be provided on the basis of cost to the district for the education of the eligible Indian children after crediting all outside sources of revenue and including the tax revenue derived from the taxable assets located on the reservation portion of the school district.

To compute the tax revenue, information supplied by the State Office of Appraisals will be used.

For this purpose, prior year per capita costs will be used.

- III. The Bureau will reimburse the counties for a proportionate share of Teacher Retirement payments, and County apportionment costs (\$17.50) which are raised from local property taxes, provided the ADA of eligible Indian children equals 3% or more of the total ADA of all public school children of the county.

The eligible counties will be reimbursed an amount of funds paid to the Teacher Retirement Fund and County Aid apportionment costs in proportion to the ratio of reservation district pupils to all pupils in the public schools of the county less a credit for the

taxes collected from the taxable assets on reservation lands. The ratio will be based on the ADA figures of the county.

For this purpose, the amount of the taxes collected will be determined by the tax rate needed by the county to raise funds for Teacher Retirement and County Aid apportionment payments for all county children, multiplied by the combined taxable evaluations of the reservation districts, (prior year). In computing this aid for counties with Minor Impact Districts, only the eligible Johnson-O'Malley ADA shall be used.

In county situations where there are sizeable taxable assets within the reservation school districts and the county still has a financial problem resulting from relative higher education costs, and a lower amount of assessed evaluation behind each child in school, only one-half of the taxes collected from taxable assets on reservation lands will be used as a credit.

- IV. The Bureau will provide funds in the budget for special services on a need basis for Indian pupils and for extraordinary needs related to the education of eligible Indian children as are mutually determined by the State and Bureau personnel.
 1. When special services are provided in Minor Impact Districts, per capita costs on which Johnson-O'Malley payments are made will exclude these special service costs.
 2. For this purpose, special services will mean generally the cost of school lunches when neither the family nor the school district can meet or absorb the cost. It is recognized that the cost of providing special teachers, unusual transportation, or other school employees may be paid from this fund.
 3. Additional education programs that will upgrade the quality of education.
- V. The Bureau will provide funds for the normal administrative costs necessary to carry out this program and promote the orderly adjustment of Indian children to public schools when the funds are not available from other sources. The amount will be mutually determined by the State Board of Education and the Bureau of Indian Affairs.
- VI. Where an approved amalgamation of a federal and public school is in operation, the Bureau of Indian Affairs will provide the budgeted share of the cost of operating the public school that is administratively determined by the State, school district involved, and Bureau representatives.

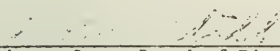
- VII. Funds may be provided to meet other needs as may be mutually determined by the State and the Bureau of Indian Affairs.

BUDGETS: The basis of the contract will be a budget submitted by the State, reflecting application of the preceding criteria.


FURTHER PROVISIONS AND DEFINITIONS:

1. Eligible District - A school district having Indian reservation lands and/or educating out-of-district eligible Indian children. As an exception due to temporary large impacts of migrant Indian children, a district is eligible to participate when 3% of the total ADA of the school district is composed of migrant children whose permanent residence is on an Arizona Indian reservation.
2. Local Tax Effort - (a) To qualify, Major Impact Districts must levy an average tax rate in comparison with similar type school districts in the State as grouped for P. L. 874 purposes. (b) Since there are so few districts in the category of elementary districts teaching high school subjects, to qualify this rate must equal or exceed that of the average for elementary districts in the State as grouped for P. L. 874 purposes. (The tax rate is the District tax rate as used on line 74 of the annual report of the State Superintendent of Public Instruction).
3. Eligible Indian Child - One-fourth or more degree Indian blood and whose parents reside on Arizona Indian Reservation lands.
4. Residence - The residence of an Indian child is to be interpreted by districts in the same way that residence is generally interpreted for non-Indian children attending a public school under the same circumstances.
5. Average Daily Attendance - Is the actual ADA for the first six months of the current year in the computations involving funds for non-budget review districts.
6. Indian Education Records - A participating school district must submit the following to the Indian Education Division of the State Department of Public Instruction.
 - (a) An application to participate in the Johnson-O'Malley fund on an application form provided by the Division of Indian Education on or before the date designated on the form.

- (b) Enrollment card (in quadruplicate) of each eligible Indian child enrolled each year. Record of non-eligible Indian children not required.
- (c) Average Daily Attendance in keeping with Item 5.
- (d) Number of eligible Indian 8th grade and 12th grade graduates each year.
- (e) Report to the Division of Indian Education total enrollment of Indian students by grade and age in all Johnson-O'Malley participating schools. (kindergarten through grade 12).
- (f) Report number of dropouts and transfers by grade and age, including reason for leaving school.
- (g) Total school enrollment including Indian and non-Indian students (last column of State Summary Report).
- (h) A State Summary Report form will be supplied to the Johnson-O'Malley schools for reporting the enrollment data.
7. Relating Children to Proper School Districts - The State Department of Education will make every effort to relate Indian children to proper school districts in keeping with Arizona School Laws.
8. Unused Funds - As funds provided the State are partially based on best available estimates, unused funds in application of this plan will be carried forward as a credit to the subsequent year's contract.
9. Changes in this Agreement - This Plan may be altered or amended by mutual consent of signed parties. Changes in either State or Federal law pertaining to aids in financing public education will be cause to alter this Plan.



 Arizona State Board of Education



 Bureau of Indian Affairs

August 25, 1969

(date)

October 6, 1969

(date)

NATIONAL INDIAN LEADERSHIP TRAINING*Evaluation of Arizona State Plan*

Before Johnson O'Malley money can be contracted to a State, the Bureau of Indian Affairs requires that there be a State Plan which will spell out the conditions and limitations for use of the JOM Federal funds. The Arizona Plan seems to be written primarily to serve the financial needs of the school districts and not to the special needs of Indian students.

On page 2, Section 4, Operational costs, the Arizona Plan says: "To enable school districts in higher cost areas to operate an 'adequate school program' in keeping with regulations of the Secretary of Interior, Johnson O'Malley will supplement all other applicable funds for actual operational costs not to exceed a total operation cost (including Capital Outlay) as follows:

- (a) Elementary Districts -- State average per capita cost plus \$215
- (b) High School Districts -- State average per capita cost plus \$315
- (c) Elementary Districts teaching high school subjects -- State average per capita cost plus \$240"

It goes on to say that if the District is unable to operate an "adequate school" at this level of financial assistance, the District may submit a justification to the State for consideration of emergency Johnson O'Malley funds.

NOTE: This is the only time that Federal Johnson O'Malley regulations are referred to in the entire State Plan; and then the regulations are not quoted exactly; they are taken out of context.

We are reproducing here, word for word, sections from the existing Code of Federal Regulations as they apply to Indian students in Public Schools. We are also including sections of additional Bureau regulations from the Indian Affairs Manual, dated September 25, 1969, titled: "Revision of 62 IAM 3."

CODE OF FEDERAL REGULATIONS:§ 33.4 -- CONTRACTS WITH PUBLIC SCHOOLS

- (c) When school districts educating Indian children are eligible for Federal aid under Public Law 874, 81st Congress (64 Stat. 1100), as amended, supplemental aid under the Act of April 16, 1934, supra, will be limited to meeting educational problems under extraordinary or exceptional circumstances. [22 F.R. 10533, Dec. 24, 1957, as amended at 23 F.R. 7106, Sept., 13, 1958]

§ 33.5 -- GENERAL REQUIREMENTS FOR CONTRACTS

- (a) STATE PLAN. To become eligible to participate in contract funds a State shall formulate a plan for the distribution of contract funds to local school units, which shall be acceptable to the Commissioner of Indian Affairs or his authorized representative.
- (b) BUDGET ESTIMATES AND REPORTS. Each State having a contract covering education in accordance with this part shall submit such budgets, estimates, and reports as may be required by the Commissioner of Indian Affairs or his authorized representative.
- (c) EQUAL EDUCATIONAL OPPORTUNITIES. Contracts shall specify that education for Indian children in public schools within the State shall be provided upon the

same terms and under the same conditions that apply to all other citizens of the State.

- (d) UNIFORM APPLICATION OF STATE LAW. States entering into a contract under the provisions of this part shall agree that schools receiving Indian children, including those coming from Indian reservations, shall receive all aid from the State, and other proper sources other than this contract, which other similar schools of the State are entitled to receive. In no instance shall there be discrimination by the State or subdivision thereof against Indians or in the support of schools receiving such Indians, and such schools shall receive State and other non-Indian Bureau funds or aid to which schools are entitled.
- (e) EDUCATIONAL STANDARDS. The State shall provide in all schools that have Indian pupils adequate standards of educational service, such standards to be equal to those required by the State in respect to professional preparation of teachers, school equipment and supplies, text and library books, and construction and sanitation of buildings.
- (f) FEDERAL COOPERATION AND INSPECTION. Schools in which Indian children are enrolled shall be open to visits of observation and consultation by duly accredited representatives of the Federal Government.
- (g) INSPECTION OF PROGRAMS. Each State having a contract covering education in accordance with this part shall make available to duly accredited employees of the Bureau of Indian Affairs such records and reports as may be necessary to enable them to conduct inspections of the school program related to the contracts.
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B.I.A. -- INDIAN AFFAIRS MANUAL Release 62-27, "Revision of 62 IAM 3," September 25, 1969.

3.2 -- NEGOTIATION AND EXECUTION OF CONTRACTS

3.2.11 -- Indian Participation in School Affairs. Eligible school districts shall, through local Indian representation, provide opportunity for Indian people to be consulted on matters pertaining to school curriculum, special programs, and other matters related to the education of their children.

3.2.12 -- Budgets and Reports

A. Budget Requests. A State qualifying for aid from the Bureau of Indian Affairs shall submit to the Area Director, a budget request and justification on or before March 15, each year for the second succeeding fiscal year. For example, the budget request for FY-1970 shall be submitted to the Area Director on or before March 15, 1968. Budget requests by school district shall be itemized to indicate cash on hand, income expected from the State, County, District, Federal Agencies, and the proposed expenditures broken down into the major categories used by the State. The amount requested from the Bureau of Indian Affairs shall be determined and justified under provisions of the approved State Plan. Each State Plan must provide, however, that any unused funds from the previous year shall be used as a credit to the budget request for the next fiscal year.

Budget requests and justifications are to be submitted in duplicate by the States to Area Directors of the Bureau of Indian Affairs. One copy shall be transmitted by the Area Director to the Central Office, attention Division of Education.

- B. Annual Report. Following the close of the local school year on or before October 15, the State shall furnish the Area Director a detailed report describing the accomplishments during the previous school year. The Annual Report shall consist of:
1. Narrative Section. This shall include the accomplishments, difficulties encountered, and plans for next year plus other pertinent facts and details.
 2. School Enrollment Data. This shall include the following information for each school:
 - a. Total enrollment and dropouts of Indian children by age and grade (kindergarten through grade 12).
 - b. Total school enrollment including Indian and non-Indian students (Last column of JOM Summary Report)
 - c. Average daily attendance of Indian students.
 - d. Reasons for dropouts.
 - e. A sample JOM Summary Report form is attached (Illustration I) for reporting the above enrollment data.
 3. Financial Section. A summary of the expenditures made during the preceding year shall be included in this section. Include amounts expended for instruction, special transportation, lunches, pre-school programs, special and remedial programs, and other special services. In addition the report should include (1) rate of local taxes, (2) expenditures for State administration and supervision, and (3) average rate of school taxes for all school districts in the State.
 4. Miscellaneous Section. The report may include other pertinent information such as Indian participation in school affairs, awards for accomplishments, results of special achievement and accomplishments of Indian students, and steps being taken to improve education of Indian children in public schools.

Release 62-27, 9/25/69

MJ/lrc

QUESTIONS ON STATE PLAN

1. DOES THE PLAN PROVIDE THAT JOHNSON O'MALLEY CAN BE USED FOR BASIC SUPPORT?
If so, to what extent, and under what circumstances?

JO'M funds may be used to provide basic support. This may be done due to wording of the state plan which, in meaning, is very similar to the Alaska State Plan, although some attempt is made to hide this fact with very flowery wording. This is true in both Major and Minor Impact Districts as defined by the state plan.

- (2) IS THERE A PROVISION FOR PARENTAL INVOLVEMENT AND CONTROL?

"Indian Participation in School Affairs. Eligible school districts shall, through local Indian representation, provide opportunity for Indian people to be consulted on matters pertaining to school curriculum, special programs, and other matters related to the education of their children." (INDIAN AFFAIRS MANUAL RELEASE 62-27, dated September 25, 1969)

No specific provision is provided here. Under the heading of Policy, the plan states, "It is the intent of this plan to be in complete harmony with ... (2) Secretarial policy pertaining to the JO'M Act program". This is probably an attempt to preclude any argument against the state plan based on the fact that the plan does not conform to Bureau Regulations, and should be regarded as such.

- (3) DOES THE PLAN MENTION THE B.I.A. RESTRICTION OF JOH IN RELATION TO P.L. 874?

"(c) When school districts educating Indian children are eligible for Federal aid under Public Law 874, 81st Congress (64 Stat.1100), as amended, supplemental aid under the act of April 16, 1934, supra, will be limited to meeting educational problems under extraordinary or exceptional circumstances." (CODE OF FEDERAL REGULATIONS, 22 F.R. 10533, Dec. 24, 1957, as amended at 23 F.R. 7106, Sept. 13, 1958)

As in question (2) above, the answer would be that funds from JO'M may be used to "fill in the gaps" in school budgets regardless of 874 funds received.

- (4) DOES THE STATE REQUIRE PROOF OF NEED FOR PROGRAM PARTICIPATION, PARENTAL COSTS, ETC.?

The only need mentioned is the need of the districts.

- (5) DOES THE STATE HAVE RESTRICTIONS ON ELIGIBILITY OTHER THAN THOSE PRESCRIBED BY THE BUREAU? IF SO, IS THE VARIATION BASED ON STATE LAW?

The state plan says that students must be from families who live on Arizona Indian Reservations.

- (6) DOES THE STATE PLAN REQUIRE EVALUATIONS AND REPORTS? DOES IT REQUIRE PROGRAM DESCRIPTIONS?

"B. Annual Report. Following the close of the local school year on or before October 15, the State shall furnish the Area Director a detailed report describing the accomplishments during the previous school year. The Annual Report shall consist of:

- 1. Narrative Section. This shall include the accomplishments, difficulties encountered, and plans for next year plus other pertinent facts and details.*
 - 2. School Enrollment Data. This shall include the following information for each school:*
 - a. Total enrollment and dropouts of Indian children by age and grade (kindergarten through grade 12).*
 - b. Total school enrollment including Indian and non-Indian students.*
 - c. Average daily attendance of Indian students.*
 - d. Reasons for dropouts.*
 - 3. Financial section. A summary of the expenditures made during the preceding year shall be included in this section. Include amounts expended for instruction, special transportation lunches, pre-school programs, special and remedial programs, and other special services. In addition, the report should include (1) rate of local taxes, (2) expenditures for State administration and supervision, and (3) average rate of school taxes for all school districts in the State.*
 - 4. Miscellaneous Section. The report may include other pertinent information such as Indian participation in school affairs, awards for accomplishments, results of special achievement and accomplishments of Indian students, and steps being taken to improve education of Indian children in public schools."*
- (IAM Release 62-27, dated September 25, 1969)*

The state plan requires reporting of all the information above and in this area conforms to Bureau Regulations.

- (7) DOES THE STATE PLAN CALL FOR CONTRACTS BETWEEN THE STATE AND THE DISTRICTS?

No. The only contracts are those between the Bureau and the State or its political subdivisions.

- (8) WHO SIGNS THE STATE PLAN? ANY INDIAN EDUCATION COMMITTEES OR TRIBAL LEADERS? WHEN WAS IT LAST REVISED?

The state plan is signed only by representatives of the Arizona State Board of Education and the Bureau of Indian Affairs. This plan went into effect July 1, 1969.

- (9) ARE THERE ANY SPECIAL CONDITIONS LAID DOWN FOR THE USE OF FUNDS?

In Minor Impact Districts some conditions are stated covering special services to Indian children, however, the wording again is unclear as to what is actually meant by these conditions. No specific limitation is placed on the use of JOA funds.

- (10) IS THE JOA RELATIONSHIP TO TITLE I OR OTHER FEDERAL AID ON FUNDS SPELLED OUT?

No. No mention is made here.

- (11) ARE THERE ANY PRIORITIES OR SPECIAL EMPHASIS MENTIONED FOR USE OF JOA?

No.

- (12) WHAT PROVISIONS ARE MADE FOR UNUSED JOA FUNDS?

"Unused Funds -- As funds provided the State are partially based on best available estimates, unused funds ... will be carried forward as a credit to the subsequent year's contract." (Further Provisions and Definitions, Paragraph 8, Arizona State Plan)

- (13) DOES THE STATE PLAN HAVE LANGUAGE THAT WOULD REQUIRE JOM FUNDS TO BE USED EXCLUSIVELY FOR INDIAN STUDENTS?

-- NO. In fact, the language of the State Plan is so ambiguous and flowery it is difficult to determine what is actually meant by any of it.

- (14) DOES THE PLAN REQUIRE THAT ALL FUNDS BE USED FOR PROGRAMS THAT ARE SUPPLEMENTARY, i.e., ABOVE STATE MINIMUM STANDARDS?

-- NO. Funds may be used to supplant local school budgets.

- (15) DOES THE STATE PLAN PROVIDE THAT ALL SERVICES OF AN EDUCATIONAL AGENCY RECEIVING STATE, LOCAL OR FEDERAL FUNDS SHALL BE PROVIDED EQUALLY FOR INDIAN STUDENTS FROM THOSE FUNDS, AND NOT FROM JOHNSON O'MALLEY?

-- No mention of this is made in the State Plan.

COMMENTS: The general intent and provisions of this State Plan are very cleverly disguised, by means of highly technical, ambiguous and otherwise misleading language, so as to make it appear to be a very sound and good Plan for the administration of JOM funds. It could and should be revised and re-written so as to save paper and more clearly spell out what is to be done.

PROPOSED NEW MEXICO STATE PLAN FOR THE
ADMINISTRATION AND PROGRAMMING OF
JOHNSON-O'MALLEY FUNDS

PURPOSE:

This plan is intended as a guide for the administration and programming of Johnson-O'Malley contract funds received by the State of New Mexico through annual contracts with the government of the United States, Department of the Interior. Said funds are to be used to meet the special and unique needs of eligible Indian children in the public schools of New Mexico. In no case are these funds to be used as general operational funds by the participating school districts or to meet minimum standards as prescribed by the State Board of Education. Neither shall Johnson-O'Malley funds be used to supplant resources supplied from other local, state or federal sources.

AUTHORITY:

This plan is based on the authority and intent of the Johnson-O'Malley Act (April 1934-C-147 #1 48th Stat. 5) and amendment thereto (June 1936-C-490 Stat. 1458). See Appendix A.

POLICY:

This program of federal aid (Johnson-O'Malley funds) to certain school districts in the State of New Mexico is based upon the following policy considerations:

1. Operating criteria in Volume 6, Part 2, Chapter 3, Bureau of Indian Affairs Manual. See Appendix B.

2. State laws and constitutional requirements governing the operation of schools and educational programs in the State of New Mexico.

3. The philosophy that Indian children will receive all other benefits of local, state and federal resources for education that are afforded other children in the public schools of the state. Johnson-O'Malley funds are to be used to meet the special and unique needs of eligible Indian children. The special and unique needs will be as identified and agreed upon by Indian parents, tribal authorities and local state educational authorities.

4. A program assessing the educational needs and expectations of Indians will be conducted and programs will be developed to meet the educational needs and expectations of Indians.

The program needs and expectation assessment will be carried on with the cooperation, understanding and participation of Indian students, Indian parents and Indian leaders.

SPECIFICATIONS:

I. Method and extent of Johnson-O'Malley budgeting process.

The funds provided under the annual Johnson-O'Malley contract for the State of New Mexico shall be based on financial needs of eligible students in each Johnson-O'Malley school district after all local, state and federal sources

are considered by the respective school districts in justifying supplemental funds under the plan.

Each participating school district shall be responsible for submitting a budget estimate two (2) years in advance, using established guidelines and a review of on-going programs. Consultation with and approval of tribal governing bodies, parent committee representatives and designated state authorities will be a necessary part of the budgeting process.

II. Eligibility

A. School Districts

A school district is eligible to apply for assistance under the Johnson-O'Malley program if the following conditions are met:

1. Eligible Indian students are enrolled in the school district.
2. Educational opportunities and programs are provided Indian students on a basis equal to all other students enrolled in the school but the school system does not have resources to provide for the special or unique needs of Indian students.
3. The local school system is willing to identify, recognize and make provisions to meet the special needs of all eligible Indian students.
4. The local board of education and the local school staff will consult and plan with Indian tribal representatives and Indian parents.
5. Criterion to account for resources provided and for student progress is established.

B. Students

Students, to be considered for eligibility under the Johnson-O'Malley program in New Mexico, include only those who:

1. Can furnish evidence that they are one-fourth ($\frac{1}{4}$) or more degree Indian blood, recognized as members of Indian tribes or pueblos of New Mexico.
2. Have parents or guardians that reside on or near Indian reservations or Indian pueblos in the state of New Mexico.
3. Show a need for services and programs conducted with Johnson-O'Malley funds.

III. Special Food Services and Special Milk Funds

Johnson-O'Malley funds may provide reimbursement to the school district for the share of the cost of free or reduced price lunches and milk served eligible Indian children for which the district is not reimbursed from other sources. Eligibility for free or reduced price lunches and milk will be determined by the school districts with the cooperation and consent of Indian authorities.

School districts receiving Johnson-O'Malley funds for lunches and milk shall file a complete statement with the state Director of Indian Education and the Director of School Food Services showing the basis for determination of eligibility.

In those cases where eligibility is in question or where eligibility cannot properly be determined, the State Superintendent of Public Instruction will serve as a final review and certifying agent. No eligible Johnson-

O'Malley student shall be denied school lunch while this present policy is in effect.

IV. Special Services

Payments may be made to participating school districts for special services. These services must be designed to fill unmet needs of the eligible Indian students in the school district and may include, but are not restricted to, the following areas of program development:

1. Counseling and Guidance

These programs should be aimed at assisting the Indian student to establish identity, to understand and function effectively in his school environment, to appreciate his cultural heritage and to know the culture of others, and to assist the student to develop a plan for vocational and personal progress. Individual and group counseling procedures with parental involvement, when feasible, should be utilized.

2. Special Language Instruction

To help the Indian student to understand and appreciate his native language, and also to become functional in the use of English.

3. Special Programs in Reading

To enable the Indian student to become a proficient and self-motivated reader for development of independent learning skills so that he may meet the demands and acquire the rewards of the society in which he chooses to function.

4. Special Concentration

Emphasis in learning areas where Indian students show a

difficulty in learning due to language, cultural or socio-economic differences.

5. Personal and Social Developmental Programs

To assist Indian students to develop skills in communicating and participating in the life of the community in which he chooses to function.

6. Cultural Heritage Programs

To help the Indian student to appreciate his own cultural values and background and to understand and appreciate the cultural values of others.

7. Career Education Programs

To help Indian students to gain knowledge of the world of work and to assist each student to develop a plan for achieving educational and vocational success utilizing his own special talents.

8. Health Services

To provide diagnostic and corrective health services in those cases where it cannot be provided by other designated agencies and in those cases where the educational progress of the Indian student may be impaired.

9. Special Services

To provide transportation, fees, special equipment, school materials and supplies, or other services that are needed by Indian students to function effectively in the school situation in those cases where the services cannot be supplied from other sources.

10. Additional Programs

To provide programs that can be identified, and mutually agreed upon by local school officials and committees of Indian parents, that will meet the special needs and expectations of students and the Indian community.

V. School-to-People Relationships

A. State Advisory and Assessment Committee

There shall be established a State Advisory and Assessment Committee for Indian Education. The committee will be appointed by the State Board of Education, with the advice and consent of Indian tribal leadership and the Indian communities involved. Composition of the State Advisory and Assessment Committee will provide for equal representation of Indians and non-Indians.

The functions of the Advisory and Assessment Committee will be to develop and review policy and programs for Indian education; to assess the general progress of Indian education; to carry out other functions as mutually agreed on by the State Board of Education and the representatives of the Indian community.

B. Local School and Community Advisory and Assessment Committees

Each local school district participating in the Johnson-O'Halley program shall establish an Advisory and Assessment Committee for Indian Education. This committee will be composed of members mutually agreed on between the local board of education and the Indian community.

The functions of the committee will be to review the local plan and budget for Indian education; assess the progress and effect of programs for Indian students; interpret the results of the program to the community and to carry out other functions relating to Indian education as agreed on by the committee and approved by the State Advisory and Assessment Committee.

Each participating school system shall make every effort to assign a staff member who is familiar with the language and cultural background of the Indian communities of that particular school district, who will assist with the organization and functions of the committee.

VI. Training and Education for Staff and Community

Participating school systems with assistance from the New Mexico State Department of Education shall emphasize the following programs of orientation, training and education for all personnel involved with programs for Indian students:

A. Pre-Service Education

The State Department of Education with assistance from local school systems and the Indian community will cooperate with teacher training institutions in New Mexico to prepare units of study aimed at helping those who plan to become teachers or who plan to work in school systems, to become familiar with and to appreciate Indian languages, Indian cultural systems and the

socio-economic system of Indians of the southwest.

B. Staff Orientation

All school systems which enroll Indian students shall conduct staff orientation and training programs to assist staff members to acquire understanding of and empathy for the Indian students and the community.

Assistance in the preparation and conduct of these training programs should be sought from members of the Indian community and from the State Department of Education.

C. In-Service Education

Provisions shall be made for continuous in-service education programs for staff members involved with Indian students.

D. Community and Parent Education Programs

Programs shall be developed to assist the local community and Indian parents understand and to participate in the programs and activities of the school system. School community involvement and programs to assist Indian parents to provide a good environment for learning and a positive motivation for learning in the home and community should be emphasized.

VII. Records and Reports

A. State Level - Division of Indian Education

The Division of Indian Education shall prepare annual reports. The reports will consist of a statistical section and a narrative

section.

The statistical section shall consist of an analysis and justification of expended funds by each school district, as well as an analysis and justification for statewide administration and operation expenditures. A summary of school enrollment, both Johnson-O'Malley and non-Indian shall be included. Grade level studies, transfer and dropout data, and pupil progress reports shall be included in the statistical section of the annual report.

The narrative section should include evidence and examples of outstanding student achievements, specific problems encountered, special programs and special services as outlined under Section IV which have been developed, examples and results of parental and community involvement, and a summary of recommendations for program improvement.

The annual state reports on Indian education are due on or before October 15 of each year.

B. Local School District Reports

Each local school district which participates in the Johnson-O'Malley program shall prepare an annual report on Indian education. The report shall be on forms and contain information designated by the State Department of Education. Reports from local school districts shall be due at the State Department of Education on the designated dates.

The reports on Indian education prepared by the New Mexico

State Department of Education shall be distributed to all school districts receiving Johnson-O'Malley funds, and to tribal authorities.

The state report along with the report of the local school district in each respective district shall be carefully interpreted and reviewed by local patrons in the Indian communities involved.

VIII. Budget and Contract Procedures

Following consultation with governing tribal bodies and local community representatives, the New Mexico State Department of Education will submit an annual estimated budget showing the needs and justification for funds for each participating school district. The budget will also include state administrative costs.

Periodic visits will be made by State, Tribal and Indian community officials to participating schools for the purpose of reviewing program progress. Indian parents will be encouraged to visit schools to observe the school activities and to visit with the school staff to determine if their expectations of the schools are being met. Reviews and visitations to the schools, along with progress reports of programs and fiscal operations, will be used as a basis for contract negotiations.

IX. Unused Funds

Utilization of unused funds at the end of a fiscal year will be determined by mutual agreement of the contracting parties and criteria for use of said funds will appear in the body of the annual

contract.

X. Changes and Amendments to the State Plan for Indian Education

This plan may be changed or amended by mutual consent of all agencies or contracting groups involved. Amendments or changes shall be in writing and shall bear the signatures of the designated representatives of all contracting groups.

XI. Review and Up-date

This plan shall be reviewed annually and brought up to date to reflect changing conditions and changes in contract provisions.

C.M.H.
4/18/72
Rev.
4/25/72

INDIAN EDUCATION TRAINING, INC.

227 TRUMAN STREET N.E. • ALBUQUERQUE, NEW MEXICO 87108

(505) 265-7957

August 17, 1973

MEMORANDUM

To: Myron Jones
 From: Earl J. Waits *Earl J. Waits*
 Subject: Summary of Central Study

My research into the Central School District has been hampered by several factors. The most difficult problems were the rapidly changing financial situation in the district, and the virtual absence of any information concerning BIA responsibility. As an example of the former, note that at the budget hearing this spring, the district anticipated an operational cash balance of \$1,423,971. The actual reported cash balance is \$2,268,115 before audit adjustments.

In my research I have been seeking the answers to essentially two general questions. I will set out below, each question followed by a discussion of my findings. I regret that I have been unable to fully answer either questions based upon the information available.

1. WHO IS RESPONSIBLE FOR DESIGNATING DISTRICTS AS ELIGIBLE FOR JO'M, AND WHAT CRITERIA IS USED FOR DOING SO?.

This was the most elusive question, in terms of availability of factual information upon which to base an answer. In discussing the question with Mr. Brice Lay of the BIA, I was told it is the Area Office, in this case Navajo, which makes the decision. The ultimate responsibility rests with the Commissioner of Indian Affairs, and has been delegated to the Area Offices. Mr. Lay also has authority to overrule an Area Office decision if facts are brought to his attention which show that a district has been wrongfully declared eligible. It is unclear from whom such information should come.

I am still uncertain by whom, and when, the decision is made on which districts are to receive JO'M aid. The contract between the BIA and the SDE contains one provision, 200-2G, by which the SDE agrees to allot funds only to school districts which meet certain criteria (to be discussed later). This provision intimates that at least some responsibility rests with the SDE, if not to designate then at least to monitor districts to be sure the requirements are met by the LEA. Later, however, in the same contract, #N00-C-1420-5902, the specific districts which are to receive aid are named. Thus the contract on its face gives the SDE certain enforcement or selecting responsibilities, then takes it away by naming the districts to be assisted.

Page 2 (continued)

Thus the answer to this question is at best ambiguous. The true answer, I suspect, lies somewhere between complete BIA or SDE responsibility. That is to say, there is probably some responsibilities in each agency. It is even likely that these responsibilities are overlapping.

2. HOW CAN A DISTRICT CONTINUE TO RECEIVE JO'M AID WHEN IT CONSISTENTLY MAKES ITSELF INELIGIBLE?

I am unable to provide an answer to this question! Instead I will discuss my findings as they relate to this question.

In 62 IAM 3.2.4 and again in contract # N00-C-1420-5902, the 1973-74 JO'M contract it is stated that a district must, in order to receive JO'M aid, meet three basic criteria. They are essentially 1) the district enrolls eligible Indian children, 2) the district provides an educational program which meets or exceeds State requirements, and 3) the district levies school taxes at a rate not less than the average for all similar type districts in the State.

I will not discuss, here, requirements 1) or 2) above, except to say that Central does meet requirement 1). I could not say, based on this study, whether requirement 2) is met by the district.

Requirement 3), on the other hand, has clearly not been met in recent years. In the three years 1970-71 through 1972-73, Central has levied school taxes at a rate lower than all other districts in the State except Los Alamos and, in F.Y. 1971-72, Tatum. Clearly, then, the requirement that a district levy school taxes at a rate not less than the average for all similar type school districts in the State was not met in those years, yet the district continued to receive JO'M assistance.

There are two conceivable situations in which this criteria would have been met in this district. They are if Central was the only similar type district or if Central and Los Alamos are similar districts, distinct from all others in the State. Accordingly I have sought a definition for the term, "similar type district." The only clue I could find was in a footnote to 62 IAM 3.2.4. In the memorandum (IAM Release 62-27) revising 62 IAM 3, dated 9/25/69, the word "similar" is noted as follows: "* Use similar type districts when there are separate classes or types of school districts under State law. Release 62-22, 12-29-67". The only classes of school districts I have found under New Mexico law are regular public school districts, such as Central, and special districts, such as community college or vocational school districts. Thus all school districts in New Mexico which serve grades K-12 can be considered of similar type. Hence Central's school tax rate must be compared with the average for all other school districts in the State.

Another regulation which deserves discussion in connection with Central is 25 CFR 833.4 (b) which states:

"The program will be administered to accommodate unmet financial needs of school districts related to the presence of large blocks of non-taxable Indian owned property in the district and relatively large numbers of Indian children which create situations which local funds are inadequate to meet. This Federal assistance program shall be based on the need of the district for supplemental funds to maintain an adequate school after evidence of reasonable tax effort and receipt of all other aids to the district without reflection on the status of Indian children."

Page 3 (continued)

While it is true there are large blocks of Indian owned land and many Indian children in the district, the fact is this has not created a situation which local funds are inadequate to meet. While the land itself is non-taxable, the resources on or in the land are taxable. The majority of the tax burden in the Central district is borne by businesses which are connected with the mineral resources on non-taxable, Indian owned land. Furthermore the district receives about \$1 million annually under Public Law 81-874 due to the presence of the Indian children in the district. As you, and many others have repeatedly pointed out, P.L. 81-874 more than makes up for the loss of tax revenue because of the non-taxable nature of the land. This is especially true in a district, such as Central, which has a very low tax rate.

The regulation speaks also of "unmet financial needs" of the districts. My research reveals that, in recent years, there has not been one year in which the district could not have all its JO'M programs with local funds, and still had money left over!

When this has been suggested in the past the district has cited a State law which requires that cash balances be spent only on non-recurring programs. This concept has proven to be rather elusive. There has never been any judicial or other legal definition of the phrase. Practical experience leads me to conclude that the definition is a very broad one indeed. It may be that any program which could be deleted with^{out} affecting a school's status as an approved school under State standards. If this is indeed true, a broad range of programs, such as curriculum development, Native American studies, etc. could be funded from the district's cash balance.

CONCLUSION

As you pointed out in your letter to Mr. DeLayo, the Central district does have needs. While the district has had more than enough money in the past, and have even more now (with Title IV), to develop and implement good programs, they have been unwilling to do so. The aim of the district seems to be to keep taxes as low as possible rather than provide the best education possible. If the district were willing, it has enough money to have the best program in the State, maybe even the country.

In my opinion the district should continue to receive JO'M aid only if they are willing to make some serious efforts to alleviate some of the problems of the Indian children there. The districts' 1973-74 budget shows an unbudgeted surplus of 523,123, but this is misleading. My research indicates the district's cash balances has generally been two to four times the unbudgeted surplus. If this pattern holds true, you can expect to see a cash balance on 6/30/74 of between \$1,046,246 and \$2,092,492. Time will tell.

1046

District: *Central*

Year Ending 6/30/72

Analysis of Cash Balance

1.	Actual Income & Cash Balance Carried Forward	<u>5,738,419</u>
2.	Actual Expenditures	<u>4,189,284</u>
3.	Cash Balance (1-2)	<u>1,549,135</u>
4.	Cash Balance Per <u>Statistics</u>	<u>1,549,136</u>

Breakdown of 4 By Fund

Amount

o/o Total C.B.

		Amount	o/o Total C.B.
	Operational Fund	1,306,734	84.4
Debt. Service Fund	Debt Service Interest	16,009	1.0
	Debt Service Principal	24,394	1.6
	General Building Fund (Bonds)	88,626	5.7
Building Funds	Federal Building Fund		
	State Building Fund		
	Sale of Local Property		
D.E.O. Funds	Headstart		
	N.Y.C., Day Care, Follow Through, CAP		
	Federal Projects Fund	22,484	1.4
	Teacherage Fund		
	Emergency Employment Act		
	Misc. <u>Teacherage</u>	90,889	5.9
Misc. _____			
Misc. _____			
Misc. _____			
		1046	

1047

District: *Central*

Year Ending 6/30/71

Analysis of Cash Balance

1.	Actual Income & Cash Balance Carried Forward	<u>5,221,757</u>
2.	Actual Expenditures	<u>4,118,784</u>
3.	Cash Balance (1-2)	<u>1,102,973</u>
4.	Cash Balance Per <u>Statistics</u>	<u>1,105,203</u>

Breakdown of 4 By Fund Amount o/o Total C.B.

		Amount	o/o Total C.B.
	Operational Fund	944,236	85.4
Debt. Service Fund	Debt Service Interest	15,084	1.4
	Debt Service Principal	5,667	0.5
	General Building Fund (Bonds)	89,782	8.1
Building Funds	Federal Building Fund		
	State Building Fund		
	Sale of Local Property		
O.E.O. Funds	Headstart		
	N.Y.C., Day Care, Follow Through, CAP		
	Federal Projects Fund	9,944	0.9
	Teacherage Fund		
	Emergency Employment Act		
	Misc. <u>Teacgerage</u>	40,490	3.7
	Misc. _____		
	Misc. _____		

1048

District: *Central*

Year Ending *6/30/70*

Analysis of Cash Balance

1.	Actual Income & Cash Balance Carried Forward	<u>5,327,050</u>
2.	Actual Expenditures	<u>4,064,769</u>
3.	Cash Balance (1-2)	<u><u>1,262,281</u></u>
4.	Cash Balance Per <u>Statistics</u>	<u>1,263,613</u>

Breakdown of 4 By Fund

Amount

o/o Total C.B.

		Amount	o/o Total C.B.
	Operational Fund	1,102,825	87.3
Debt. Service Fund	Debt Service Interest	22,777	1.8
	Debt Service Principal	6,424	0.5
	General Building Fund (Bonds)	86,015	6.8
Building Funds	Federal Building Fund	3,001	0.2
	State Building Fund		
	Sale of Local Property		
D.E.O. Funds	Headstart		
	N.Y.C., Day Care, Follow Through, CAP		
	Federal Projects Fund	24,434	1.9
	Teacherage Fund		
	Emergency Employment Act		
	Misc. <u>Teacherage</u>	18,137	1.5
Misc. _____			
Misc. _____			

1049

District: *Central*

Year Ending 6/30/69

Analysis of Cash Balance

1.	Actual Income & Cash Balance Carried Forward	<u>4,970,643</u>
2.	Actual Expenditures	<u>3,750,672</u>
3.	Cash Balance (1-2)	<u>1,219,971</u>
4.	Cash Balance Per <u>Statistics</u>	<u>1,218,301</u>

Breakdown of 4 By Fund Amount o/o Total C.B.

		Amount	o/o Total C.B.
	Operational Fund	690,803	56.7
Debt. Service Fund	Debt Service Interest	18,216	1.5
	Debt Service Principal	10,394	0.8
	General Building Fund (Bonds)	88,515	7.3
Building Funds	Federal Building Fund	290,838	23.9
	State Building Fund		
	Sale of Local Property		
O.E.O. Funds	Headstart		
	N.Y.C., Day Care, Follow Through, CAP		
	Federal Projects Fund Title I	23,483	1.9
	Teacherage Fund		
	Emergency Employment Act		
	Misc. <u>Teacherage Rent</u>	96,052	7.9
Misc. _____			
Misc. _____			

BUDGET/EXPENDITURE SUMMARY
CENTRAL DISTRICT #22
Fiscal Years 1970-71 through 1972-73

Fiscal Year	Fund	Operational Fund	Debt Service Principal & Interest	Building Fund All Sources	Federal Projects Title - One	Teachergage Fund	Total All Funds
1972-73	Proj. Income & Carryover	6,148,050	101,787	88,626	535,076	90,889	6,964,428
	Budget	5,642,498	86,600	88,626	512,592	90,889	6,421,205
	Unbudgeted	595,552	15,187	-0-	22,484	-0-	543,223
	Actual Income & Carryover	6,121,581	86,600	88,718	? ?	134,252	? ?
Actual Expenditures	4,697,610	86,600	88,533	331,113	20,000	5,223,856	
Cash Balance	1,423,971	-0-	185	? ?	114,252	? ?	
1971-72	Projected Income & Carryover	4,769,149	100,563	89,782	500,233	93,890	5,553,617
	Budget	4,237,964	88,348	89,782	490,289	93,890	5,000,273
	Unbudgeted	531,185	12,215	-0-	9,944	-0-	553,344
	Actual Income & Carryover	4,982,381	129,032	92,719	436,513	97,774	5,738,419
Actual Expenditures	3,675,648	88,630	4,093	414,029	6,884	4,189,284	
Cash Balance	1,306,733	40,402	88,626	22,484	50,890	1,549,135	
1970-71	Projected Income & Carryover	4,618,032	103,101	89,016	459,940	57,838	5,227,927
	Budget	3,823,095	86,565	89,016	435,506	57,838	4,492,020
	Unbudgeted	794,937	16,536	-0-	24,434	-0-	835,907
	Actual Income & Carryover	4,507,272	109,299	92,783	434,644	77,759	5,221,758
Actual Expenditures	3,567,216	88,548	-0-	425,650	37,270	4,118,784	
Cash Balance	939,956	20,751	92,783	8,994	40,490	1,102,974	

NATIONAL SCHOOL LUNCH AND BREAKFAST PROGRAMS*(Arizona Schools with Navajo Enrollment)*CHINLE SCHOOL DISTRICT #24 **Chinle Elementary
Chinle Jr. High
Chinle Teaching High School
Many Farms Elementary
Round Rock Elementary
Red Mesa Elementary*GANADO SCHOOL DISTRICT # 19*Ganado Elementary
Ganado Teaching High School*KAYENTA SCHOOL DISTRICT #27**Kayenta Elementary School*MONUMENT VALLEY DISTRICT #27*Monument Valley High School*NAVAJO COMPRESSOR STATION #5*Elementary School (grades 1-6)*PUERCO SCHOOL DISTRICT #18*Puerco Elementary*TUBA CITY SCHOOL DISTRICT #15*Tuba City Primary
Tuba City Intermediate
Tuba City Junior High*WINDOW ROCK SCHOOL DISTRICT #8**Ft. Defiance Elementary
Ft. Defiance Junior High
Window Rock Elementary
Window Rock Teaching High School*

*Districts with Breakfast Programs

INDIAN EDUCATION ACT

1973-74 School Year

GALLUP-McKINLEY COUNTY PUBLIC SCHOOLS

Title of Service or Supportive Service:

McKinley County School Lunch Program Supplementary Fund to defer added costs of meals served to Indian students and increase quality of food for Indian students.
Item No. VI

Objectives:

- 1) to help offset increase of food costs not covered by present reimbursement and the decrease in USDA commodity receipts
- 2) to increase quality of foods purchased
- 3) to raise salaries in order to hold present employees and assure that all minimum wage requirements are met
- 4) to offset the difference in payments received from the paying student and from USDA and Johnson-O'Malley reimbursed students

Implementation: Grades 1-12

- 1) Claim 7¢ reimbursement on all meals served Indian students to offset decrease in commodity receipts.
- 2) Purchase 100% meat products, use no extender of any kind, and purchase only quality canned foods.
- 3) Increase salaries of all employees at the rate of 5% of present salaries. (Includes 103 Indian cooks or 63%)
- 4) Claim the difference between the amount received from paying students and USDA and Johnson-O'Malley students.

		<u>Elementary</u>	<u>Secondary</u>
	JO	595	505
	USDA	<u>4670</u>	<u>2523</u>
		5265 @ 5¢	3028 @ 10¢ per da.
	<u>Totals</u>	\$ 47,385	\$ 54,504

Evaluation:

- 1) Differential between reimbursement and costs will be offset
- 2) Quality of foods will be improved
- 3) Trained employees will remain with the system
- 4) Income level will be maintained
- 5) The Indian Parent Committee will assist in the evaluation.

Estimated Budget:

Staff	\$ 23,019.
Supplies	<u>76,981.</u>
Total Direct Charges	\$100,000.
Indirect Charges 4%	<u>4,000.</u>
TOTAL	\$104,000.

NATIONAL SCHOOL LUNCH & BREAKFAST PROGRAMS*(New Mexico Schools with Navajo Enrollment)*BLOOMFIELD SCHOOL DISTRICT

Blanco Elementary
 Rio Vista Elementary
 Central Elementary
 Mesa Alta Junior High
 Bloomfield High School

CENTRAL SCHOOL DISTRICT

Kirtland High School
 Kirtland Junior High School
 Grace D. Wilson Elementary
 Ruth N. Bond Elementary
 Shiprock High School
 Shiprock Mid School
 Valley Elementary
 Mesa Elementary
 Shiprock Pre-ed Center
 Newcomb Elementary & Jr. High*
 Naschitti Elementary*

CUBA SCHOOL DISTRICT

Cuba High School
 Cuba Elementary School
 Cuba Mid School
 Kindergartens at Cuba & Torreon

NOTE: State lunch office said Cuba has a contract for a breakfast program but were reluctant to start the program this year because of high food prices; perhaps next year.

FARMINGTON SCHOOL DISTRICT

Apache Elementary
 Animas Elementary
 Bluff View Elementary
 Country Club Elementary
 Ladera Elementary
 Mesa Verde Elementary
 Northeast Elementary
 McKinley Elementary
 McCormick Elementary
 Swineburne Elementary

FARMINGTON SCHOOL DISTRICT cont'd

Hermosa Junior High
 Heights Junior High
 Tibbetts Junior High
 Farmington High School

GALLUP SCHOOL DISTRICT

Aileen Roat Elementary
 Ambrosio Lake Elementary
 Church Rock Elementary
 Crownpoint Elementary
 Crownpoint High School
 Gallup Junior High School
 Gallup Senior High School
 Indian Hills Elementary
 Jefferson Elementary
 John F. Kennedy Elementary
 Lincoln Elementary
 Navajo Elementary & Jr. High
 Ramah Elementary
 Redrock Elementary
 Roosevelt Elementary
 Sky City Elementary
 Sunnyside Elementary
 Thoreau Elementary
 Thoreau High School
 Tohatchi Elementary
 Tohatchi High School
 Towa Yallane Elementary
 Tse Bonito Elementary
 Washington Elementary
 Wilson School (spec.ed.)
 Zuni Elementary
 Zuni High School

NOTE: The Gallup School District has not had its breakfast program re-instated.

JEMEZ MOUNTAIN SCHOOL DISTRICT

Gallina Elementary
 Lindrith Elementary
 Lybrook Elementary

MAGDALENA SCHOOL DISTRICT

Magdalena Elementary
 Magdalena High School

* Schools with breakfast programs.

- VI. 1. Due to increased prices of staples the cost of operating the School Lunch program in the district has increased above the reimbursement increase.
2. Due to the unavailability of USDA commodities, the cost of operating the School Lunch program in the district has increased.
3. Due to the fact that most of the meals served in the School Lunch program in this district are "free or reduced", approximately 78% must continue to be "free or reduced." Assurance of funding is required if the normal quality and quantity of food is to be served.
4. In the predominantly Indian communities the School Lunch employees are Indian people who often are the sole support for their families. A wage increase is needed which is impossible under present funding.

The school district is increasing in student enrollment at approximately 5% per year, most of which growth is and has occurred in the rural areas.

The school district is using approximately 150 portable classrooms in addition to permanent facilities due to continued growth especially in the rural areas, coupled with a statutory limit on bonding capacity and the cessation of Public Law 815 funding. Housing for teachers is of necessity provided by the district outside of Gallup.

The housing shortage for both pupils and teachers available outside of Gallup makes the addition of any new program restricted to activities requiring little or no space for either pupils or teachers, or the project must include the housing for teachers and space for the program.

The school board, five members, is elected at large. Three of the five present members are Indian, Navajo, and two are non-Indian.

The budget for the district included for 1972-73 approximately \$3 million of Public Law 874 funds, \$1 million Johnson-0'Malley funds, approximately \$1 million local funds, \$6.6 million state funds, and \$2 million bond funds. The average operational cost per student, (not including bond funds), will be just under \$1000 for 1972-73 in basic program items.

The average pupil-teacher ratio in the basic program was just under 24 pupils per teacher, 1972-73. Total teaching personnel was approximately 550 plus federal projects other than kindergartens. The use of community people as aides and teachers, if qualified, has been a strength of the district teaching-learning program. Total employees for the district is approximately 1200.

The average cost per pupil in this district is above the average for the state because of distances, sparsity, and geographical area served and our insistence on a lower than average pupil-teacher ratio when compared with schools this size in the state.

This district is one of the largest in area in the United States. We rank number three in pupils enrolled in the state of New Mexico and have been told that we enroll the greatest number of Indian students of any district in the nation.

The rurality and sparsity of population in our district is indicated by the fact that 7202 students were regularly transported during the month of October 1972. One hundred six (106) buses and thirty (30) feeder vehicles traveled approximately 96,440 miles during October 1972 in transporting students to schools in the district. Activity trips totaled 23,000 miles for the district during the month of October 1972. The roads used as bus routes vary from paved (very few) to graded but seldom maintained. Parts of some bus routes were impassable for four to six weeks during the past winter. Many other roads serving homes or groups of homes are only trails.

The school lunch program in the district has expended during 1972-73 approximately \$100,000 more than all reimbursements and income from paid meals. This is due to price increase in staples, decrease in commodities supplied, and our attempt to maintain the quality and quantity of meals. During October 1972 a total of 197,741 meals were served plus 36,485 breakfasts. Of the 197,741 meals served, 44,171 were paid for, leaving 153,570 as free or reduced price meals. Approximately 63% of our cafeteria employees are Indian women. Unless some source of funding is found for 1973-74, no salary raises will be possible for these employees.

Exhibit No. 35

Gallup, N.M., INDEPENDENT, Aug. 3, 1973

"No Navajo School Pact, Says BIA"

GALLUP (Staff) - The Bureau of Indian Affairs here says consummation of a contract with the Navajo Tribe for the tribe to administer some \$2 million in federal Johnson-O'Malley (JOM) act funds for fiscal 1974 is impossible.

The reason is that in order to enter such a contract a tribe must be incorporated "The Navajo Tribe does not meet this requirement," says BIA, "therefore, without a waiver of the requirement or a change in status of the tribe (either of which could be very time-consuming) no contract is presently possible."

The Indian Bureau statement issued from the Navajo Area Office here came in response to a published report that the bureau failed to send a representative to a meeting last Friday with State School Supt. Leonard DeLayo, school superintendents, and Navajo, Zuni, and All-Pueblo Council representatives.

The bureau counters that the state school office failed to keep an appointment with BIA representatives to discuss the matter a month earlier and that the bureau's position that a contract was impossible under existing conditions already had been made clear.

The bureau statement says:

"Mr. DeLayo's allegation that the BIA is not interested in the problems of Indian education seems strange in view of the fact that Johnson-O'Malley contracts for education of Indian children in public schools have been completed with the Aztec School Board, the Albuquerque Public School Administration, and all negotiations short of actual signing have been completed with Delayo's office in Santa Fe. Additionally we have advised the Arizona State Division of Education of our intention to continue JOM contracting as in the past, for fiscal 1974.

"On June 21, 1973, the Navajo Area Contracting Officer and a member of the Area Education Office visited the New Mexico State Education office in Santa Fe to complete the negotiation of the fiscal 1974

JOM contract for the education of Indian children in New Mexico. Meetings were held with Mrs. Alice Orendorf and W. Perrin, of that office and agreement was reached on all but one or two technical details. Perrin agreed to come to Gallup the following Monday (June 25) for the signing of the contract. He did not appear, neither did he cancel his appointment.

"During the meeting of June 21, Perrin made reference to contacts which he had had with individuals from the Navajo Tribe's Division of Education, relative to the tribe's entering into future contracts with the BIA for JOM funds. He was advised at that time that, while the BIA is ever willing to discuss the subject, a great amount of work would be required prior to such a change (including the resolution of a difficult legal question) and that there was no possibility of this change being effected in the upcoming contract year (fiscal (fiscal 1974).

"Nevertheless, Perrin did not keep his appointment on June 25, and on July 17, 1973 the Navajo Area Office, BIA, in Gallup was advised that the State (DeLayo's office), and the Navajo Tribe were to hold a meeting with the school superintendents on July 20 to discuss the subject of the BIA contract and the tribe's interest therein. Since the BIA position had already been made clear to Delayo's staff, there was no purpose to be served by attending such a meeting and he was so advised.

"Meanwhile, on July 20 a letter to Anthony P. Lincoln, director of the Navajo Area, BIA, from Peter MacDoanld, Navajo Tribal Council chairman, made the first formal inquiry regarding the tribe's interest in contracting for JOM funds. Lincoln replied by letter, stating that it is too late in the year to begin making such a change for fiscal 1974; however, he stated clearly that he is prepared to enter into discussion now which could lead to a solution of the situation in time for the fiscal 1975 contract.

"The legal question cited above has to

"No Navajo School Pact, Says BIA" (cont.)

do with the language of the Johnson-O'Malley Act, known as the Act of June 4, 1936 (49 Stat. 1458; 25 USC 452) which states, 'That the Secretary of the Interior be, and hereby is authorized, in his discretion to enter into a contract or contracts with any state university, college or school, or with any appropriate state or private corporation, agency or institution, for the education of Indians in such state or territory through the agencies of the state or territory or of the corporations and organizations hereinbefore named ...

"In implementing the above, the BIA manual of regulations states, 'Indian tribes or advisory school boards desiring to contract with the bureau to provide educational services for eligible Indian children must be incorporated if the Johnson-O'Malley Act is to be used as authority. Under this act, tribes... contracting with the Bureau must be private corporations.'"

Exhibit No. 36

LAWS OF 84TH CONGRESS—2ND SESSION Aug. 3Ch. 930
Pub. 959

CHAPTER 930—PUBLIC LAW 959

[S. 3416]

An Act relative to employment for certain adult Indians on or near Indian reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

In order to help adult Indians who reside on or near Indian reservations to obtain reasonable and satisfactory employment, the Secretary of the Interior is authorized to undertake a program of vocational training that provides for vocational counseling or guidance, institutional training in any recognized vocation or trade, apprenticeship, and on-the-job training, for periods that do not exceed twenty-four months, transportation to the place of training, and subsistence during the course of training. The program shall be available primarily to Indians who are not less than eighteen and not more than thirty-five years of age and who reside on or near an Indian reservation, and the program shall be conducted under such rules and regulations as the Secretary may prescribe. For the purposes of this program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, or with any private school which has a recognized reputation in the field of vocational education and has successfully obtained employment for its graduates in their respective fields of training, or with any corporation or association which has an existing apprenticeship or on-the-job training program which is recognized by industry and labor as leading to skilled employment.

Sec. 2. There is authorized to be appropriated for the purposes of this Act the sum of \$3,500,000 for each fiscal year, and not to exceed \$500,000 of such sum shall be available for administrative purposes.

Approved August 3, 1956.

CALIFORNIA STATE UNIVERSITY LONG BEACH

OFFICE OF THE PRESIDENT

July 2, 1973

Honorable James S. Abourezk, Chairman
Subcommittee on Indian Affairs, Committee
on Interior and Insular Affairs
Suite 3108, Dirksen Senate Office Building
Washington, D.C.

Attention: Forrest J. Gerard, Staff Assistant

Dear Senator Abourezk:

As president of the largest university in California, I have been concerned as to the degree to which higher education has encouraged and provided opportunities for Indian students. As you are well aware, these students, many of whom come from a sheltered life on a reservation, have many needs which majority and other minority students do not have and which ought to be met if the Indian student is to complete his college education successfully.

In reviewing the hearings held in February, 1972, by the Senate Subcommittee on Appropriations which considered the Department of the Interior and Related Agencies' Appropriations for fiscal year 1973, I note that it was made quite clear in the record that of those Indian students who begin as freshmen in high school, only 65% graduate which is substantially less than other groups. The Bureau of Indian Affairs estimates that only 25% of the Indian students who graduate from high school will probably enter college. Mr. James E. Hawkins, the director of education programs for the BIA, testified that of the number who enter college (which was only 25% of the 65% who entered high school), "there will be about 65% staying the first year and then the first year drop out is quite substantial." Mr. Hawkins estimated that of the total entering college, BIA predicted "that about 55% will graduate." He claimed that 350 Indian students would graduate from college in 1972 and that in contrast there was an entry class of approximately 6,000. (Senate Subcommittee on Appropriations hearings on Interior and Related Agencies' Appropriations for FY 1973, pages 131-133.)

Commissioner Bruce estimated that around 10,500 students were receiving higher education assistance grants from BIA. The Bureau asked for an increase of \$800,000 and a total program request of \$16.1 million to meet the increased cost of living in the College Scholarship Grant Program. The \$900,000 increase was not to

handle any increase in the number of students, merely to cover the increased costs of attending college during fiscal year 1973. BIA estimated that the average grant would be \$1538. They noted that the average cost of attending college for a single undergraduate student in fiscal year 1973 was expected to be \$2500 and for a married student over \$4500. (Ibid., pages 142-144.)

Despite the attempts to encourage Indian students to pursue careers in such professions as law and medicine, my impression from reading the Appropriations hearings, is that the orientation of the Bureau of Indian Affairs is more toward vocational and trade outlets for Indian high school graduates than such more non-vocational outlets as the liberal arts and sciences which might well lead, at a later time, to the completion of professional degrees in the sciences, engineering, medicine, and law. As I understand it, part of this orientation goes back to Public Law 84-959 which was designed to encourage the relocation of Indians away from the reservation and to provide "a program of vocational training for Indians to help them obtain employment." (See Senate Report 2864, July 19, 1956, Eighty-fourth Congress, second session.)

The report which accompanied S-3416 stressed that the training program contemplated by the legislation "should be of great value in preparing and orienting participants in the Indian relocation program, and, secondly, it should stimulate industries to locate near Indian reservations." Again, this legislation was obviously vocationally oriented as the committee concluded that "this program will channel the excess manpower into skilled trades, which would enable the individual and his family to attain a higher standard of living." The supporting letters on behalf of the Department of the Interior and the Bureau of the Budget concurred that S-3416 was vocationally oriented. For example, Robert E. Merriam, then assistant to the director of the Bureau of the Budget, noted that "in consequence, if the economic status of the Indians is to be substantially improved, capable Indians must of necessity be relocated in areas where jobs are available and where an individual, and his family, may be assured of a decent living.

Those views were expressed by the executive branch and concurred in by the Congress in 1956. They were perhaps not inappropriate for that time. But we are now more than a decade and a half later and we are nearing 1976, the 200th anniversary of the American Revolution and a quest for independence. Although I am sure that some in the Bureau of Indian Affairs want to move these and other programs of educational support in the direction that Indian students can achieve the same opportunities across the broad spectrum of American higher education that are now being achieved by non-Indian students, I do hope that the Subcommittee on Indian Affairs will carefully explore the philosophy held by the Bureau of Indian Affairs and what attempts are being made to encourage Indian students to pursue careers in the professions, the liberal arts, and the sciences, and not simply in the skilled trades. I would hope that your Subcommittee and the Congress could assure that any financial aid which the Bureau provides to

July 2, 1973

Indian students would be made available to non-vocational as well as to vocational students who pursue work beyond the high school. If Indian students are to join the mainstream of American life, it is essential that this be done.

Recently, I and my colleagues on the United States Commission on Civil Rights released a special study which we completed on the status and problems of the Indians in the Southwest. You will note that some of the Southwest Indian Report dealt with the problems of education. I hope that this material will be helpful to you and to your staff.

With kindest regards,

Sincerely yours,



Stephen Horn

SH: jm

Enclosure

bcc: Mr. Allan Oster, AASCU
Dr. John Mallan, AASCU
Honorable John Buggs and
All Civil Rights Commissioners
Vice President Shainline
Mr. O. T. Ventress
Mr. Roger Ironcloud

*Exhibit No. 37**

CTBS Comprehensive Tests of Basic Skills, Form Q, Level 2. Monterey, Calif.: CTB/McGraw-Hill. 1968.

Short Form Test of Academic Aptitude, Level 1. Monterey, Calif.: CTB/McGraw-Hill. n.d.

Short Form Test of Academic Aptitude, Level 2. Monterey, Calif.: CTB/McGraw-Hill. 1970.

*On file at the U.S. Commission on Civil Rights.

RECEIVED

Submit in Duplicate To:
Chief, Public School Finance Division
Department of Finance and Administration
State Capital Building
Santa Fe, New Mexico 87501

STATE OF NEW MEXICO

APPROVED BUDGET

Fiscal Year 1973-74

AUG 31 1973

Final budgets shall not be altered or amended except for specific purposes and in accordance with FOR DATA-PROCESSING ONLY: OFFICE



PUBLIC SCHOOL BUDGET FINANCE DIVISION

D.P. CODE NO.:

REVENUE ESTIMATE WORKSHEET

OPERATIONAL FUND:

1. Local Sources:

10.11 District School Tax Levy \$ 73,956,473
District Valuation + \$
Gross District Valuation (Identify Dist. & Co.) + \$

TOTAL VALUATION = \$ 73,956,473

X District Tax Rate 004450

Production at 100% Collection = \$ 329,106

X Estimated Percent of Collection % = 10.11

GHS Summer School \$ 322,524

10.12 Fees from Patrons \$ 2,585

10.13 Tuition from out of State (From State of:) \$ Per Pupil

10.14 Earnings from Investments \$ 28,000

10.17 Rent, Other than School Facilities \$ 7,000

10.18 Rent, School Facilities \$ 3,500

10.19 Sale of Real Property/Equipment \$ 73,054

10.20 Miscellaneous (IDENTIFY ON REVERSE SIDE) Copying, Insur. claims -20000.20 \$

TOTAL LOCAL SOURCES \$ 436,663

2. County Sources:

County Valuation

Gross County Valuations: (Identify District, County and whether plus or minus)

\$ 73,956,473

\$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____

= \$ 73,956,473

X Tax Rate .006700

Production at 100% Collection = \$ 495,508

X Estimated Percent of Collection 98 %

= \$ 485,598

X Estimated 40 Day ADM % 100 %

= 20.01 %

= 20.02 %

485,598

37,000

522,598

TOTAL COUNTY SOURCES \$ _____

TOTAL VALUATION

X Tax Rate

Production at 100% Collection

X Estimated Percent of Collection

X Estimated 40 Day ADM %

ESTIMATED 40 DAY ADM:

Regular	<u>12,146</u>
Non-Profit	<u>0</u>
Sub-Total	<u>12,146</u>
Special Ed.	<u>264</u>
Total	<u>12,410</u>

20.01 General County School Tax

20.02 Motor Vehicle License Fees

4. Federal Sources:

40.02 P.L. 874

40.03 P.L. 864, Title III

40.05 Regular Vocational Programs (Complete Form #55)

40.06 Other Vocational-Special Projects (Identify)

40.02 \$ 1,926,597

40.03 \$

40.05 \$ 44,905

\$
\$

40.09 Johnson O'Malley

40.11 Forest Reserve Income

40.12 Other Special Federal Revenues (Identify)

BIA Dormitory 73-74

ESEA Title II 72-73

40.06 \$

40.09 \$ 1,024,134

40.11 \$ 3,744

72,610

\$ 86,588

\$ 492

40.12 \$ 159,690

TOTAL FEDERAL SOURCES \$ 3,159,070

TOTAL FEDERAL SOURCES \$

COUNTY: McKenley SCHOOL DISTRICT: Salisbury-McKenley NO. 1

Approved Budget

Final budgets shall not be altered or amended except for specific purposes and in accordance with statute.		ESTIMATED (By School District)	FINAL ADJUSTED ESTIMATE (Pub. Sch. Fin. only)
PUBLIC SCHOOL FINANCE DIVISION			
5. Non-Revenue Sources			
80. Incoming Transfers			
From _____	Purpose _____ \$	\$ _____	\$ _____
From _____	Purpose _____ \$	\$ _____	\$ _____
1710.01 Cafeteria Receipts [SAME AS AMOUNT BUDGETED UNDER 1500]	Purpose _____ 80.00	\$ _____	\$ _____
1810.01 Student Activity Receipts [SAME AS AMOUNT BUDGETED UNDER 1500]	Purpose _____ 1710.01	\$ _____	\$ _____
	Purpose _____ 1810.01	\$ _____	\$ _____
	TOTAL NON-REVENUE SOURCES	\$ <u>11,919,766</u>	\$ _____
		\$ 11,878,319	\$ 10,957,333
SUB-TOTAL OPERATIONAL FUND ESTIMATED REVENUE AVAILABLE			
6. Anticipated Cash Balance as of June 30: (Include fund investments not exchanged for cash) (To be budgeted under provisions of 77-6-45 sub-paragraphs B & C)		\$ 750,000	\$ 2,004,837
		\$ 153,958	\$ 141,649
7. State Instructional Materials Credits		\$ <u>12,823,724</u>	\$ _____
		\$ 12,782,277	\$ 13,103,819
9. TOTAL OPERATIONAL FUND ESTIMATED RESOURCES AVAILABLE			

1,166,921
P.C. 874/67
Cash balance 6/30/73

DEBT SERVICE INTEREST FUND: Tax Rate <u>001424</u> (To Be Completed by P.S.F.)			
1.	10.21 Debt Service Interest	\$ 132,643	\$ 100,048
2.	10.14 Earnings from Investments	\$ 3,000	\$ 3,000
3.	Anticipated Cash Balance as of June 30: (Include fund investments not exchanged for cash)	\$ 70,000	\$ 99,779
9.	TOTAL DEBT SERVICE INTEREST FUND ESTIMATED RESOURCES AVAILABLE	\$ 205,643	\$ 202,827
DEBT SERVICE PRINCIPAL FUND: Tax Rate <u>005907</u> (To Be Completed by P.S.F.)			
1.	10.22 Debt Service Principal	\$ 535,000	\$ 415,018
2.	10.14 Earnings from Investments	\$ 5,000	\$ 5,000
3.	Anticipated Cash Balance as of June 30: (Include fund investments not exchanged for cash)	\$ 100,000	\$ 126,565
9.	TOTAL DEBT SERVICE PRINCIPAL FUND ESTIMATED RESOURCES AVAILABLE	\$ 640,000	\$ 546,583
GENERAL BUILDING FUND:			
1.	50.1 Sale of Bonds	\$ 40,000	\$ 40,000
2.	10.14 Earnings from Investments	\$ 1,550,000	\$ 1,587,146
3.	Other (Identify)	\$ 1,590,000	\$ 1,627,146
4.	Anticipated Cash Balance as of June 30: (Include fund investments not exchanged for cash)		
9.	TOTAL GENERAL BUILDING FUND ESTIMATED RESOURCES AVAILABLE		

FEDERAL PROJECTS FUND: Identify Source of Revenue			
1.	P.L. 89-10, Title I <u>73-74</u>	\$ 544,454	\$ 739,255
2.	P.L. 89-10, Title I, Migrant <u>73-74</u>	\$ 34,956	\$ 43,077
3.	PL 89-10 Title I 72-73	\$ 39,650	
4.	PL 89-10 Title I Migrant 72-73	\$ 7,000	
5.	PL 89-10 Title VII <u>73-74</u>	\$ 117,645	\$ 117,645
6.	Follow Through 72-73	\$ 30,000	
7.	Follow Through <u>73-74, 72-73, 71, 842 + 73-74, 348, 125</u>	\$ 348,125	\$ 419,967
8.	P.L. 92-318 Title IV	\$ 1,121,830	\$ 590,826
9.	TOTAL FEDERAL PROJECTS FUND ESTIMATED RESOURCES AVAILABLE	\$ 1,121,830	\$ 1,910,770
OTHER FUND: (Identify) <u>Special Capital Assets</u> Receipt Code No. <u>10.20</u>		\$ 2,000	\$ 2,000
1.	10.14 Earnings from investments	\$	\$
2.	Anticipated Cash Balance as of June 30: (Include fund investments not exchanged for cash)	\$ 6,500	\$ 6,871
9.	TOTAL <u>Special Capital Assets</u> FUND ESTIMATED RESOURCES AVAILABLE	\$ 8,500	\$ 8,871
OTHER FUND: (Identify) <u>Teacherage Rent</u> Receipt Code No. <u>10.17</u>		\$ 182,000	\$ 182,000
1.	10.14 Earnings from Investments	\$	\$
2.	Anticipated Cash Balance as of June 30: (Include fund investments not exchanged for cash)	\$ 12,600	\$ 8,233
9.	TOTAL <u>Teacherage Rent</u> FUND ESTIMATED RESOURCES AVAILABLE	\$ 194,600	\$ 190,233

<p>OTHER FUND: (Identify) <u>Rent Deposit</u> Receipt Code No. <u>10.17</u></p> <p>1. 10.14 Earnings from Investments</p> <p>2. Anticipated Cash Balance as of June 30. (Include fund investments not exchanged for cash)</p> <p>9. TOTAL <u>Rent Deposit</u> FUND ESTIMATED RESOURCES AVAILABLE</p>	<p>\$ <u>1,000</u></p> <p>\$ _____</p> <p>\$ <u>5,800</u></p> <p>\$ <u>6,800</u></p>	<p>\$ <u>1,000</u></p> <p>\$ _____</p> <p>\$ <u>5,915</u></p> <p>\$ <u>6,915</u></p>
<p>GRAND TOTAL ESTIMATED RESOURCES AVAILABLE</p> <p style="text-align: center;">Cont.</p>	<p>\$ _____</p>	<p>\$ _____</p>
<p>COUNTY <u>McKinley</u> SCHOOL DISTRICT <u>Gallup-McKinley</u> NO. <u>1</u></p>		

<p>OTHER FUND: (Identify) <u>Branch College</u> Receipt Code No. <u>10,23</u></p> <p>1. 10.14 Earnings from investments</p> <p>2. Anticipated Cash Balance as of June 30: (Include fund investments not exchanged for cash)</p> <p>9. TOTAL <u>Branch College</u> FUND ESTIMATED RESOURCES AVAILABLE \$</p>	<p>\$ <u>21,700</u></p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ <u>21,700</u></p>	<p>\$ <u>21,700</u></p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ <u>21,700</u></p>	<p>\$ <u>21,700</u></p>
<p>OTHER FUND: (Identify) <u>Branch College Bldg.</u> Receipt Code No. <u>10,24</u></p> <p>1. 10.14 Earnings from Investments</p> <p>2. Anticipated Cash Balance as of June 30: (Include fund investments not exchanged for cash)</p> <p>9. TOTAL <u>Branch College Bldg.</u> FUND ESTIMATED RESOURCES AVAILABLE \$</p>	<p>\$ <u>126,250</u></p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ <u>126,250</u></p>	<p>\$ <u>126,250</u></p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ <u>126,250</u></p>	<p>\$ <u>126,250</u></p>
<p>OTHER FUND: (Identify) <u>Place, Employ Prog.</u> Receipt Code No. _____</p> <p>1. 10.14 Earnings from Investments</p> <p>2. Anticipated Cash Balance as of June 30: (Include fund investments not exchanged for cash)</p> <p>9. TOTAL <u>PEP</u> FUND ESTIMATED RESOURCES AVAILABLE \$</p>	<p>\$ <u>18,040</u></p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ <u>18,040</u></p>	<p>\$ <u>18,040</u></p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ <u>18,040</u></p>	<p>\$ <u>18,040</u></p>
<p>GRAND TOTAL ESTIMATED RESOURCES AVAILABLE</p>		<p><i>16 757 057</i></p> <p>\$ <u>16,715,640</u></p>	<p>\$ <u>17,763,154</u></p>
<p>COUNTY <u>McKinley</u></p>		<p>SCHOOL DISTRICT <u>Gallup-McKinley</u></p>	<p>NO. <u>1</u></p>

GALLUP-McKINLEY COUNTY SCHOOLS

SCHOOLS	STUDENT GR.	ENROLLMENT			SPANISH SURNAME AMERICAN	OTHERS	TOTAL
		AMER. IND	BLACK	ASIAN			
AILEEN ROAT	K-6	249	8		88	162	507
AMBROSIA LAKE	1-6	2			2	13	17
CHURCH ROCK	K-6	401				7	408
CROWNPOINT ELE.	K-6	733	1		2	46	782
CROWNPOINT HIGH	7-12	562			1	24	587
GALLUP JR. HIGH	7-9	311	11	8	197	314	841
GALLUP SR. HIGH	10-12	435	15	11	375	652	1488
INDIAN HILLS	K-6	152			49	149	350
JEFFERSON	K-6	136		2	50	202	390
JOHN F. KENNEDY	7-9	329	11	2	247	198	787
LINCOLN	K-6	154	3		174	31	362
NAVAJO ELE.	K-6	442			6	3	451
NAVAJO JR. HIGH	7-9	151			1	2	154
RAMAH	K-6	218				44	262
RED ROCK	K-6	143			24	262	429
ROOSEVELT	K-6	120		3	51	146	320
SKY CITY	K-6	30			95	8	133
SUNNYSIDE	K-6	42	10	1	65	26	144
THOREAU ELE.	K-6	573			10	116	699
THOREAU HIGH	7-12	397			12	137	546
TOHATCHI ELE.	K-6	680			3	27	710
TOHATCHI HIGH	7-12	605	2		4	21	632
TOWA YALLANE	K-6	450				22	472
TSE BONITO	K-6	180			6	6	192
WASHINGTON	K-6	176	18		126	39	359
ZUNI ELE.	K-6	498			2	3	503
ZUNI HIGH	7-12	644			2	85	731
WILSON Spec. Ed		11			6	12	29
COYOTE CANYON Spec Ed		10					10
TOTALS:		8834	79	27	1598	2757	13,295

ENROLLMENT
10-19-73
JO Reports
ADA Reports
Oct. 1973

ACW:2/18/74

GALLUP-MCKINLEY COUNTY SCHOOL DISTRICT

Teacher Aide Salary Schedule - 1973-74

Experience	H.S.	8	16	24	32	40
0	3,500	3,600	3,700	3,800	3,900	4,000
1	3,600	3,700	3,800	3,900	4,000	4,100
2	3,700	3,800	3,900	4,000	4,100	4,200
3	3,800	3,900	4,000	4,100	4,200	4,300
4	3,900	4,000	4,100	4,200	4,300	4,400
5	4,000	4,100	4,200	4,300	4,400	4,500
6	4,100	4,200	4,300	4,400	4,500	4,600
7	4,200	4,300	4,400	4,500	4,600	4,700
8	4,300	4,400	4,500	4,600	4,700	4,800
9	4,400	4,500	4,600	4,700	4,800	4,900
10	4,500	4,600	4,700	4,800	4,900	5,000
Experience	48	56	64/AA	96	above 96	
0	4,100	4,200	4,300	4,400	4,500	
1	4,200	4,300	4,400	4,500	4,600	
2	4,300	4,400	4,500	4,600	4,700	
3	4,400	4,500	4,600	4,700	4,800	
4	4,500	4,600	4,700	4,800	4,900	
5	4,600	4,700	4,800	4,900	5,000	
6	4,700	4,800	4,900	5,000	5,100	
7	4,800	4,900	5,000	5,100	5,200	
8	4,900	5,000	5,100	5,200	5,300	
9	5,000	5,100	5,200	5,300	5,400	
10	5,100	5,200	5,300	5,400	5,500	

PROPOSED SALARY SCHEDULE 1973-74

MAINTENANCE AND WAREHOUSE			
STEP	SEMI-SKILLED	SKILLED WORKER	WAREHOUSE
0	\$4530.	\$5900.	\$4630.
1	4870.	6360.	4750.
2	4980.	6810.	4860.
3	5100.	7040.	4970.
4	5220.	7270.	5090.
5	5330.	7500.	5200.
6	5450.	7630.	5430.
7	5550.	7950.	5650.
8	5670.	8180.	6000.
9	5790.	8300.	6220.
10	5900.	8510.	6460.

Supervisor, Foreman, Head Warehouseman, or Skilled Worker with a license - from \$200.00 to \$1500.00 increment.

CUSTODIAN		
STEP	SMALL SCHOOL*	REGULAR SCHOOL
0	\$4190.	\$4530.
1	4300.	4650.
2	4420.	4760.
3	4530.	4870.
4	4650.	4990.
5	4760.	5100.
6	4870.	5220.
7	4990.	5330.
8	5100.	5450.
9	5220.	5550.
10.	5450.	5670.

Head Custodian and Football Field Caretaker - \$100 to \$800 Increment
 *Ambrosia Lake Elementary School

SECRETARY SALARY SCHEDULE
 1573-1974

Level	ELEMENTARY		SECONDARY						CENTRAL OFFICE			
	I	II	III	IV	V	V-A	VI	VII	VIII	IX		
Experience	1.00	1.02	1.04	1.14	1.30	1.45	1.14	1.30	1.46	1.62		
0	4070	4150	4235	4640	5290	5900	4640	5290	5940	6595		
1	4180	4260	4345	4750	5400	6010	4750	5400	6050	6705		
2	4290	4370	4455	4860	5510	6120	4860	5510	6160	6815		
3	4400	4480	4565	4970	5620	6230	4970	5620	6270	6925		
4	4540	4620	4705	5110	5760	6370	5110	5760	6410	7065		
5	4680	4760	4845	5250	5900	6510	5250	5900	6550	7205		
6	4820	4900	4985	5390	6040	6650	5390	6040	6690	7345		
7	4985	5065	5150	5555	6205	6815	5555	6205	6855	7510		
8	5150	5230	5315	5720	6370	6980	5720	6370	7020	7675		
9	5315	5395	5480	5885	6535	7145	5885	6535	7185	7840		
10	5480	5560	5645	6050	6700	7310	6050	6700	7350	8005		
2%	5560	5640	5725	6130	6780	7390	6130	6780	7430	8085		

Level I - Elementary School secretary of school of under 400 enrollment

Level II - Elementary School secretary of school of over 400 enrollment

Level III - Ten month secondary school secretary

Level IV - Eleven month secondary school secretary

Level V - Twelve month secondary school secretary

Level V-A - Gallup High School activity bookkeeper, accountant

Level VI - Central Office clerk-typist and receptionist

Level VII - Central Office secretary to co-ordinators and supervisors

Level VIII - Secretary to Administrative Assistants and Multilith Operator

Level IX - Central office machine operators, and base salary for secretary to the Superintendent and Board of

 Education plus an increment to be added at the discretion of the Superintendent
 Addition I - A \$250 increment to be added to the salary of the other full-time school bookkeepers and typewriter-

programmer

Addition II - In the event a half-time secretary is employed, her salary will be \$1.60 per hour

GALLUP-MCKINLEY COUNTY SCHOOLS

P. O. Box 1318
Gallup, New Mexico 87301

II ELEMENTARY PRINCIPALS' SALARY SCHEDULE 1973-1974

TENTH MONTH
\$5,700 BASE

Enrollment	YEARS AS PRINCIPAL IN SYSTEM															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
200 to 299	1.03	1.04	1.05	1.06	1.07	1.08	1.09	1.10	1.11	1.12	1.12	1.13	1.14	1.15	1.16	1.18
BASE \$11,800	12,235	12,355	12,475	12,595	12,710	12,830	12,950	13,070	13,185	13,305	13,425	13,545	13,660	13,780	13,900	14,135
300 to 399	1.05	1.06	1.07	1.08	1.09	1.10	1.11	1.12	1.13	1.14	1.15	1.16	1.17	1.18	1.19	1.20
BASE \$11,800	12,475	12,595	12,710	12,830	12,950	13,070	13,185	13,305	13,425	13,545	13,660	13,780	13,900	14,020	14,135	14,255
400 to 499	1.07	1.08	1.09	1.10	1.11	1.12	1.13	1.14	1.15	1.16	1.17	1.18	1.19	1.20	1.21	1.22
BASE \$11,800	12,710	12,830	12,950	13,070	13,185	13,305	13,425	13,545	13,660	13,780	13,900	14,020	14,135	14,255	14,375	14,495
500 to 599	1.09	1.10	1.11	1.12	1.13	1.14	1.15	1.16	1.17	1.18	1.19	1.20	1.21	1.22	1.23	1.24
BASE \$11,800	12,950	13,070	13,185	13,305	13,425	13,545	13,660	13,780	13,900	14,020	14,135	14,255	14,375	14,495	14,610	14,730
600 or more	1.11	1.12	1.13	1.14	1.15	1.16	1.17	1.18	1.19	1.20	1.21	1.22	1.23	1.24	1.25	1.26
BASE \$11,800	13,185	13,305	13,425	13,545	13,660	13,780	13,900	14,020	14,135	14,255	14,375	14,495	14,610	14,730	14,850	14,970

(to nearest \$5.00)

\$6,700 BASE

Enrollment	YEARS AS PRINCIPAL IN SYSTEM															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
200 to 399 Base \$11,880 Eleven Month	1.10 13,070	1.12 13,305	1.14 13,545	1.16 13,780	1.18 14,020	1.20 14,255	1.22 14,495	1.24 14,730	1.26 14,970	1.28 15,205	1.30 15,445	1.32 15,680	1.34 15,920	1.36 16,155	1.38 16,395	1.40 16,630
400 to 599 Base \$11,880 Eleven Month	1.16 13,780	1.18 14,020	1.20 14,255	1.22 14,495	1.24 14,730	1.26 14,970	1.28 15,205	1.30 15,445	1.32 15,680	1.34 15,920	1.36 16,155	1.38 16,395	1.40 16,630	1.42 16,870	1.44 17,105	1.46 17,345
600 to 799 Base \$11,880 Eleven Month	1.22 14,495	1.24 14,730	1.26 14,970	1.28 15,205	1.30 15,445	1.32 15,680	1.34 15,920	1.36 16,155	1.38 16,395	1.40 16,630	1.42 16,870	1.44 17,105	1.46 17,345	1.48 17,580	1.50 17,820	1.52 18,060
800 to 999 Base \$11,880 Eleven Month	1.28 15,205	1.30 15,445	1.32 15,680	1.34 15,920	1.36 16,155	1.38 16,395	1.40 16,630	1.42 16,870	1.44 17,105	1.46 17,345	1.48 17,580	1.50 17,820	1.52 18,060	1.54 18,295	1.56 18,535	1.58 18,770
1,000 to 1,199 Base \$11,880 Twelve Month	1.34 15,920	1.36 16,155	1.38 16,395	1.40 16,630	1.42 16,870	1.44 17,105	1.46 17,345	1.48 17,580	1.50 17,820	1.52 18,060	1.54 18,295	1.56 18,535	1.58 18,770	1.60 19,010	1.62 19,245	1.64 19,485
1,200 to 1,399 Base \$11,880 Twelve Month	1.40 16,630	1.42 16,870	1.44 17,105	1.46 17,345	1.48 17,580	1.50 17,820	1.52 18,060	1.54 18,295	1.56 18,535	1.58 18,770	1.60 19,010	1.62 19,245	1.64 19,485	1.66 19,720	1.68 19,960	1.70 20,195
1,400 to 1,599 Base \$11,880 Twelve Month	1.46 17,345	1.48 17,580	1.50 17,820	1.52 18,060	1.54 18,295	1.56 18,535	1.58 18,770	1.60 19,010	1.62 19,245	1.64 19,485	1.66 19,720	1.68 19,960	1.70 20,195	1.72 20,435	1.74 20,670	1.76 20,905

GALLUP-MCKINLEY COUNTY SCHOOLS
Gallup, New MexicoTeacher's Salary Schedule
1973-1974

Experience	BA (1.00)	8 (1.02)	16 (1.04)	24 (1.06)	MA (1.12)	8 (1.14)	16 (1.16)	24 (1.18)	EDS or DM (1.24)	ED D (1.36)
0	6700	6835	6970	7100	7505	7640	7770	7905	8310	9110
1	7035	7170	7305	7435	7840	7975	8105	8240	8645	9445
2	7370	7505	7640	7770	8175	8310	8440	8575	8980	9780
3	7705	7840	7975	8105	8510	8645	8775	8910	9315	10115
4	8040	8175	8310	8440	8845	8980	9110	9245	9650	10450
5	8375	8510	8645	8775	9180	9315	9445	9580	9985	10785
6	8645	8780	8915	9045	9450	9585	9715	9850	10255	11055
7	8915	9050	9185	9315	9720	9855	9985	10120	10525	11325
8	9185	9320	9455	9585	9990	10125	10255	10390	10795	11595
9	9455	9590	9725	9855	10260	10395	10525	10660	11065	11865
10	9725	9860	9995	10125	10530	10665	10795	10930	11335	12135
11					10800	10935	11065	11200	11605	12405
12					11070	11205	11335	11470	11875	12675
13	9995	10130	10265	10395	11340	11475	11605	11740	12145	12945
14					11610	11745	11875	12010	12415	13215
15					11880	12015	12145	12280	12685	13485
16	10095	10230	10365	10495						
18					11990	12115	12245	12380	12785	13585
20					12090	12215	12345	12480	12885	13685

Credit for additional hours as shown on this salary schedule must be earned subsequent to conferral of the bachelor's or master's degree and must apply on an advanced degree program, or be approved by the Superintendent of Schools. Correspondence credit will be accepted only if it is part of a degree program. Resident or extension credit earned in a fully accredited institution will be accepted. No fraction of eight hours will be considered. Verification of such credit must be filed in the Personnel Office on or before October 10 to be included in the current annual contract.

Contract Year: The teacher's contract year shall be 185 school days as defined by law.

Credit for Experience: Beginning July 1, 1963, a maximum credit of five years will be allowed for teaching experience outside the Gallup-McKinley County School District. No credit is allowed for fractional years. Any teacher who has previously been employed by the Gallup or McKinley County Public Schools and is returning shall be given credit for all full years of experience gained within the system.

Teacher's Salary Schedule

Credit for Military Service: Any teacher whose teaching career is interrupted due to military service will be: (1) Assured a job at the end of the service time, and (2) given credit year for year for teaching experience on the state retirement schedule and on the salary schedule.

Rural Increments shall be from \$58 to \$540.

Substitute Teachers who hold a bachelor's degree will be paid \$24.00 per day. Those who do not hold a bachelor's degree will be paid \$16.00 per day.

School Nurses will be paid on the teacher's salary schedule. A registered nurse holding a one-year certificate will be paid on the teacher's salary schedule less \$500, not to exceed the fifth step on the teacher's salary scale. A registered nurse holding a five-year certificate will be paid the full amount of the teacher's salary schedule. Head nurse is to be paid an additional \$200.

Personal Leave (Certified Personnel Only): Two days personal leave shall be granted each contract year at full pay less \$20.00 per day.

Professional Growth: The Board of Education requires each teacher to have filed in the Personnel Office a currently valid teaching certificate issued by the Department of Education for the State of New Mexico.

Retirement: The Board of Education, in compliance with the State Retirement Program, has established the retirement age of tenure teachers at 62 years. A teacher reaching retirement age no longer has tenure; therefore, the employment of such a teacher will be on an annual basis following the recommendation of the Superintendent and the approval of the Board.

Insurance: The Board of Education carries a \$1,200 life insurance policy on each employee. Group health and hospitalization insurance is also available to all employees on a voluntary basis.

Sick Leave (All Employees): Sick Leave available for full-time teaching personnel shall be ten (10) days per year, eleven (11) days per year for certified personnel on a ten-month contract, twelve (12) days per year for certified personnel on an eleven-month contract, and thirteen (13) days per year for certified personnel on a twelve month contract. Unused sick leave may be allowed to accrue until the employee leaves the school district.

SUPPLEMENTAL SALARIES

SPORT	Class AAAA High School		Class AAA & AA High School & Jr. High School			Junior High	
	Head Coach	Asst. Coach	Head Coach	Asst. Coach	Jr. High	Head Coach	Asst. Coach
Football	1000	2 @ 600 2 @ 500	800	1 @ 500 1 @ 400	1 @ 350 1 @ 300	400	1 @ 300 1 @ 250 1 @ 250
Basketball	1000	1 @ 600 1 @ 500	800	400	1 @ 300 1 @ 300	400	1 @ 300 1 @ 200
Cross Country	400		350				
Wrestling	600	400					
Gymnastics	500 (Male)						
Gymnastics	400 (Female)						
Baseball	600	400					
Track	500	400	450	300	300	300	200
Tennis	300						
Golf	300						
Trainer	800 (All Sports)						
Girls Basketball	300	200	300	200			
Girls Track	300		300		200	300	200
Intramural						300	
6th Grade Coaches (All Sports)						200	

	Class AAAA High School	Class AA(A) High School	Junior High
Annual Sponsor	200	200	200
Newspaper Sponsor	200	100	100
Student Council Sponsor	200	200	100
FTA Sponsor	200	100	
Band Director	500	400	300
Chorus Director	500	400	300
Cheerleader Sponsor	300	200	100
Department Head	400	200	400
Teaching Principal	\$600	Elementary Consultants (salary schedule plus 1/9th base)	\$300
Special Education	\$200	Travel for authorized personnel Counselors (10 Months) (teacher's salary schedule plus 1/9th salary base)	\$100
Other Club or Activity sponsorships approved by the principal and Superintendent	\$200 \$100 \$100		

CIVIL RIGHTS COMMITTEE Exhibit 38
 BUREAU OF INDIAN AFFAIRS
 NAVAJO AREA DIVISION OF EDUCATION
 Salary Schedule for all Employees of BIA Schools
 (Does not include Area and Agency Offices, Food
 and Warehouse)

2/15/74

<u>TITLE</u>	<u>GRADE</u>	<u>SALARY</u>
<u>School Administration:</u>		
Principal (High Schools).....	GS-13. . .	\$ 20,677
Principal, Assistant (High Schools)	GS-12. . .	\$ 17,497
Principal (Elementary)	GS-12. . .	\$ 17,497
Principal (Elementary)	GS-11. . .	\$ 14,671
Principal (Elementary)	GS-10. . .	\$ 13,379
Communitive Director	GS- 9. . .	\$ 12,167
Registrar (High Schools)	GS- 7. . .	\$ 9,969
Clerical	GS- 4. . .	\$ 7,198
Clerical	GS- 3. . .	\$ 6,408
<u>Instruction-Supervision:</u>		
Teacher Supervisor (High & Elem.) . .	GS-11. . .	\$ 14,671
Education Specialist (High & Elem.) . .	GS-11. . .	\$ 14,671
<u>Instruction: Kindergarten</u>		
Kindergarten Teacher	GS-9 . . .	\$ 12,167
Training Instructor (Kindergarten) . .	GS-7 . . .	\$ 9,969
Training Instructor (Kindergarten) . .	GS-5 . . .	\$ 8,055
Education aide (Kindergarten)	GS-4 . . .	\$ 7,198
Teacher Aide	GS-4 . . .	\$ 7,198
<u>Elementary:</u>		
Teacher Elementary and High School . .	GS-9 . . .	\$ 12,167
Training Instructor	GS-7 . . .	\$ 9,969
<u>Library & Materials Center:</u>		
Librarian	GS-9 . . .	\$ 12,167
Audio-Visual Teacher (High Schools) .	GS-9 . . .	\$ 12,167
<u>Guidance and Counseling:</u>		
Education Spec. (Guidance)	GS-11 . . .	\$ 14,671
Guidance Superv.	GS-9 . . .	\$ 12,167
Homeliving Spec.	GS-9 . . .	\$ 12,167
Guidance Counselor	GS-9 . . .	\$ 12,167
Counselor Aide	GS-7 . . .	\$ 9,969
Guidance Technician	GS-5 . . .	\$ 8,055
<u>Recreation:</u>		
Student Activity Director & High Sch.	GS-9 . . .	\$ 12,573
Education Spec. (Recreation)	GS-11 . . .	\$ 14,671
Recreation Spec.	GS-9 . . .	\$ 12,167
Recreation Aide	GS-4 . . .	\$ 7,198
Clerk (Banker)	GS-4 . . .	\$ 7,198

Dormitory Operations:

Dormitory Manager	GS-6 . . .	8,977
Suprv. Instruc. Aide	GS-5 . . .	8,055
Instructional Aide	GS-4 . . .	7,198
Night Attendant	GS-3 . . .	6,408
Day Attendant	GS-3 . . .	6,408
Night Attendant (Night Watchman)	GS-3 . . .	6,408

Food Services:

Head Cook	WS- WB-8/5 . .	14,144
Assistant Head Cook	WL- WB-8/3 . .	11,045
Cook	NG- WB-8/1 . .	9,796
Food Service Worker Leader	WL- WB-2/3 . .	7,571
Food Service Worker	WG- WB-2/1 . .	6,268

Pupil Transportation:

Bus Driver	WB	7/1 . .	9,547
Truck Driver	WB	7/1 . .	9,547

GALLUP-MCKINLEY COUNTY SCHOOLS

	Amer. Ind.	Grade K			Spanish Surname	Other	Amer. Ind.	Grade 1			Spanish Surname	Other
		Black	Asian	Other				Black	Asian	Other		
AILEEN ROAT	19	2		9	21	58			15		21	
AMBROSIA LAKE					4	1					1	
CHURCH ROCK	35				2	61						
CROWNPOINT ELE.	80				8	89			1		7	
INDIAN HILLS	26			4	22	19			5		17	
JEFFERSON	3			7	20	19			9		33	
LINCOLN	24			22	4	23			30		5	
NAVAJO ELE.	56			1	5	78					2	
RAMAH	19				5	47					4	
RED ROCK	12			5	30	22			4		44	
ROOSEVELT	6			8	14	19			5		13	
SKY CITY	3			8	2	10			17		2	
SUNNYSIDE	6			15	8	8			10		3	
THOREAU ELE.	49			1	14	80			2		14	
TOHATCHI ELE.	73				5	124					4	
TOMA YALLANE	44					59					4	
TSE BONITO	24			1	1	23			1		1	
WASHINGTON	21			17	6	30		3			4	
ZUNI ELE.	59					72						

GALLUP-McKINLEY COUNTY SCHOOLS

	Grade 2				Grade 3					
	Amer. Ind.	Black	Asian	Spanish Surname	Other	Amer. Ind.	Black	Asian	Spanish Surname	Other
AILEEN ROAT	24	1		15	27	42			12	24
AMBROSIA LAKE	1				1				1	4
CHURCH ROCK	43				2	66				1
CROWNPOINT ELE.	107				9	88			1	6
INDIAN HILLS	15			6	22	27		1	8	14
JEFFERSON	23			4	32	13			7	35
LINGCOLN	21			24	3	30			16	1
NAVAJO ELE.	66					61			1	
RAMAH	34				8	26				5
RED ROCK	22			2	37	23			3	33
ROOSEVELT	15		1	6	20	12			8	24
SKY CITY	5			10		5			18	2
SUNNYSIDE	10	4		8	2	4		2	5	5
THOREAU ELE.	78			1	15	79				17
TOHATCHI ELE.	89				3	89				4
TOWA YALLANE	47				4	84				2
TSE BONITO	20			1	1	33			2	1
WASHINGTON	28	2		14	2	34		3	18	8
ZUNI ELE.	65			1	1	89				1

CALLUP-McKINLEY COUNTY SCHOOLS

	Amer. Ind.	<u>Grade 4</u>			Spanish Surname	Other	Amer. Ind.	<u>Grade 5</u>			Spanish Surname	Other
		Amer. Ind.	Black	Asian				Black	Asian	Other		
AILEEN ROAT	36		2		11	27	27			12	19	
AMBROSIA LAKE						1	1					
CHURCH ROCK	73					1	57				2	
CROWNPOINT ELE.	108	1				7	114				5	
INDIAN HILLS	18				6	31	17			11	20	
JEFFERSON	30				6	26	25		1	10	26	
LINCOLN	24	2			30	6	15			25	6	
NAVAJO ELE.	62				1	2	59					
RAMAH	37					6	20				9	
RED ROCK	21				3	35	18			2	33	
ROOSEVELT	21			1	9	24	25			8	26	
SKY CITY	1				14		5			13	1	
SUNNYSIDE	6		1		10	5	6		2	5	2	
THOREAU ELE.	81				1	19	85			6	18	
TOHATCHI ELE.	92					6	109			3	1	
TOMA YALLANE	61					4	75				4	
TSE BONITO	22					2	20			2	1	
WASHINGTON	24		1			3	17		3	14	4	
ZUNI ELE.	83				21		68			1		

CALLUP-MCKINLEY COUNTY SCHOOLS

	Grade 6				Spanish Surname	Other
	Amer. Ind.	Black	Asian			
AILEEN ROAT	32	1			13	23
AMBROSIA LAKE						3
CHURCH ROCK	49					
CROWNPOINT ELE.	126					4
INDIAN HILLS	30				9	23
JEFFERSON	23				7	30
LINCOLN	17	1			27	6
NAVAJO ELE.	44				2	1
RAMAH	19					7
RED ROCK	25				5	50
ROOSEVELT	22		1		7	25
SKY CITY	1				15	1
SUNNYSIDE	2	1			12	1
THOREAU ELE.	91					18
TOHATCHI ELE.	104					4
TOMA YALLANE	70					4
TSE BONITO	26					2
WASHINGTON	17	5			23	10
ZUNI ELE.	63					1

GALLUP-McKINLEY COUNTY SCHOOLS

SPECIAL EDUCATION

	Amer. Ind.	Black	Asian	Spanish Surname	Other
AILEEN ROAT	11	2		1	
CHURCH ROCK	15				
CROWNPOINT ELE.	21				
NAVAJO ELE.	15				
RAMAH	16				
THOREAU ELE.	30				
TOWA YALLANE	10				
TSE BONITO	12				
WASHINGTON	5			6	2
WILSON SCHOOL	11			6	12
COYOTE CANYON	10				
GALLUP JR. H.S.	12			1	2
GALLUP SR. H.S.	25	1		4	
JFK JR. H.S.	18				
ZUNI H.S.	16				

*Exhibit No. 39*GALLUP-McKINLEY COUNTY SCHOOLS
ENROLLMENT - NAVAJO AND ZUNI LANGUAGEELEMENTARYSECONDARY

<u>Schools</u>	<u>ELEMENTARY</u>			<u>SECONDARY</u>			
	<u>Indian</u>	<u>Non Ind.</u>	<u>Total</u>	<u>Indian</u>	<u>Non Ind.</u>	<u>Total</u>	
Church Rock	63	1	64				Navajo
Gallup Senior High				151	7	158	Navajo
Thoreau	66		66				Navajo
Tse Bonito	67	6	73				Navajo
Zuni	57	1	58				Zuni
TOTALS	253	8	261	151	7	158	

*Exhibit No. 40*RESOLUTION OF THE
LOCAL COMMUNITIES IN
GALLUP-MCKINLEY COUNTY SCHOOL DISTRICTRequest for total Bilingual Education for Navajo Children in Gallup McKinley County Schools.

WHEREAS:

1. Indian leadership at all levels of authority have emphasized the importance of meaningful education for Indian Children, and,
2. The Gallup-McKinley County School system does not presently have total bilingual (bi-cultural) education for Navajo students, and,
3. Bilingual education, for Navajo Children, is the use of two languages, Navajo and English, as medium of instruction in a well organized program which encompasses part or all of the curriculum and includes the study of the history and culture associated with the mother tongue, and,
4. It is intended that, through bilingual education, Navajo Children will develop greater competence in English as a second language, become more proficient in their Navajo language, and develop their self-esteem and pride in Navajo culture, and,
5. Navajo people have a right to their dignity, their language and their culture, as do all peoples of the world, and,
6. The McKinley County School System is charged with educating Navajo Children, not assimilating them into the American mainstream.

NOW BE IT THEREFORE RESOLVED:

1. Gallup-McKinley County Schools provide bilingual education for Navajo Children, and ensure their full and effective participation in a total, bilingual, instructional program, and,
2. Navajo parents shall be informed of school related activities in the Navajo language to ensure full communication and understanding
3. The Gallup-McKinley County School System shall respect the rights of Navajo Children, and not use textbooks in the classrooms which are insulting and degrading to Indian people.
4. It is the desire of the Navajo people to encourage bilingual education in Gallup-McKinley County schools to equip Navajo Children to go as far and as fast as their talents and energies might take them.

4. It is the desire of the Navajo people to encourage bilingual education in Gallup-McKinley County Schools to equip Navajo Children to go as far and as fast as their talents and energies might take them.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Parents, Community leaders, and the Community as a whole at a duly called meeting at Red Rock Chapter, at which a quorum was present and that the same was passed by a vote of 42 in favor and 0 opposed on this 5 day of August, 1973.

Mark Billie

FRESIDENT

Gene Spencer

VICE PRESIDENT

John Pinto

SECRETARY

Agnes Y. ...
WITNESS TO SIGNATURES

(This resolution was also passed by Crownpoint Chapter, Coyote Canyon Chapter, Chi-chil-tah Chapter, and Standing Rock Chapter.)

Request for lowering the voting age and age requirement for councilmen

Whereas:

We the young people of the Navajo Nation in order to form a better relationship with the tribal government must obtain our voting rights and a place in the tribal structure where we as the young people have a voice within the system. Because of the number of concerned youth and the number of growing issues within the tribal government, we feel that the voting age should be lowered from 21 years of age to 18 years of age. The lowering of the voting age is a federal law and we feel that since we are under the federal government that the tribal council is ignoring this law. We also feel that the tribal councilmen age requirement is too high and that it should be lowered. The reasons are that there are a large number of responsible young people in the Navajo Nation and that we should be represented in the council with a younger person that has not been brainwashed and is fresh with new ideas and concern.

Now therefore be it Resolved:

- 1) That the voting age of the Navajo tribal government be lowered from 21 years of age to 18 years of age.
- 2) That the age requirement for the Navajo tribal councilmen be changed from 30 years of age to 25 years of age.
- 3) That the Navajo tribal council immediately act upon the above matters.

We, the Navajo Nation youth committee, have duly considered and adopted this resolution at one of our conference, a quorum was present by a vote in favor and none opposed.

/s/ Tim Clashin

/s/ Shirley Martin

Shirley Martin, Chairwoman
Navajo Nation Youth Committee

Resolution: Navajo Nation Wide Youth Conference supports the use of the textbooks which are relevant and meaningful to the Native American children in the school systems which serve them.

- WHEREAS: 1 The textbooks used in the present public and BIA school system in and surrounding the Navajo Nation are degrading to the Native students and have made them ashamed of their culture.
- WHEREAS: 2 The usage of these down-grading materials have negatively affected the morale and the psychological makeup of the Native students and have made them ashamed of their culture.
- WHEREAS: 3 The educational achievement of the Native American children has been significantly affected, and,
- WHEREAS: 4 As a result of the use of these down-grading materials, Native American students are not motivated to continue their education as to work for the betterment of their community, their people and themselves, and,
- WHEREAS: 5 Those who decide which textbooks should be used are ignorant of the Native American culture and ways, and,
- WHEREAS: 6 The school system should respect and reflect the culture and heritage of the Native American students attending these institution, and,
- WHEREAS: 7 While the school systems have the responsibility with a meaningful education in actuality they add to their confusion and uncertainty about their place and role in present day society, and lead to the many social problem confronting the Native American population today.

THEREFORE BE IT RESOLVED:

- 1 That the public and BIA school systems eliminate these textbooks which are offensive to the Native American people.
- 2 That the school system choose textbooks which respect and reflect the Native American culture and heritage.
- 3 That before any new textbook is chosen to be used in the school systems, it shall be approved by a committee consisting a majority of Native American parents from the school districts.
- 4 That school system containing a significant proportion of Native American, establish bi-lingual and bi-cultural programs in order to make the educational experienced more relevant to the Native Americans.
- 5 That government and civic courses offered in the schools include a section of tribal government and laws.

*Passed by the majority present at the
Navajo Nation-wide Youth Conference
August 18, 1973*

Timothy Clashin, Chairman

RESOLUTION OF THE
 NAVAJO NATION- WIDE YOUTH CONFERENCE
 NAVAJO NATION SCHOOL DISTRICTS

Request for total Bilingual Education for Navajo Children in the Navajo Nation.

WHEREAS:

1. Indian leadership at all levels of authority have emphasized the importance of meaningful education for Indian Children, and,
2. Many Navajo Nation School systems do not presently have total bilingual (Bi-cultural) education for Navajo students, and,
3. Bilingual education, for Navajo Children, is the use of two languages, Navajo and English, as medium of instruction in a well organized program which encompasses part or all of the curriculum and includes the study of the history and culture associated with the mother tongue, and,
4. It is intended that, through bilingual education, Navajo Children will develop greater competence in English as a second language, become more proficient in their Navajo language, and develop their self-esteem and pride in Navajo culture, and,
5. Navajo people have a right to their dignity, their language and their culture, as do all people of the world, and,
6. Schools are charged with educating Navajo Children, not assimilating them into the American mainstream.

NOW BE IT THEREFORE RESOLVED:

1. Schools in the Navajo Nation provide bilingual education for Navajo Children, and ensure their full and effective participation in a total, bilingual, instructional program, and,
2. Navajo parents shall be informed of school related activities in the Navajo language to ensure full communication and understanding, and,
3. All schools in the Navajo Nation shall respect the rights of Navajo Children, and not use textbooks in the classrooms which are insulting and degrading to Indian people, and,
4. It is the desire of the Navajo people to encourage bilingual education in all Navajo Nation Schools to enable Navajo Children to reap the benefits as fast as their talents and interests permit to do so.

August 12, 1972

Leva Tinslie

Timothy Clash

CO - GP

WHEREAS:

1. The Native American community in Gallup, New Mexico has been continually abused and exploited through the sales and marketing of silver jewelry, their famous rugs, and their crafts work, whereas;

2. The local anglo silver suppliers control and manipulate the Price of Silver, whereas;

3. The local merchants have not considered the rising cost of silver, turquoise, tools, etc., and the cost of living when they purchase jewelry from Natives in the area, whereas;

4. Native Americans get unreasonable wages for their labor in respect to the prices commanded by the jewelry dealers, whereas;

5. It is known that a silversmith working for a trader cannot express grievances to his boss because of the control over him and the number of people who could be easily hired in his place, whereas;

6. Arts and Crafts is still the main source of income to the livelihood of many indigenous Native Americans within Gallup, New Mexico and the surrounding areas whereas;

7. It is in the best interests of Native Americans Craftsman in that they will begin to receive their fair share of the profits of their labor and whereas;

8. There is a substantial amount of support to establish co-ops from Native Americans, who recognize the unfair practices of merchants, whereas;

9. There exists a great and pressing need for a Navajo-owned and operated cooperative chain to replace the exploitive and archaic anglo trading post system on the Navajo Nation and in neighboring border towns, whereas;

10. The continued existence of trading posts will only serve to perpetuate the economic bondage of the Navajo people, whereas;

11. There are presently 21 community based and controlled co-ops operating on the Navajo Nation, 12 of which were established with the past year, whereas;

12. Native Americans have laid the foundation of a new Arts & Crafts cooperative business. The name of this new coop is Dine Bi Tsi Yishtilnii Bi Cooperative located in the Gallup Indian Community Center.

13. The establishment of Navajo-owned and operated co-ops will be a big step toward Navajo economic self-sufficiency, by allowing most of the money to remain and recirculate throughout the reservation at the Community level.

NOW BE IT THERE RESOLVED:

1. That all participants at the Navajo Nation Wide Youth Conference actively patronize existing Navajo-owned and operated coops on the reservation, and,
2. fully support the continued development of future community control co-ops both off and on the reservation.

CERTIFICATION

We, the Navajo Nation Youth Council, have duly considered and adopted this resolution at one of our first Annual Conference on August 16, 1973, where a quorum was present by a vote of 211 in favor and none opposed.

Timothy Clashi
CHIEF, NAVAJO NATION YOUTH COUNCIL

RESOLUTION

TO THE NAVAJO NATION WIDE YOUTH CONFERENCE

Concerning El Paso Natural Gas and WESCO in their efforts to establish coal-gasification plant sites in the Burnham, Risti, Fruitland, Shiprock and Nenahnezar communities of the Navajo Nation.

WHEREAS:

1. In the Black Mesa controversy there was overwhelming evidence that the Tribal Council had not listened to the concerned opinions of the communities involved,
2. In the Tucson Gas and Electric controversy there is overwhelming evidence that the Tribal Council did not act upon the chapterhouse resolutions submitted to them by the communities involved,
3. On May 5, 1973, the people of the Burnham Chapter voted 34 to 1 in opposition to the proposed coal-gasification plants of El Paso Natural Gas Company,
4. On July 21, 1973, the people of the Burnham Chapter voted 40 to 1 in opposition to the proposed coal-gasification plants of WESCO,
5. There exists a lack of communication between the Navajo people and their Navajo Tribal Council and the Bureau of Indian Affairs concerning the proposed coal-gasification plants, which, if favored by the Tribal Council, would have an enormous impact on the lives, land, and livelihood of the District 13 and District 14 people,
6. The Navajo Tribal Council and the Mac Donald administration, as a governmental body, is suppose to REPRESENT all the people and should seek the approval, advise and consent of all the concerned chapters and/or communities on the subject of coal-gasification development in the Navajo Nation,
7. Up to now, Navajo people have not had the dignified and honorable opportunity to express their opinions and needs through any formal hearings conducted by any representative entity either federal, state or tribal,
8. The Navajo youth, as well as the older tribal members, are not adequately prepared or trained to take on the highly technical jobs that are SHIPPEDLY promised to the Navajo people by these self-righteous gas companies,

WHEREAS:

9. The Navajo Tribe has not taken any real and effective steps to educate, train or to finance the Navajo youth in order to meet, specifically, the revenue options that are created by these proposed coal-gasification plants and the Navajo Indian Irrigation Project,

10. These revenue generating options are rapidly being dominated by non-Indian businessmen,

11. The fact that the Navajo Nation has not asserted its water rights (by right of the 1907 Winter's Doctrine) will strongly and irreparably jeopardize future Navajo industry, agriculture and private needs,

12. There is currently in Tribal courts litigation that threatens the sovereignty of the Navajo Nation, in that the Navajo people have not exercised jurisdiction over non-Indians on the reservation, and this controversial matter will only be complicated further if these gasification plants are allowed to be constructed within the reservation borders,

13. The invasion of these coal-gasification plants and related business enterprises and housing would injure and devastate the Navajo culture,

14. The Environmental Protection Commission of the Navajo Tribe is ineffective and apparently not politically strong enough to challenge these gas companies, the state of New Mexico, or the federal agencies in enforcing any EPC regulations or policies; nor has the Environmental Protection Commission adopted any regulations or policies of its own.

BE IT THEREFORE RESOLVED:

1. The Navajo Tribal Council officially recognize the authority of the Navajo people, through their respective Chapter(s), to make and enforce their own decisions regarding any and all matters that affect their immediate area(s), and (b) once that decision(s) has been made, then and only then may the Navajo Tribal Council and/or the Tribal administration act.

BE IT THEREFORE RESOLVED:

2. That (a) the May 5 and July 21, votes of the Burnham Chapter people be officially recognized as the ultimate desire of the District 13 and 14 people who will be directly or indirectly affected by these proposed coal-gasification plants, and that (b) the Navajo Tribal Council, the Chairman, and his administration IMMEDIATELY CEASE all negotiations with El Paso Natural Gas and WESCO, by the expressed authority of the Burnham Chapter of their May 5 and July 21 votes opposing the proposed coal-gasification development(s),

3. That (a) formal public hearings be conducted by the Navajo Tribal Advisory Committee with the results published and made public, and that (b) a moratorium be placed on all coal-gasification development(s) and their supportive industries in the Four Corners area, including the clearing of land, the construction of any and all structures and the drilling of wells and/or core sampling, until all tribal hearings have been concluded in the areas that will be affected by these proposed gasification developments and their findings made public, and (c) that a moratorium be placed on all contractual negotiations with El Paso Natural Gas and WESCO concerning their proposed coal-gasification developments, until all tribal hearings have been concluded in the areas that will be affected by these proposed gasification developments and their findings made public, and that (d) the following areas are designated as communities that will be affected by this coal-gasification development: Sanostee, Two-Grey Hills, Sheep Springs, Naschitti, White Rock, Burnham, Risti, Nenahnezad, and Fruitland,

4. That the Navajo Tribal Council establish and adopt rules, regulations, and/or policies which require the Navajo Tribal Council, the Tribal Chairman, and the Tribal Administration to represent the approval(s) and/or disapproval(s) of the Navajo people at the chapter and/or community level(s),

5. That the Environmental Protection Commission of the Navajo Tribe immediately establish its own rules, regulations, and policies, relative to the sovereignty of the Navajo Nation.

CERTIFICATION

We hereby certify that the following resolution opposing the proposed coal-gasification development in the Four Corners area of the Navajo Nation and supporting the people of the Burnham Chapter was thoroughly considered, discussed, and passed at the annual Navajo Nation wide Youth Conference held at Assayi Lake, Navajo Nation, August 18, 1973, by a vote of 267 in favor and 2 opposed.

Jonathan Clark
Chairman

IN WITNESS WHEREOF, our hand this 20th day of August 1973 as designated delegates of said conference.

Larry Emerson
Larry Emerson, delegate,

Elvira Burnside
Elvira Burnside, delegate,

Nancy Pione
Nancy Pione, delegate.

STATE OF NEW MEXICO
COUNTY OF MCKINLEY

Affirmed before me this 20th day of August 1973 by parties signatory.

Commission expiration 6/30/77

Don Lindley
notary.



Exhibit No. 41

SAN JUAN SCHOOL DISTRICT STUDENT DRESS CODE

Amended June 29, 1973

The San Juan School District recognizes that certain standards of dress are desirable. Especially is this true since one main purpose of the school is to help students develop desirable behavior patterns. Proper dress and grooming habits are certainly essential parts of these desirable behavior patterns. Experience has demonstrated the atmosphere for a good learning situation and wholesome academic environment is improved when proper dress, proper grooming and proper standards of decorum and discipline are adhered to by the student body. The Board of Education, therefore, strongly urges that every effort be made to promote and maintain such personal maturity and development.

In an effort to provide some guidelines for achieving a desirable standard of dress and grooming and also to allow the local school to spell out specific standards of dress, the San Juan Board of Education has officially adopted the following student dress and grooming standards to become effective at the beginning of the second semester of the 1971-72 school year:

1. All clothing is to be worn in the manner for which it was designed to be worn.
2. Dresses, blouses and skirts should be modest in appearance and of proper length according to the judgment of school officials. Extremes in dress for girls may include such things as shorts, bermudas, pedal pushers, cut-offs, levis, grubbies. This type of clothing will not be permitted.
3. Elementary school children will be allowed to wear slacks or pedal pushers or pants to school. However, cut-offs and grubbies will not be permitted and extremes must be avoided.

Boy's hair:

- a. Boy's hair shall be clean and well groomed.
 - b. Hair shall be groomed and trimmed so that it is off the collar of ordinary "dress-type" or sport shirts, and shall be trimmed so that it does not extend beyond the brow of the eye.
 - c. Sideburns will be allowed to be grown one inch below the ear.
 - d. Hair shall not completely cover the ear.
6. Girls shall groom their hair in such a manner so that it does not obstruct their vision. It is suggested that curlers not be permitted.
 7. Extremes in dress or accessories will not be permitted. This means that attire shall not be worn which displays obscene, or suggestive words or pictures nor shall any clothing or accessories be worn which are so extreme or odd that they may disrupt or tend to disrupt or interfere with school functions.
 8. It is recognized that some school activities such as athletic contests or field days may demand an exception to the above policy. If other appropriate dress is to be worn to special activities permission must be obtained from the school principal.

APPEAL PROCESS

1. Adherence to these dress and grooming standards is the responsibility of the student and his parents.
2. The enforcement of these standards is the responsibility of the school principal and his staff. If the student does not comply with these regulations upon direction of the principal, he may be suspended from school until such time

as he does comply. Any student so suspended shall in any event be required to bring his parents or guardian to school for a conference with the principal before reinstatement at which time the principal may decide to reinstate the student or to continue the suspension.

In the event that the principal decides to continue the suspension after having met with the parents or guardian, the student, through his parents or guardian, shall have a right to appeal the decision of the principal to the Secondary Supervisor of the San Juan County School District within ten (10) days after the decision of the principal. The Supervisor shall thereafter set a time for conducting a conference at which time the student and parents or guardian shall be given a hearing. At the conclusion of such informal hearing the Supervisor shall either affirm the decision of the school principal or order the student reinstated.

If the Supervisor affirms the decisions of the school principal the student, through his parents or guardian, may appeal in writing to the Superintendent of Schools within ten (10) days from the date of such a decision. The Superintendent of Schools, as the Executive officer of the Board of Education, shall therefore review the decision of the Secondary Supervisor, with or without holding a hearing, and thereafter render a decision affirming the decision of the Supervisor or ordering the student reinstated.

At all times during the aforementioned appeal procedures, the student shall remain on suspension unless otherwise ordered by the Superintendent of Schools.

Exhibit No. 42

southern San Juan County

STUDENT POPULATION PROFILE DATA

School Mexican HatDate Dec. 10, 1973

Please indicate the number of students in each category for the grades applicable to this school.

<u>Grade</u>	<u>American Indian</u>	<u>Black</u>	<u>Asian American</u>	<u>Spanish Surnamed American</u>	<u>All Others</u>	<u>Total</u>
H.S.	_____	_____	_____	_____	_____	_____
Kind	<u>12</u>	_____	_____	_____	_____	<u>12</u>
Pre-1st	<u>18</u>	_____	_____	_____	_____	<u>18</u>
1st	<u>24</u>	_____	_____	_____	_____	<u>24</u>
2nd	<u>18</u>	_____	_____	_____	_____	<u>18</u>
3rd	<u>26</u>	_____	_____	_____	_____	<u>26</u>
4th	<u>19</u>	_____	_____	_____	_____	<u>19</u>
5th	<u>28</u>	_____	_____	_____	_____	<u>28</u>
6th	<u>27</u>	_____	_____	_____	<u>1</u>	<u>28</u>
7th	<u>17</u>	_____	_____	_____	_____	<u>17</u>
8th	<u>13</u>	_____	_____	_____	_____	<u>13</u>
9th	_____	_____	_____	_____	_____	_____
10th	_____	_____	_____	_____	_____	_____
11th	_____	_____	_____	_____	_____	_____
12th	_____	_____	_____	_____	_____	_____
TOTALS	<u>202</u>	_____	_____	_____	<u>1</u>	<u>203</u>

southern San Juan County

11/19/73

NOVEMBER 19, 1973

School: Montezuma Creek School

Date: November 19, 1973

Please indicate the number of students in each category in the grades applicable to this report.

Grade	American Indian	Black	Asian	Spanish Bilingual	All Others	Total
1st	19					19
Kindergarten	24				5	29
Pre-First	23					23
1st	30				4	34
2nd	35	1			4	40
3rd	49				4	53
4th	25				3	28
5th	42				8	50
6th	35				6	41
7th						
8th						
9th						
10th						
11th						
12th						
TOTALS	282	1			34	317

southern San Juan County

STUDENT POPULATION PROFILE DATA

School Bluff ElementaryDate Nov. 19, 1973

Please indicate the number of students in each category for the grades applicable to this school.

<u>Grade</u>	<u>American Indian</u>	<u>Black</u>	<u>Asian American</u>	<u>Spanish Surnamed American</u>	<u>All Others</u>	<u>Total</u>
H.S.	_____	_____	_____	_____	_____	_____
Kind	<u>5</u>	_____	_____	_____	<u>5</u>	<u>10</u>
Pre-1st	<u>5</u>	_____	_____	_____	_____	<u>5</u>
1st	<u>10</u>	_____	_____	_____	<u>2</u>	<u>12</u>
2nd	<u>15</u>	_____	_____	_____	<u>3</u>	<u>18</u>
3rd	<u>6</u>	_____	_____	_____	<u>1</u>	<u>7</u>
4th	<u>7</u>	_____	_____	_____	<u>2</u>	<u>9</u>
5th	_____	_____	_____	_____	_____	_____
6th	_____	_____	_____	_____	_____	_____
7th	_____	_____	_____	_____	_____	_____
8th	_____	_____	_____	_____	_____	_____
9th	_____	_____	_____	_____	_____	_____
10th	_____	_____	_____	_____	_____	_____
11th	_____	_____	_____	_____	_____	_____
12th	_____	_____	_____	_____	_____	_____
TOTALS	<u>48</u>	_____	_____	_____	<u>13</u>	<u>61</u>

STUDENT POPULATION PROFILE DATA

northern San Juan County

School Albert W. Lyman ElementaryDate Nov. 16, 1973

Please indicate the number of students in each category for the grades applicable to this school.

Grade	American Indian	Black	Asian American	Spanish Surnamed American	All Others	Total
H.S.	<u>16</u>				<u>4</u>	<u>20</u>
Kdg	<u>26</u>	<u>1</u>			<u>38</u>	<u>75</u>
Pre-First	<u>22</u>				<u>54</u>	<u>83</u>
1st	<u>29</u>					
2nd	<u>54</u>			<u>1</u>	<u>36</u>	<u>91</u>
3rd						
4th						
5th						
6th						
7th						
8th						
9th						
10th						
11th						
12th						
TOTALS	<u>157</u>	<u>1</u>		<u>1</u>	<u>132</u>	<u>291</u>

northern San Juan County

STUDENT POPULATION PROFILE DATA

School La SalDate Dec. 3, 1973

Please indicate the number of students in each category for the grades applicable to this school.

<u>Grade</u>	<u>American Indian</u>	<u>Black</u>	<u>Asian American</u>	<u>Spanish Surnamed American</u>	<u>All Others</u>	<u>Total</u>
H.S.	—	—	—	—	—	—
Kind	—	—	—	—	—	—
Pre-1st	—	—	—	—	—	—
1st	—	—	—	—	6	6
2nd	—	—	—	2	8	10
3rd	—	—	—	—	4	4
4th	—	—	—	—	6	6
5th	1	—	—	1	2	4
6th	—	—	—	—	—	—
7th	—	—	—	—	—	—
8th	—	—	—	—	—	—
9th	—	—	—	—	—	—
10th	—	—	—	—	—	—
11th	—	—	—	—	—	—
12th	—	—	—	—	—	—
TOTALS	1	—	—	3	26	30

northern San Juan County

SCHOOL ENROLLMENT BY RACE DATA

School Blending - by school

Date December 4, 1973

Please indicate the number of persons in each category for the grades applicable to this school.

Grade	American Indian	Black	Indian American	Spanish Speaking American	All Others	Total
K.S.	7				7	10
Pre First						
1st						
2nd						
3rd	46			7	43	92
4th	20	1		7	47	88
5th	50			7	55	110
6th	21			7	40	81
7th						
8th						
9th						
10th						
11th						
12th						
TOTALS	177	1		7	190	381

northern San Juan County

REPORT ON THE REPORT CARDING DATA

School Monticello ElementaryDate Nov. 30/1973

Please indicate the number of children in each category for the grades applicable to this school.

Grade	American Indian	Black	Asian American	Spanish Speaking American	All Others	Total
H.S.						
(K)	2			5	40	47
1st	2			3	38	43
2nd	2			5	35	42
3rd	2			4	40	46
4th	1			4	34	39
5th	3			3	46	52
6th	5			3	60	68
7th						
8th						
9th						
10th						
11th						
12th						
TOTALS	17			27	293	337

northern San Juan County

STUDENT POPULATION PROFILE DATA

School San Juan High School Date November 26, 1973

Please indicate the number of students in each category for the grades applicable to this school.

Grade	American Indian	Black	Asian American	Spanish Surnamed American	All Others	Total
H.S.	—	—	—	—	—	—
Kind	—	—	—	—	—	—
Pre-1st	—	—	—	—	—	—
1st	—	—	—	—	—	—
2nd	—	—	—	—	—	—
3rd	—	—	—	—	—	—
4th	—	—	—	—	—	—
5th	—	—	—	—	—	—
6th	—	—	—	—	—	—
7th	<u>70</u>	—	—	<u>1</u>	<u>69</u>	<u>140</u>
8th	<u>87</u>	<u>1</u>	<u>1</u>	<u>3</u>	<u>63</u>	<u>155</u>
9th	<u>64</u>	—	—	<u>1</u>	<u>66</u>	<u>131</u>
10th	<u>67</u>	—	—	<u>1</u>	<u>69</u>	<u>137</u>
11th	<u>45</u>	—	—	<u>1</u>	<u>69</u>	<u>115</u>
12th	<u>33</u>	—	—	<u>1</u>	<u>40</u>	<u>74</u>
TOTALS	<u>366</u>	<u>1</u>	<u>1</u>	<u>8</u>	<u>376</u>	<u>752</u>

northern San Juan County

ANNUAL CENSUS OF SCHOOL ENROLLMENT DATA

School MONTICELLO HIGH SCHOOLDate November 20, 1973

Please indicate the number of students in each category for the grades applicable to this school.

Grade	American Indian	Hispanic	Asian (excluding Hawaiian)	Spanish Surnamed American	All Others	Total
H.S.						
1st						
2nd						
3rd						
4th						
5th						
6th						
7th	0	0	0	6	49	55
8th	2	0	0	5	50	57
9th	4	0	0	4	51	59
10th	1	0	1	4	44	50
11th	2	0	0	4	54	60
12th	2	0	0	2	52	56
TOTALS	11	0	1	25	300	337

Exhibit No. 43

UTAH NAVAJO DEVELOPMENT COUNCIL

BOX 696 BLANDING, UTAH 84511

TELEPHONE 801 - 678 -

AGENT FOR

UTAH DIVISION OF INDIAN AFFAIRS

SOUTHEASTERN UTAH
ASSOCIATION OF GOVERNMENTS

February 1, 1974

HAROLD DRAKE
Chairman
CLEAL BRADFORD
Director

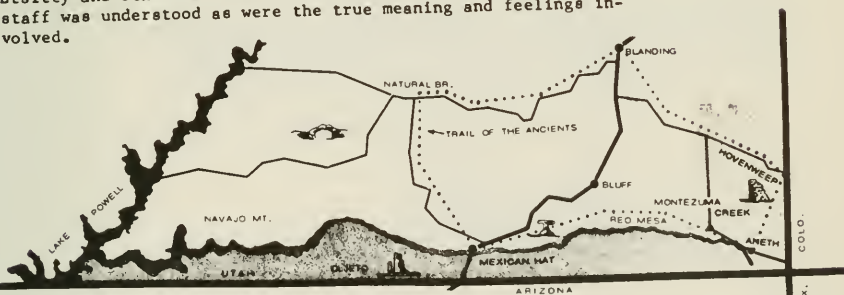
Dr. Kenneth B. Maughan
Superintendent
San Juan School District
Box 218
Monticello, Utah 84535

Dear Superintendent Maughan:

I am most happy to confirm for you the fact that I personally delivered a copy of the San Juan School District dress code policy to Mr. Raymond Etsitty of the Navajo Division of Education during the last school year (1972-73). Further, on at least two occasions I met with Mr. Etsitty in Window Rock, Arizona to solicit his reactions to this policy. Each time his response was that the Navajo Division of Education was attempting to formulate a policy to apply to Navajo students, in hopes that it would be adopted by federal and public schools on and near the Navajo Reservation. Therefore, he declined to make any specific recommendations on the San Juan School District policy pending the outcome of his study.

As you are aware, Mr. Etsitty made several visits to San Juan County, Utah representing the Navajo Division of Education. He visited many of the public schools, met with the Parent Advisory Committee, and visited with education staff members. He was very helpful and willing to give advise. I feel he was quite knowledgeable of the educational programs in San Juan County; and, particularly the effects they had on Indian children.

Being Navajo myself, I feel the communication between me and Mr. Etsitty and other members of the Navajo Division of Education staff was understood as were the true meaning and feelings involved.



1116

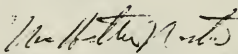
Dr. Kenneth B. Maughan

-2-

February 1, 1974

If I can be of any further assistance to you in this matter,
please feel free to call upon me.

Sincerely,


MacArthur Norton, Director
Navajo Education

MAN/acl

1117

DR KENNETH B. MAUGHAN
SUPERINTENDENT

BLANDING
INDIAN EDUCATION CENTER

P. O. BOX 425 • BLANDING, UTAH 84511

PHONE (801) 678-2614

February 1, 1974



MR. LYNN LEE
ADMINISTRATIVE ASSISTANT
FEDERAL PROGRAMS

Dr. Kenneth B. Maughan
Superintendent
San Juan School District
Box 218
Monticello, Utah 84535

Dear Superintendent Maughan:

In response to your inquiry regarding the transmittal of a copy of the San Juan School District dress code to the Navajo Director of Education, I would like to make the following explanation.

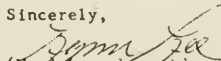
According to my notes, a discussion of the dress code took place in a principals' meeting which was held on September 25, 1972. Concerns were expressed as to the effect the code might be having on Indian students and the degree of involvement of the Indian students and parents in the formulation of the dress code. As a result, I was requested to send a copy of the dress code to the Navajo Division of Education to secure comments and possible recommendations for changes if such appeared necessary.

I discovered that Mr. MacArthur Norton, Director of the Utah Navajo Education Department, was going to Window Rock, Arizona. Thus, I discussed the matter with him and he agreed to take the dress code and discuss it personally with the Navajo Division of Education personnel. Mr. Norton was unable to return a direct response as they preferred to review the policies along with others that were being collected. As I understood the matter, the Navajo Division of Education was hopeful of developing a dress code which could be applied to all Navajo students.

I have not heard anything recently from Mr. Norton nor the Navajo Division of Education as to the status of their efforts to finalize a dress code, nor have I received any reaction to the San Juan School District dress code; although, Mr. Norton and I have both made verbal requests for such.

I hope this explanation will be of some help to you.

Sincerely,


Lynn Lee, Adm. Assistant
Compensatory Programs

LL/ael
SAN JUAN SCHOOL DISTRICT

• UTAH DIVISION OF INDIAN AFFAIRS

*Exhibit No. 44***BOARD MEMBERS**HAROLD J. LYMAN, President
BlandingTULLY LAMBEAUM, Vice-Pres.
Montezuma CreekDAVID M. ADAMS, Treas.
MonticelloMARLINE P. NIELSON
BlandingTOM B. HOLIDAY
Monument Valley**OFFICERS**DR. KENNETH B. MAUGHAN
SuperintendentNANCY CAMERON
Clerk

San Juan School District

Post Office Box 218
Monticello, Utah 84535

February 7, 1974

Mr. Lawrence B. Glick
Acting General Counsel
United States Commission on Civil Rights
Washington, D. C. 20425

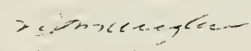
Dear Mr. Glick:

Enclosed is the information you requested in your letter of January 25, 1974. At the present time I am unable to furnish you with research studies showing a positive correlation between dress standards and student achievements. Please be assured that I will provide this information if I am able to locate it.

Also, I have included some copies of correspondence which our district has had with personnel from the Navajo Tribe.

If additional information is needed, I would be happy to furnish it.

Sincerely yours,


Kenneth B. Maughan
Superintendent

KBM:cc

Encls.

Exhibit No. 45

SAN JUAN SCHOOL DISTRICT
1973-74
D I R E C T O R Y

ADMINISTRATION BUILDING, 207 North 1st East, Monticello, Utah 84503

Caucasian	Dr. Kenneth E. Maughan	Superintendent
Caucasian	Dr. Ronald E. Everett	Specialist, Secondary Curriculum
Caucasian	Dr. Melvio Walker	Coordinator of Federal Programs, Data Processing
Caucasian	Donald Jack	Specialist, Elementary Curriculum
"	Reese Thomas	Psychologist
"	Nancy Cahoon	Clerk
"	Pearl Lewis	School Lunch Supervisor
"	Glyda Christensen	Secretary
"	Ernice Odette	Secretary
Spanish	Frances Bennett	Secretary
Caucasian	Lynda Nelson	Secretary
"	Buckley Christensen	Coated -n

INDIAN EDUCATION OFFICE, P. O. Box 425, Blanding, Utah 84511

Caucasian	J. Lynn Lee	Coordinator
Caucasian	C. Ray Brown	OLP & Tutor Specialist
"	Arleene Lyman	Secretary
"	Selen Heint	Secretary/Tutor
Indian	Marvin Johnson	P.E. Assistant, Title IV
"	Burrel Naha	Arts & Crafts/ P.E. & Recreation, Title IV
"	Willis Nakai	Arts & Crafts, Title IV

Curriculum Center, 28 West 2nd North, Blanding, Utah

Indian	Don Mose	Asst. Director/ Culture Specialist
Caucasian	Kent Tibbitts	Media Specialist
"	Sam Shore	Audic Visual Project Dev.
Indian	Mary Toledo	Curriculum Aide
Caucasian	Colleen Black	Secretary
Indian	Herbert Frazier	Navajo Language Specialist
Indian	David Jones Blackhorse	Graphics Assistant

CAUCASIAN	INDIAN	TOTAL
7	7	14

HEAD START PROGRAM

HEAD START CENTER, 96 East 1st South, Blanding, Utah 84511

Indian	Eddie Toledo	Director
Indian	Kenneth Miles	Social Service Aide
Indian	Sierran Burke	Social Service Aide
Indian	Betty Charley	Health Coordinator
Caucasian	Lana Lee Johnson	Secretary
Indian	Erving Chas	Social Service Aide
Indian	Willis Nakai	Arts & Crafts, Title IV

HEAD START UNIT, OLAJATO, at Monument Valley, Utah 84536

Indian	Ned Crank	Teacher
Indian	Ka Yarris	Teacher Aide
Indian	Esie H. Yellow	Cook
Indian	John Ateca	Bus Driver

WHITE MESA HEAD START UNIT, Blanding, Utah 84511

Caucasian	Keith Brown	Teacher
Indian	Jane Lebi	Teacher Aide
Indian	Mary Louise Whitehorse	Cook
Indian	Allen West Jones	Bus Driver

MONUMENT VALLEY HEAD START at Coudings

Indian	Wilber S. Holiday	Teacher
Indian	Jenny Rock	Teacher Aide
Indian	Francis Shorty	Lunchroom Aide
Indian	Louise Francis	Bus Driver
		Cook

INDIAN	CAUCASIAN	TOTAL
17	2	19

ALBERT R. LYMAN ELEMENTARY SCHOOL, Park Terrace Road, Blanding, Utah 84511

Cauc.	Truman K. Rigby	Principal
"	Klaire Johnson	Kindergarten
"	Geneva Laws	Kindergarten
"	Margaret Harvey	Pre-1
"	Bowene Robinett	1st
"	Jessie G. Brown	1st
"	Paula Jo Campbell	1st
"	Irene Marold	2nd
"	Linda Shumway	2nd
"	LaRus McDaniel	2nd
"	Dorothy Sue Douglass	2nd

Secretary

" LeRene Sheppard

AIDES:

"	Marva Laws	Teacher Aide - 2nd grade
"	Volate Shumway	Teacher Aide - All - library & general aide
Indian	Marie Ann Black	Tutor - Pre-1 Title I students
"	Joan Oshley	Tutor - Kg & 2nd grade Title I students
"	Bernice May	Tutor - 1st & 2nd grade Title I students
"	Iucille Muskana	Liaison Aide/Oral Lang. - All
"	Mary Jane Yazzie	

School Lunch:

Cauc. Opal Black, Manager
 " Irene Watkins
 " Lottie Laws
 Spanish Dorothy Mitchell

Sanitors:

Cauc. Melvin Black, Head
 Indian Day May

Lead Start Program :

Cau.	Jay McDaniel	Teacher
Ind.	Sylvia Roberts	Teacher Aide
Span.	Dorothy Mitchell	Lunchroom Aide
Span.	Ernest Sanchez	Bus Driver

SPANISH	INDIAN	CAUCASIAN	TOTAL
3	6	19	28

BLANDING ELEMENTARY SCHOOL, 302 South 1st West, Blanding, Utah 84511

Cau. Peter J. Henderson	Principal
" Judy Zimlinson	3rd
" Keith Langston	3rd
" Candia Nahon	3rd
" Kay Johnson	4th
" Lloyd Bayles	4th
" Georgea Low	4th
" Janet Nielson	5th
" Paul Mantz	5th
" Oliver Harris	5th
" Steven Lovall	5th
" Sanford Harvey	6th
" Rosemary Tibbitts	6th
" Gerald Furtz	6th
" Kirk Penney	6th
" Masline Corral	Remedial Reading
" Gerald Platt	Special Education
" Lorraine Mantz	Librarian

Secretary

Cau. Ver Donna Butt	
---------------------	--

Aides:

" Barbara Davis	Teacher Aide - 3rd - 4th grades
" Camilla Milesell	Teacher Aide 4th - 5th grades
" Karen Dufur	Tutor/Clerical Aide Tutor 6th grade; Clerical - all grades
" Betty Knorn	Tutor - All Title I students as needed
Indians Harold Tso Harold Tso	Tutor All Title I students as needed
" Barbara Singer	Tutor All Title I students as needed
" Wallace Saltclah	Counseling Asst./Liaison Aide - All

School Lunch:

Cau. Eli Johnson	Manager
Cau. Mary Hanson	
" Ruth Palmer	
" Chessa Black	

Janitors:

" Earl Wright	Head
" John Carum	Assistant

CAUCASIAN	INDIAN	TOTAL
29	3	32

BLUFF ELEMENTARY SCHOOL, Bluff, Utah 84512

Cau.	Say Vernon	Building Coordinator
"	Lucy Teusinger	Kindergarten, P. E., Art
"	Deborah Nye	Pre-1, First
Indian	Sarah Smallcanyon	Second
Cau.	Leslie Ann Sorensen	Third-Fourth

Aides:

Indian	Stlene Dennison	Bilingual Assistant - Kg
"	Nadine Johnson	Bilingual Assistant 1st grade
"	Kathrina Tsovis	Tutor, 2nd grade
"	John Stash	Liaison/Counseling Aide - All
"	LeRoy Atcitty	Bilingual Aide - 3rd - 4th grades
"	Mary Rose Benally	Tutor - Third & fourth grades
"	Johnny Black	Tutor 1st - 2nd grades

Janitor:

Cau.	Gilbert Barnett
------	-----------------

HEAD START PROGRAM:

Indian	Gale Atcitty	Teacher
"	Elsine Atcitty	Teacher Aide
"	Harvey John Atcitty	Bus Driver
"	Amelia Atcitty Begay	Cook

CAUCASIAN	INDIAN	TOTAL
5	12	17

L.A. SAL ELEMENTARY SCHOOL, Lasal, Utah 84510

Cau. Ephraim Morris Principal, 3rd, 4th
 F. La Mae Wood First, Second

Junior:

" Milma Spring

CAUCASIAN	TOTAL
3	3

MEXICAN HAT ELEMENTARY SCHOOL, Mexican Hat, Utah 84531

Indian	Rose Haskie	Principal - ESL
Cauc.	Juana Hughes	Building Coordinator
"	Katherine Tweedell	Kindergarten, Music
"	June Judd	First
"	Anne Peterson	Advanced First
"	Elayne Sonderegger	Second
"	JoAnn Walls	Third
"	Eileen Schmidt	Fourth
Indian	Will Karso	Fifth
Cauc.	Evel Lorie Gardner	Sixth
Hawaiian	Wed Aikau	Seventh-Eighth

Secretary:

Caucasian Patricia Davis

Aides:

Indian	Maggie Shorthair	Bilingual Assistant - 3rd grade
"	Daisy Yazzie	Bilingual Asst. - 1st grade
"	Frank Haskie	Bilingual Asst. - 4th grade
"	Eleanor Mose	Bilingual Aide - 2nd grade
"	Lopina Harrison	Liaison Aide - All
"	Kathrine Atkin	Tutor - All Title I children
"	Colvin Carlisle	Tutor - All Title I children

School Lunch:

Cauc.	Sylvia Risenhoover	Manager
Indian	Pauline Adakai	
"	Eileen Howard	

Janitor:

Indian Evelyn Harrison

CAUCASIAN	INDIAN	HAWAIIAN	TOTAL
10	12	1	23

MONTAZUMA CREEK ELEMENTARY SCHOOL, Montazuma Creek, Utah 84534

Cauc. Marlin McCulloch	Principal
" Sally Ann Bentley	Kindergarten
Indian Edith Begay	Pre-First
Indian Mary McCabe	First
Indian Essie Preston	First
Cauc. Mary Brockman	Sec ond
Indian Erbase Love	Sec ond
Cauc. Margie Ann Pensod	Third
Indian Carol Proudfoot	Third
Cauc. Larry Moore	Fourth
Cauc. James Thomas	Fourth
Cauc. Naomi Carrel Sprague	Fifth
Cauc. Zaverly MacKay	Fifth
Cauc. Jaymes Halastetler	Sixth
Cauc. Ronald Earlow	Sixth
	Special Education
Cauc. Margaret Rich	Tutor Supervisor
	Secretary:
Cauc. Darlene Whatley	

Aides:

Indian Mary Jane Benally	Bilingual, 3rd Grade - Aide
Indian Elsie Billy	Bilingual, Aide - Pre-1, 1st
Indian Lucille Bitsuis	Bilingual, - Fourth Grade
Indian Arlene Howard	Bilingual, 3rd Grade
Indian Bill Todechlinie	Counselor/Linison - All students
Cauc. Sherman Poloe	Workroom Aida & Librarian - All students
Cauc. Mary Ruth Pruett	Tutor - All Title I students
Cauc. McEgan Brockman Jr.	Tutor - All Title I students
Indian Woody Sam	Tutor - All Title I students
Indian Rachael Jones	Bilingual Aide - 5th grade
	<u>School Lunch:</u>

Cauc. Eric Chancey	Manager
Indian Jean Ann Harvey	Cook
Cauc. Glenda Faye Thompson	Cook
Indian Esther Yazzie	Cook

Head Start Program:

Sally Ann Bentley	Teacher
Indian Rosemary Bylilly	Teacher Aide
Indian Esther Yazzie	Lunchroom Aide
Indian Shorty Todechney	Bus Driver
Indian Daniel Harvey	Bus Driver

Janitor:

Julia Melvin Capitan

CAUCASIAN	INDIAN	TOTAL
17	19	36

MONTICELLO ELEMENTARY SCHOOL, 389 North 2nd West, Monticello, Utah 84535

Cauca.	Hal Jensen	Principal
"	Bessie Howe	Kindergarten
"	Pearl Radd	First
"	Beverly Adair	First
"	Mina Barton	Second
"	Owen Nelson	Second
"	Leonard Howe	Third
"	Donna Washburn	Third
"	George Rice	Fourth
"	Maxine Lyman	Fourth
"	Bruce Adams	Fifth
"	Ruth Hyde	Fifth
"	Tom Livingston	Sixth
"	Verl Ball	Sixth
"	LaVerda Jensen	Remedial Reading
"	Harold Allen	Librarian
"	Colleen Allen	Special Education

Secretary:

"	Reta B. Adams	
---	---------------	--

Aides:

"	Geraldine Bailey	Music
"	Sharon Hollingsworth	P.E.
"	Auralia Pederson	6th Grade

School Lunch:

"	Jerry Purcell	Manager
"	Donna Giles	
"	Jamett Black	
"	Lucille Steele	

Auditors:

"	Donald Evans	Head
"	Leo Keeler	

TOTAL

27 - Caucasian

MONTICELLO HIGH SCHOOL, 55 North 2nd West, Monticello, Utah 84535

Cauc.	Dale B. Maughan	Principal
"	Gary Adair	Counselor
"	Judith Bailey	Girls' P.E.
"	Lawrence Bailey	Math, Science
"	David Christensen	Ind. Arts, Driver Training
"	Phyllis Crowley	Home Ec.
"	Joe Davis	Coach, P.E. & Health
"	Suzanne Halliday	Distributive Vocational Education
"	Olsen Hatch	Social Studies
"	Pat Davis	Drama, Art, Reading
"	Buckley Jensen	English
"	Nyle MacFarlane	Coach, Math, Science, P.E.
"	Harold Muhlestein	Social Studies, Math
"	James Nelson	English, Coach
"	Morris Nelson	English, Spanish
"	Bert Odette	Math, Science
"	Rodney Rasmussen	Business
"	Doyle Rowley	Math
"	Win Dew Young	Music
"	Thelma Walton	Librarian

Secretary:

" Iris J. Barton

School Lunch:

" Virginia Evans, Manager

" Norma Johnston

Indian Lucille Harris

Cauc. Cleo Rogers

Janitors:

Cauc. Floyd Barrell Road

Spanish Tom Jaramillo

Cauc. Vincent Croker

Maintenance:

Cauc. Clyde Christensen

CAUCASIAN	INDIAN	SPANISH	TOTAL
27	1	1	29

SAN JUAN HIGH SCHOOL, North Main, Blanding, Utah 84511

(7-12)

Cauc.	J. Carl Osborn	Principal	San Juan High Resource Center
"	Jerry Adams	English	Robert Nakai
"	F. Lynnette Adams	Drama	Cauc. Kathy Shore
Hawaiian	Jean Aikale	Home Ec.	Indian Jim Dandy
<i>Caucasian</i>	Ray Alexander	Math	" Bonnie Hatch
"	Chesley Allred	Art	" Evangeline Key
"	Dan Barfuss	Social Studies	" Victoria Nakai
"	Vetta Kaya Bohi	Library	Cauc. Lloyd Shumway
"	Robert Bowring	Music	
"	Paul Brooks	Math	
"	Sara Chamberlain	Vocational Building	
"	Alberta Christman	Girls' P.E.	
"	Jill Christofferson	English	
"	Naldon Cochran	Math, Science	
"	Bruce Douglas	Science, Wrestling	
"	Nail Fuller	Social Studies, Coach	
"	Jess Grover	Vocational Ag.	
"	Richard Guymon	Science	
"	James Harris	English	
"	Theda Marie Harris	ESL	
"	Michael Jensen	Reading	
"	Chris Johnson	Reading	
"	Corry Jones,	Coach, P.E.	
"	Steven Keale	History	
"	Duane Keown	Math, Principal Jr. High	
"	Pauline Koch	Home Ec.	
"	Hurry Kula	Coach, P.E.	
"	Joe Lyman	Industrial Arts	CAUCASIAN 53
"	Jessie Mae McDonald	Vocational Business	INDIAN 15
"	Kenneth McDonald	Counselor	HAWAIIAN 1
"	Dennis Patten	Math	TOTAL 69
"	Kenneth Potte	English	
"	Reva Redd	Remedial Reading	
"	Rodney Reeves	Business	
"	John Sanford	Reading	
"	Ana Swyth	Music	
"	Morris Swenson	Social Studies	

Secretaries:

" Alison Black, Colleen Harvey, Ramona McAllister

Aides: (Classroom)

Indian	Emly Allison	7-8	Cauc.	School Lunch:
"	Charlie Bandy	7-8	"	Jessie Mae Bradford, Manager
Coun. Asst.	Mildred Balt	9-12	"	Gaylene Hurst
Cauc.	Barbara Bondev	9-12	"	Ann Ramsey
Indian	Tom Jones	7-12	"	Shellean Noonan
"	Martina Rose	7-8	"	Shellean Jones
"	Ralph Numkend	7-12	"	Grace Ellis Bradford
"	Maryleen Wash	7-12	"	
"	Notah Tahy	7-8	"	
Cauc.	Beverly Vogel	9-12	"	
"	Carl Tom Winder	7-8	"	

Indian. Harold Kec Tso. 7-8

Custodians:

Wm. B. Black, Head
Mr. J. Shppard, Maintenance
Wendell Jones, Head Jr. High
Indian Min Sakai, Jr. High Asst.

ADULT INDIAN EDUCATION

Administration:

MacArthur Norton - Director (Navajo)
Sally Curry - Functional Literacy Supervisor (Anglo)
Charles Harrison - Community Education Supervisor (Navajo)
Tully Lameman - Vocational Education Supervisor (Navajo)
Kenneth Joe - Post High School Supervisor (Navajo)
Elsie Benally - Secretary (Navajo)

Instruction:

Victoria Joe - Literacy Instructor (Navajo)
Rosie Roundstone - Literacy Instructor (Navajo)
Bill Lee - Works-Project Coordinator (Anglo)
Ruth Johnson - Counseling Assistant (Navajo)

COLLEGE TRAINEES

Roger Atcitty - Bluff Elementary - Navajo
Jane Atene - Mexican Hat Elementary - Navajo
Daisy Bellson - Blanding Elementary - Navajo
Sarah Benally - Blanding Elementary - Navajo
Genevieve Chee - Blanding Elementary - Navajo
Irvin Chee - Headstart - Navajo
Emily Crank - Blanding Elementary - Navajo
Janean Davie - Monticello Elementary - Anglo
Mae Deschine - Mexican Hat Elementary - Navajo
Morris Evans - Monticello High - Anglo
Angelina Gonzalez - Monticello Elementary - Mexican
Laureta Harvey - Montezuma Creek Elementary - Navajo
Bessie Hutchins - Bluff Elementary - Navajo
Grace James - Mexican Hat Elementary - Navajo
Lillian Johnson - Montezuma Creek Elementary - Navajo
Veva Jones - Montezuma Creek Elementary - Navajo
Emerson Nakai - Blanding Elementary - Navajo
Anna Marie Nat - Albert R. Lyman Elementary - Ute
Darlene Neal - Albert R. Lyman Elementary - Navajo
Linc Pehrson - Monticello High School - Anglo
Irene Pino - Mexican Hat Elementary - Navajo
Thelma Rockwell - Blanding Elementary - Navajo
Glenna Sam - Montezuma Creek Elementary - Navajo
Marlene Tsosie - Montezuma Creek Elementary - Navajo
Rose Yellowman - Mexican Hat Elementary - Navajo

TUTOR

A Person employed for the sole purpose of providing individualized structured tutoring in the areas of reading and arithmetic for Title I children. Tutors must participate in a training program which is provided by San Juan School District to gain expertise in (1) preassessment of student deficiencies, (2) techniques of structured tutoring, and (3) evaluation of student progress. Qualifications for employment include only the abilities necessary to perform the tutoring tasks as demonstrated through the training program; however, salary is determined by the school district career lattice salary schedule which has been adopted by the Board of Education. Preference is given to qualified minority and/or low income applicants.

LIAISON AIDE

Person employed by the school district for the purpose of establishing better communication and understanding between school, parents, and community. Assignment includes working very closely with individual school and district parent advisory groups, the intent being to give parents a channel through which they might feel more comfortable expressing concerns rather than merely meeting the needs as viewed by the schools.

Qualifications include (1) must be bicultural and bilingual in English and the dominant language of the minority groups being represented in the community, (2) must be a resident of the community being served by the school to which assigned, and (3) must possess a valid Utah driver's license.

Salary is determined by the school district career lattice as adopted by the Board of Education.

BILINGUAL AIDE - BILINGUAL ASSISTANT

Person employed for the purpose of team teaching with a certified teacher to provide appropriate instruction to students in classrooms having a significant number or percentage of children whose native language is other than English. Such instruction is to be given in both English and the child's native language, in contrast to mono-lingual instruction in either English or the native language, and is to include all areas of the curriculum.

Responsibilities should not be confused with English as a second language instruction, which is providing special language arts programs to enhance the students' abilities in English. This may well be a component of bilingual education, but not the primary objective.

The only specific qualification is fluency in both English and the native language of the target children. Preference is given to applicants who are also bicultural and/or low income.

The only distinction between a bilingual aide and a bilingual assistant is the step on the school district career lattice which is determined by a combination of training and/or experience.

NO	CLERICAL AIDE		TEACHER AIDE		TEACHER ASSISTANT		TEACHER INTERN		SECRETARY		
	HIGH S. ONE YEAR EXPERIENCE	45 QTR. HR.	45 QTR. HR. 1 YR. EXP.	90 QTR. HR. 2 YR. EXP.	135 QTR. HR. 2 YR. EXP.	135 QTR. HR. 2 YR. EXP.	135 QTR. HR. 2 YR. EXP.				
1.60	1.80	2.00	2.20	2.50	2.75	3.20	3.75	3840			
1.65	1.91	2.10	2.18	2.39	2.89	3.67	3.94	4032			
1.70	1.91	2.17	2.27	2.50	2.95	3.85	4.14	4233			
	1.97	2.25	2.36	2.60	3.10	3.42	4.35	4444			
		2.34	2.45	2.70	3.05	3.39	4.56	4666			
				2.81	3.20	3.67	4.79	4899			
					3.59	3.85	5.05	5143			
						4.50	5.26	5444			
	3%	4%	4%	4%	5%	5%	5%				
1.8. 2094	2356	2500	2618	2854	3011	3613	3600	4267	4909	BEGINNING	
1. d. 2225	2579	2723	3063	3207	3678	4189	4699	5040	6414	6912	TOP

FRINGE BENEFITS:

SICK LEAVE- 7.5 days per year.

ACCUMULATIVE SICK LEAVE- 20 days.

Insurance- Full coverage for period of employment upon payment of membership fee.

Retirement- 9.5% of wages.

Social Security 5.85% of wages.

SAN JUAN SCHOOL DISTRICT
Program Budget Summary
1973-74

I. District Budget -- Includes State and Local Funds

A. Maintenance and Operation

1. Administration	\$ 57,709
2. Instructional Staff	1,390,845
3. Instructional Materials	93,502
4. Health Services	12,000
5. Transportation	164,000
6. Operation of Plant	167,700
7. Maintenance of Plant	54,500
8. Fixed Charges	328,469
9. Activities	14,000
10. Community Services	10,330
11. Miscellaneous	<u>156,327</u>

TOTAL DISTRICT M & O \$2,449,382

B. Capital Outlay and Debt Services \$1,095,639

TOTAL DISTRICT BUDGET \$3,545,021

SAN JUAN SCHOOL DISTRICT
Receipts Summary
1973-74

RECEIPTS: *

Maintenance & Operation:

Beginning Balance		\$243,140
Local Property Tax :	\$	
(Basic Program	1,081,920	
Other	60,000	
State:		
Basic Program	391,118	
Social Security	89,371	
Retirement	146,715	
Transportation	140,000	
Extended Year	6,525	
Community School	3,861	
Instructional Media	6,650	
Driver Education	5,200	
Teacher Leadership	8,532	
Compensatory Education	54,000	
Elementary Guidance	2,500	
Federal-State:		
ESEA Title II	2,850	
Federal:		
P.L. 874	200,000	
Forest	7,000	
Total Revenue -----		\$2,449,382 (includes beg. bal.)

Capital Outlay & Debt Service:

Beginning Balance		545,139
Local Property Tax	468,500	
Local Other	22,000	
Local, Sale of buses	60,000	
Total C.O. Revenue -----	\$	550,500
GRAND TOTAL -----	\$	<u>3,545,021</u>

*This is anticipated revenue which varies greatly with student attendance.
If money is not generated in attendance, it is not expended.

II. Federal Funds

A. ESEA Title I, Part A	\$318,085
B. ESEA Title I, Part C	9,271
C. ESEA Title VII	129,432
D. Adult Basic Education (ABE)	14,000
E. Career Opportunities Program (COP)	52,780
F. Head Start (Oct. 1, 1972 - Nov. 30, 1973)	157,139
G. Title IV, Part A, Indian Education Act	90,521
H. NDEA Title III	3,616
TOTAL FEDERAL ALLOTMENTS	\$774,844
TOTAL DISTRICT AND FEDERAL BUDGET	\$4,319,865

Exhibit No. 46

STATEMENT OF MARJORIE THOMAS

BY MR. MUSKRAT:

Q My name is Jerry Muskrat. I am staff attorney for the United States Commission on Civil Rights.

Mrs. Thomas, would you state your name, address and occupation for the record. Then we will proceed with the statement.

A Marjorie Thomas, Box 1206, Tuba City, Arizona. I'm the Director of the Indian Cultural Curriculum Center with the public school of Tuba City.

The student office takeover was on March 6 and 7 and the evening of the -- the day that the students took over the office that evening we had a community meeting where five board members were present and the whole faculty members of the high school and other interested people from the community, parents. We had about 2,000 people present there.

I was one of the persons who set up the meeting and announced it around the community and we had two Hopi representatives, Herbert Lewis and Lester Charley, that came to the meeting.

Then they stated their complaints and I took no names on the students that stated the complaints, but one of the complaints they stated up there was lack of communication between -- it was students and teachers -- between the students and teachers, and then one more real heavy complaint was that

they needed more Indian teachers and that teachers were prejudiced.

So what the public school did then, due to this, is in the high school they hired eight Indian teachers. This is Hopi and Navajo. I don't know approximately how many are Hopis and then they have nine aides in the high school.

Overall, in the whole high school, there's, I'd estimate, around 20 Indian teachers and most of them I recommended for hiring.

Then, another thing was Indian programs or Indian studies in the classroom, and to that, again, the school -- I have a lot of Indian studies listed in their catalog here with titles -- they have arts and crafts, silversmithing, weaving and pottery-making, and that's taught by an Indian teacher; and then they have Indian culture, both Hopi and Navajo, and then they have Indian projects study. It's an independent study. Then they have myths and folklore and that includes some Indian myths and legends. Then they have Indian history for 10th graders and that's both on the -- what did they call it -- Middlewest Indian history and Western Indian history.

Then they have in government, they have the state and tribal governments, the Hopi and the Navajo government. So that much they put into the high school for Indian studies.

Then, another complaint was Indian programs instead of just having Anglo programs in their assemblies. On Indian

Day they depend on the Indian Club to plan the program for that day. So now they have more Indian programs like in the middle or half-time of football games they'd have an Indian dancer out there or something.

Then another complaint was hair cuts, that in order for a student to participate in sports he had to have his hair cut, and now it's just left up to the student, and we have some boys that play football and they have long hair.

And then they wanted an alcoholism program in the high school and here I really don't know what's being done.

Another thing that they requested was that the students who don't want to pledge allegiance to the flag, that they don't have to pledge allegiance to the flag. And I have done research on this during the summer when I was at Rough Rock. I approached several medicine men on how they felt about the American flag and I got an answer through them, from several of them, that all the symbols on the American flag are Navajo symbols and they told me the complete story to that flag and I have told the story to students in a student conference held at Tuba City late last summer.

Then they wanted American International Indian Day, on that day not to attend school and that the flag fly at half-mast on that day, but that wasn't done.

Then they complained that too many students are kicked out of school and they are told in the student handbook

that the board will review each student when he's expelled. This is what they said at the meeting, but in the handbook school policy says for too many absences they will get warning first and then the parents will be asked in for a conference if this continues, and if it still continues then they will be dropped from the roll for non-attendance. Then, for tardiness, either they will be excused or not excused, and that's to be determined by the classroom teacher. And again, here, if there's too many tardiness, then the student will be sent to the office and either he will expect detention or suspension or removal from class without credit for the semester or he will be dropped from school, again for ditching and cutting classes without the parents knowing about it.

Well, then, the same above would be detention and suspension, removal or dropped from school. That would be done.

Then, if excused for excused absence, then the student must have proof, like if he was ill or death in the family, maybe appointment to a doctor or for driver's license or family and personal business or religious ceremonies -- these are excused absence if the parent or the student will tell them at the office. Then, for an excused absence, the student is allowed to make up the missed class assignments.

Another major complaint was poor lunch program in the school and, again here, we have the majority of cooks, I'd

say, maybe with the exception of one, is Anglo. All the others are Indians, and we feel that they do the best they can with what there is, because there's commodities, and there is a free lunch program for those who can't afford it.

Then another great issue was having Indian books, starting at the district office, and this is kept there strictly for teachers to use -- teachers from the primary and the elementary, the junior high and the high school, and there's just one whole complete set of books and all the teachers know where to get it. Also, another set was in the high school but the students complained that all these should be taken to the high school library, of which, of course, the Indian teachers and the other schools opposed to because we'd have to go quite a distance to get the books that we want and sometimes they might not be available for us.

Another complaint was that one board member was just assigned to the position without any voting. One member dropped out, withdrew from the board, and he, himself, appointed a former board member to replace him and he still is serving on the board, and there was a lot of trouble over that.

Besides that, they brought up a lot of community problems. There's a shopping center in Tuba City with a name, "Indian Store," on it, but the complaint is that the Indians don't own the store. It's an Anglo store and they didn't like the title "Indian Store" painted on there, and the chapter has

gone to see the man who owns the store but he did not say that he would remove that name or anything.

Then, another thing is that they did request more community involvement in the school and during our Pow-Wow last year we had a tremendous amount of participation from the parents. We had great attendance and we had parents who were interested in helping with the cooking and helping with the dances and all this, and they just really pitched in and really helped the students; but during school time parents just don't come around. You have to go out and get them and even our PTA meetings are not well attended by parents. It's usually the bilingual classroom parents that come.

Then, another thing that they wanted was to -- about parent involvement, we do have this year a Title IV program that hired three liaison persons, Indian, two Navajos and one Hopi, to work with the grades K-8, and these people will go out to the homes and bring parents to the school and parents will be brought to the school to observe how the school goes on, how the school functions, and what are their children doing in the classrooms, what are they doing. They will stay there the whole day and will eat lunch and then give their opinions of how they think about the school. So we do have three persons for that and hopefully they will get to visit each one -- all the parents that have children at that school will visit each child's classroom this year and, if possible, twice.

Another complaint the students have was to relocate a trash dump about 100 yards away or maybe even 50 yards away to where there are homes, and the odor from the dump just carries on into these homes and the P.H.S. has done nothing about it to relocate that trash dump. The chapter has approved a location for the new trash dump but nothing has been done about it.

Then they did request a community swimming pool and the proposed public school has an indoor swimming pool planned in the building that they are going to set up, but there's no funding for it and in November we will have a voting on bond election, whatever that is -- that's been explained but I don't know how it works because we don't pay taxes and there's very few people in the community who own business there on private land that pay taxes.

And then they talked about the cat and dog problems but, of course, that has a lot of community people opposed in having their dogs shot at and all this. So that problem is still with us.

Then their motorcycle rally, they requested one where minibikes or other motorcyclists can enjoy that place when they're not in school, and the man who owns the store with the title of "Indian Store" on his store, in the back there he has set up a place but it's not the best. I think maybe he was trying to help the youngsters by making a little rough

place there. It is rough, but the students -- some of them go there and ride.

Then the students requested a cleanup of the community and, again, they have had cleanup but it still remains the same. And then they went and requested down in the Hopi village for roofs to be repaired because of the rains last fall. It just rained and rained and rained.

COMMISSIONER RUIZ: Allow me to interrupt here and ask one question because I'm going back to the other hearing. The only question I wanted to know is, as a consequence of the takeover by the students, have you seen improvements?

THE WITNESS: Yes, I have, definitely.

COMMISSIONER RUIZ: And do you think that is owed to the fact that the students became militant?

THE WITNESS: No.

COMMISSIONER RUIZ: Or that the students made the people in power aware of the problem?

THE WITNESS: I think so. I, as a parent, was very much hurt because my children didn't come to me with the problem. Why wasn't I informed? My duty was to see that they were happy and that everything went well with them, and here my children chose to do some other way rather than coming to me.

COMMISSIONER RUIZ: Do you think that was a result of direct influence or indirect influence or any influence whatsoever by the American Indian Movement?

THE WITNESS: Yes, I do. I think it was influenced from the outside. I think the American Indian Movement had influence on our students.

COMMISSIONER RUIZ: In any event, whatever the influence came from, as a consequence of being made aware of the problems, there have been definite improvements; is that so?

THE WITNESS: Yes, there have been definite improvements.

COMMISSIONER RUIZ: Excuse me, please.

THE WITNESS: Another thing they wanted to see was a street light coming out from low rent housing and at night it's just dark there. There's no junction and one street leading up to the main highway just comes to a dead end right there, and at night it is kind of dangerous and we had several accidents there and they requested a street light, but where do they get the funds from? But that's the hangup on that one.

Then, of course, when all this thing took place, the afternoon of the day that it took place the student body met and I'd say a tenth of the student body were for all this and the rest were against it. There were just very few over here sitting by themselves and the whole student body on this side and the whole student body did say, "If you had informed us we would have helped you in some way, but you did not inform us and so, therefore, we cannot back you on this." So there was a

small portion of the student body over here with the whole student body on this side, and I was asked to come and speak to the students and I did my best about informing them about Indian respects as the Navajos try to -- or the traditional Navajos try to teach respect to their children and one of the-- the things that I think Indian studies or bilingual education would do is to teach self-identity and pride in one's self and it would also teach respect for other people and other peoples culture, their religion and other property.

Right now, at Tuba City, the teen center is constantly being broken into and things ruined there, but I do think that bilingual education and Indian studies would lead to respect for property, too, and also it would teach one's role in life, what would be a boy's role in life in the future, what would be the woman's role in life. Right now our Indian children are just getting married so young and they don't know their role. They need to learn responsibility and actually know what a mother's duty is before she even gets married or before she even has a baby, and these things are not taught and I really do believe that if we had more Indian studies that there would be less dropouts and there would be plans for the future and a desire to help his own people and also there would be leadership and -- by leadership, I mean making a community a safe place to live in rather than right now -- A.I.M. seems to be a bad word among a lot of the Indian people and they are

afraid of the long-haired student. They are immediately labeled as A.I.M., even though maybe one does not belong to it.

So I really feel that Indian studies or bilingual education must be included in the curriculum of all schools and we have -- I'm also chapter officer in the community and people come to me with their problems and B.I.A. teachers come and they complain to me and they want something done from the chapter's side. We have a teacher training program by the Navajo Tribe and there's some B.I.A. teachers that are not allowed to have release time in order to get into the program, and the program requires 8 hours release time once a week and the public school has given release time but some of the B.I.A. -- I believe it's Title I -- do not give release time to the aides and we're always for getting more Indian educators certified and aides complained that there's no money for them to go to school on during the summer, that there should be federal funds. This is both for the B.I.A. and for the public school. They are hired only nine months out of the year and three months they are just sitting at home, and if they are lucky they find a job somewhere else, but I hate to see a good aide discouraged by being laid off for the summer months and then maybe she or he had a desire to go on into education and cannot do it because there's no funds. And they have their own financial problems and families so if the federal government would put up some money for teacher aides to go to school on during the summer months this

would help.

We do have organization like D.B.A. -- it's a Navajo name -- Dineh Biolta Association. That means the people's school. They are funded every summer to train Indian teachers and teacher aides in Navajo culture and it's only for 50, and we have two or three hundred applicants that come in during the summer and out of that we just have to screen out 50, and that's just a few. I wish that the funding was more and we had more programs like this.

Another thing that we have had complaints about is universities teach teachers how to teach the middle-class Anglo, and we come out here to the reservation and we've got to learn all over how do we teach our own Indian children and all that education just goes to waste. We can't use the teaching materials that we develop because of the way you would teach an Indian child. Maybe in-service training programs for teachers would help. We do have some of that in our school and I presently am operating on some of that. N.C.C. -- that's Navajo Community College -- that does a lot of this, teaches a lot of Indian studies and teaches in Navajo, too, and it's only a two-year school so certified teachers don't get any credit from that and in order to get more teachers certified for Indian studies -- teaching Indian studies, maybe N.C.C. should become a four-year institution.

Also, I think in the curriculum on the Navajo

Reservation, that mathematics and science and English programs should be upgraded because we're always talking about getting more professionalists, like lawyers and doctors and Navajo Health Authority is in the process of getting a medical school established on the reservation and the curriculum on the Navajo Reservation is not up to the standards of some schools that would put out medical students.

I guess that's it.

BY MR. MUSKRAT:

Q Are you generally satisfied with the school system's response to the student demands?

A Yes.

Q You think they were responsive?

A I think they were responsive. In fact, I don't know -- maybe it's only me that really gets along with the superintendent. You know, I hear gripes from other teachers, but when I say something, then he sure responds.

Q You think they are responsive to reasoned requests and thoroughly thought-out suggestions?

A Yes, I think so, because right now I went before the school board and I ask them for release time with pay or without pay to attend a class at N.C.C. and the board passed it with pay and they gave me four hours release time every Thursday and four hours every Tuesday.

Q Were there any of the specific responses to the

demands that you think didn't go far enough, that they were on the right track perhaps but needing to go further?

A Well, I think they need to go further on hiring more Navajo teachers. Of course, what I did was go to Tampe and to U.F.A. and to N.F.U. and I got a listing of Indian teachers that were graduating and I talked to some of them myself and then I gave them to Mr. Godfelty, and really what I was looking for is teachers that were in the community, Indians that were from a community that would be stationary instead of teachers that would leave. There would be a big changeover every year and I'd say a majority of those I recommended were hired and those that weren't hired didn't want to teach there. They wanted either to continue for masters degrees or they had another location.

Q Are there any other examples such as that one where they are on the right track but need to pursue it more vigorously?

A I think the Indian studies, I think they should use-- you know, for the Navajo students, I think they should have consultants come in, like the medicine men or some elderly Navajo man to come in and talk to the class and teach them some of our beliefs and our ways, our traditions, and the same with the Hopi.

Q Are there any additional innovations along these lines which the school system should undertake other than those that you have mentioned already? In other words, is the school

board or has the school administration taken the initiative to confront problems in their own right rather than waiting for demands to be made by the students or the community? Are there any things that the school can do on its own volition, so to speak?

A Let's see. I can't think of any.

Q You think they have pretty well confronted the problem and begun resolution of those problems?

A Yes, I think so. Every now and then we do hear of teachers that mistreat students and, of course, these are told by students to parents and then the parents are very defensive and come to the school. I don't know whose story to believe. That's the only problem that we have, I'd say, a big problem in the primary school. Then with the high school there's, of course, the drinking problem and the drug problem and that, again, is due to parents living around the community because they're the ones that are bootlegging the booze to their students.

Q So you think closer cooperation between the schools and the parents will effectively handle some of the problems?

A Yes.

Q Do you think the school board is making -- or the school administration is making an effort to involve the community so that they, in joint partnership, can help with the problems that the students are having?

A Yes. We do have a parent council for the Title I and Title IV, and every time there is a meeting they just don't come.

Q Is there anything the school can do, do you think, that would encourage and prepare for parent participation and interest that they aren't doing already?

A Well, I think the liaison people will help the problem but parents need to be told that they are important. They need to be recognized as important people. When I'm there if a parent comes, I take the time off to show the parent around whether he or she wants to or not. I just tell them "Your kid goes to school here. Let's go see the nurse's office let's go to the library; let's go here." I take them all over and I even help them get a free meal and I eat with them so they won't feel so shy and then I get their opinion on the school lunch, on the classroom where the children are, on the teacher, and they always say that "I wish I was in school now."

Q That's good. I don't have any further questions. Do you have anything you'd like to add?

A No.

MR. MUSKRAT: Okay. Thank you very much, Mrs. Thomas.

TUBA CITY PUBLIC SCHOOL

J. FRANK GLOTFELTY
Superintendent



TUBA CITY ELEMENTARY
DISTRICT NO. 15

TUBA CITY HIGH SCHOOL
DISTRICT

P. O. Box 67
TUBA CITY, ARIZONA 86045
(602) 283-5215

March 22, 1974

Mr. Lawrence B. Glick
Acting General Counsel
U.S. Commission on Civil Rights
Washington, D.C. 20425

Dear Mr. Glick:

I have read the copy of the interview report conducted by Mr. Jerry Muskrat. I believe it does express my views, with one exception. On page 9 of the report, I do not recall stating that Mr. Denipah had claimed that he was a member of the American Indian Movement.

We are enclosing the demographic materials that you have requested on teacher aides. You will note that aides have been added during the year and that this report is current.

Yours truly,

A handwritten signature in cursive script that reads "J. Frank Glotfelty". The signature is written in dark ink and is positioned above the typed name.

J. Frank Glotfelty
Superintendent

JFG/cl

Enclosure

NAVAJO HEARING INTERVIEW REPORT

Interview with: Mr. Frank Glotfelty
Superintendent
Tuba City Public School District
Tuba City, Arizona
Telephone: 283-5215

Interviewed by: Jerry Muskrat

Location: Tuba City, Arizona

Date: July 19, 1973

Tuba City Public School District: Tuba City, Arizona, consists of a population of 7,000 persons. It is the second largest town in Coconino County (Flagstaff being the largest). Tuba City is not incorporated. The Tuba City Public School District governs a system of 2,200 students (grades K-12). Geographically, Tuba City School District is small. It is surrounded by the Page School District. These boundary lines are the result of historical and political circumstances.

Page previously consisted of an unorganized school district. At the time it sought to organize, it was necessary to do so rapidly and it was also necessary to establish itself in an area with a large assessed evaluation (since this determines the tax base). Page, therefore, took over the area surrounding the Tuba City School District. The geographic location of school district boundaries, however, has created some difficulties. Tuba City now wishes to expand its school district lines in the south. Page has now developed in its own locality a considerable tax base (i.e., the industrial complex surrounding the Page area has contributed substantially to the tax base). Consequently, since Page now has a substantial taxable base and since Tuba City is desirous of enlarging its district boundaries to the south, the two districts have reached an agreement to redefine the district lines with Tuba City getting the southern portion of Page's district. (Note: Tuba City is currently servicing students in this area on a tuition contract from the Page district.) The Tuba City School District also receives

subsidies via the Arizona JOM general fund. These funds go to meet the balance of the school needs.

Mr. Glotfelty explained that the local school board is the essential element of control in the Arizona school system. The Tuba City Public School Board consists of one Hopi, two Navajos, and two Anglos. Its powers and duties are set by state law.

Mr. Glotfelty explained that the Tuba City public schools consist of approximately 70 percent Navajo, 20 percent Hopi, five percent other Indian tribes, and five percent Anglo student enrollment. Therefore, they differ from other reservation schools which are predominately Navajo in their enrollment. The situation in Tuba City is, therefore, more complicated.

Because of the financial structure, Tuba City cannot bond to build schools but must rely on Federal assistance. Consequently, it is only funded to build minimal school facilities. This has resulted in the use of temporary quarters which has created considerable hardship. Getting the land back from the Page School District would help this situation, which is especially critical due to the rapid growth of the public schools on the reservation.

Unique Education Needs for Indian Students: Mr. Glotfelty referred to two major programs in Tuba City. The first was the kindergarten program which he explained is a full day rather than a half day program. The second was an experimental program in bilingual education whereby Navajo was taught as the first language and English taught as the second language. He noted a specific problem in locating materials for teaching the Navajo language and that this had been a handicap for the program.

Mr. Glotfelty also referred to cultural problems in the educational system. He noted Title I of the Education Act of 1965--bilingual/bicultural programs and that a cultural consultant works with the students and teachers concerning Navajo and Indian cultures (Mr. Glotfelty also mentioned that he worked closely with the Tribal Division of Education concerning consultants). He also referred to the fact that Navajo and Hopi teachers were in the Tuba

City system, and referred to the parent advisory committee which was to provide community input. He specifically noted that there was not complete agreement within the Indian community as to how much culture should be taught in the public school system, rather elements of the Indian community felt that these values should be taught at home. Finally, Mr. Glotfelty pointed out that a staff orientation on local Indian culture was part of the inservice training program of the school system (attendance is voluntary).

Mr. Glotfelty pointed out that considerable confusion surrounded what the goals of the Tuba City Public School System should be (i.e., whether the goals should be college preparatory or vocational). In any event, he cautioned that the education must be relevant to the community needs so that there will be jobs for graduates.

Additional problems in Indian education, Mr. Glotfelty pointed out, concerned communication. He noted that there was no local newspaper and not much reading material available in the homes of the students. (The public library in Tuba City is opened only two hours per week.) Still another major problem concerns dropout rates. Mr. Glotfelty defined a dropout as a person who stops going to school. He noted that there was no real problem in this respect in Tuba City, however, there was attendance problems. (Note: attendance problems concern the cutting of full days of school rather than merely cutting classes.) He attributed the attendance problem to cultural origins. He maintained that most of the kids were finishing high school and they had good opportunities to go to college, however, he cautioned that many Indian college students experience cultural shock upon their arrival on campus and he felt that colleges should do more to be more helpful to them in this period of adjustment.

School lunches, Mr. Glotfelty explained, were not a problem in the Tuba City school system in that 80 percent of the students received free lunches. He maintained that those that want or need a free lunch get it.

Alcoholism is a major problem in the school. It is addressed by mandatory health education classes which teach students concerning the

problems of alcoholism. Rumors to the effect that the Tribal Alcoholism Counselor was denied access to the high school and high school students was denied by Mr. Glotfelty, rather, he explained, the Tribal Alcoholism Counselor is associated with AIM and sought access to the school for political purposes as well as the legitimate purposes of alcohol counseling. Mr. Glotfelty maintained that the counselor had been in class since the Tuba City school demonstration and, therefore, there was no ban on his presence in the school.

Mr. Glotfelty denied that there was any problem concerning the recruitment of teachers. However, he admitted that only ten percent of the faculty was Indian. He explained that this low percentage resulted from the fact that Indians are lured away to other better paying jobs than teaching.

Mr. Glotfelty pointed out that the State of Arizona requires an advance degree within six years of initial teaching. Tuba City is not able to assist the teachers financially to return to school for this purpose. In this regard, he admitted it would be helpful if it could provide financial assistance for the study of Indian educational programs. Tuba City does offer an inservice program in regard to Indian education, however, these programs are not mandatory for the teaching staff. (Nevertheless, the courses do get good response.)

Economic Development: Mr. Glotfelty explained that a unique problem existed in Tuba City with regard to economic development. Since Tuba City is in the Navajo-Hopi land dispute area, there has been a freeze on new businesses being introduced to the area since 1965. (Note: Tuba City is not in the joint-use land area but in the disputed land area.) In 1965 the Indian Commissioner ruled that it was first necessary to have the agreement of both tribes before any economic development could take place. Inability to agree between the tribes has produced a void in economic development in Tuba City despite the fact that there is considerable potential for it. In Tuba City, Mr. Glotfelty explained, there are two extremes--people are either

on welfare or they have good paying jobs. However, because of the lack of economic development in the area, the money that is available leaves the reservation. This absence of economic development and opportunity has affected the Tuba City educational system in that a "co-op program," whereby jobs and school credit are combined, is not available nor is the "distributive education program" available since there are no jobs for students. Tuba City feels a greater need for vocational training and more emphasis has been placed upon it. Mr. Glotfelty explained that up until three years ago, no vocational program existed whereas now seven or eight such programs exist.

The Gray Hill Experiment: In 1967 the Tuba City Public School System made an application to HEW under P.L. 815 to finance new construction of a high school. (Note: The Tuba City public system's proposal for a public high school was finally funded in 1972.) At this time the Bureau of Indian Affairs was also considering a high school. The initial thinking on the part of the community favored one school. However, the BIA and the public school system did not agree. Finally, the BIA built the Gray Hill facility for its student population. At the same time, it set aside land adjacent to the Gray Hill facility for the public high school to be constructed upon. Consequently, the Gray Hill complex will consist of a BIA school and a public high school adjacent to one another.

The BIA Public School Agreement provided for the following details of operation (copy on file at USCCR). The combined facility can service 1,600 students. The BIA facility is built to service 1,000 students and the public school facility will service 600. The name of the school is to be the Tuba City High School and it is referred to as an amalgamated school. The first classes begin August 23, 1973. The curriculum is that of the public school system (which includes an Indian curriculum). The first year student body will consist of 300 BIA ninth grade students and 600 (9-12 grade) public school students. Since only the BIA portion of the facility is completed, it should be sufficient to service the combined number

of students--900.) The staff shall consist of consist of 12 BIA teachers and 34-35 public school teachers.

Mr. Glotfelty explained that a similar experiment to the Gray Hill experiment had taken place in the Dakatos, yet he believed that this was the first real "joint control effort" involving the BIA and the public school system in shared responsibilities.

The Gray Hill experiment will not be without its problems. Among those which Mr. Glotfelty anticipates is the fact that two school boards will be in operation. The BIA Advisory School Board is Navajo controlled and, therefore, Hopi problems may arise. The public school board is not advisory but is controlling and, therefore, represents community control. A possible problem exists in that the BIA has hinted that it is impossible for a public school board to tell the Federal government (i.e., the BIA) what to do. Nevertheless, Mr. Glotfelty believes that local people should be in control of the school system. Still another problem Mr. Glotfelty pointed out concerned the current trend away from boarding schools to public school systems. This could be a problem for the BIA school in that its enrollment may drop.

Tuba City School Demonstration: Mr. Glotfelty explained that the demonstration was actually in sympathy with Wounded Knee, despite the fact that AIM disavowed any involvement. He explained that the demonstrators seized the building (i.e., the superintendent's office) and ordered Mr. Glotfelty and his staff from the premises. They refused to talk to Mr. Glotfelty maintaining they would only talk to Indians. Mr. Glotfelty then contacted the school board members. The school board members met with the students. The students in turn drew up a list of demands (ultimately these demands "dwindled" to requests). Mr. Glotfelty maintained that if the students had taken the time to make a proper investigation it would have shown that the actions they demanded were actually being undertaken by the administration.

Meanwhile, a student body meeting was called at the high school. By a vote of 400 to 3 the demands of the demonstrators were rejected. Classes continued as usual, save for this specific meeting.

The demonstrators spent that night in the occupied building. Mr. Glotfelty conceded that they did not do damage to the building (only that incidental to the occupation). The demonstrators hung the flags of the Navajo nation and the United States upside down in protest. Mr. Glotfelty noted that this was disturbing to many of the parents in the community.

The local Navajo Chapter officers recommended to the school administration that they consider the demands, however, no further action was ever taken, according to Mr. Glotfelty. In this regard, the Hopis also indicated they wanted to see the demands and to consider them.

Meanwhile, the Navajo police, a special officer from the Bureau of Indian Affairs, state police in the area, and officers from the sheriff's office arrived at the scene of the demonstration. Since the building was state property, the demonstrators were ordered to leave voluntarily, if not, the police intended to storm the building. The demonstrators did leave shortly after this treat was made and a mass meeting was called at the Community Center.

That evening a mass meeting of the community, with approximately 2,000 persons in attendance, met at the Community Center. Mr. Glotfelty explained that an IHS representative, a Mr. Gordon Denipah, Assistant Executive Director of the Navajo Health Authority, took charge and chaired the meeting. He had met earlier in the day with the demonstrators and had claimed that he was a member of the American Indian Movement (Mr. Denipah wrote a report concerning the demonstration and it is on file at the USCCR). At this mass meeting, three spokesmen for the demonstrators spoke and explained their position to those in attendance. The school board had been asked to attend and did so though not as an official body. Nevertheless, they were placed before the mass meeting as if attending in an official capacity. This produced an awkward situation, according to Mr. Glotfelty. In response to the student demonstrators, high school students and leaders spoke concerning the issues. Parents also indicated a desire to speak. Since many of the speakers were speaking in Navajo, translations were

required which were time consuming. Ultimately, the chairman, Mr. Denipah, adjourned the meeting before all were allowed to speak. This caused some dissatisfaction within the community.

Mr. Glotfelty discussed the issues raised by the student demonstrators and responded to them: (1) A request for Indian related curriculum in the school system (e.g., Indian culture and Indian languages). Response-- Indian curriculum already exists in the school curriculum and the administration is trying to introduce more. (2) A request that Indian students be allowed to wear their hair at any length they desire. Response--the length of hair is not a major problem or concern of the school. (3) A request that an alcoholism program be established in the high school. Response--alcoholism is taught in health education class in the sophomore year (it is a required course). (4) A request that school be closed on National American Indian Day. Response--when this date is declared a legal holiday by the Navajo and Hopi tribes, the school will declare it a holiday as well. (5) A request that students not be suspended or expelled without being afforded due process protections. Response--the present procedure already affords due process protection. (6) A request that Johnson-O'Maley funds be utilized for the specific needs of Indian students. Response--JOM funds go into the general fund and are therefore difficult to identify. (7) A request that school facilities be made available for student activities during the summer months. Response--the facilities are, in fact, available during the summer months for such purposes. (8) A request that members of the board of education should be appointed pursuant to a democratic vote of the community. Response--this request refers to the appointment of a school board member by the county school superintendent. However, state law gives authority for such an appointment procedure. The school board itself is not in control of that situation. New legislation would be necessary to alter the present procedure. (9) A request that teachers who are outspoken in criticizing the school administration should not be singled out for discriminatory treatment by nonrenewal of teaching

contracts. Response--no disagreement. (10) A request for more Indian teachers, consultants, and aides. Response--no disagreement; presently attempting to hire those so qualified. (11) A request that new and competent faculty in the areas of athletics and the high school band be hired. Response--the present staff is competent and qualified. (12) A request that the Anglo community familiarize itself with Indian culture. Response--there exists some disagreement among Navajos and Hopis themselves as to how much participation in Indian cultural events should be undertaken by Anglos. (13) A request for more high school assemblies which are meaningful to Indian students. Response--agree but assemblies should be meaningful to all students; for example, a Navajo speaker cannot be understood by all of the student body since some Navajos and Hopis and Anglos do not speak Navajo. (14) A request that students with written statements from their parents be excused from participation to attend religious ceremonies. Response--this has always been school policy. (15) A request that the quality of the school lunch program be improved. Response--the students always complain about the school lunches, however, the quality and quantity of the Tuba City school lunch program is excellent. Parents themselves have been invited to eat at the facilities. (16) A request that Indian books and reference materials be placed on the shelves of the school library. Response--these materials are available through the school library and from other sources as well.

Conclusion: Mr. Glotfelty is recommended as a witness should the Gray Hill experiment develop into an issue at the hearings.

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Exhibit No. 47

TUBA CITY HIGH SCHOOL

ANNOTATED COURSE CATALOG

1973-74

LANGUAGE ARTSEnglish 9c 101

Required of freshmen. Emphasis in literature will be on epic poem, fables, myths and legends of the Greeks, Norse and American Indian. Also studied will be the short story, play, non-fiction, biography and autobiography. Listening and research skills will be taught. Composition work will stress the sentence and the paragraph. A final project will be a 5-8 paragraph autobiography.

English 9s 102

Required of freshmen who qualify in a reading placement test. A two-hour block of time is set up to attack listening, speaking, reading and writing skills. A specialist will assist with reading problems. Grammar will be presented by the typing teacher, and literature appreciation of the materials listed in 101 will be taught. Students will also complete a short autobiography. (Carries only one unit credit.)

English 10 301

In English 301, grammar will be reviewed as well as vocabulary development and writing techniques. Literature of the world in the areas of poetry, drama, short story, and the novel will be read and analyzed.

English 11 501

This will be a survey course. It will review general grammar and composition rules needed for clear and concise writing, with practice in same. The literature studied will be mostly American literature not covered in the Southwest Literature and Social Novel courses.

Tutorial English 502

A course at the upper division level so structured as to provide a low teacher-pupil ratio and which will cover very basic language concepts. It is intended for the student still experiencing language difficulties at the junior and senior grade levels.

Social Novel 503/

A literature course designed for the study of very recent works which are not yet "proven" as literary worthwhile works. Interest is in the nature of the new forms, the "protest" messages, and the first-novel writers.

Myths and Folktales 505/

This course will compare myths and legends of other countries with the American Indian myths, legends and folktales.

There will also be studies and discussions on how myths and legends may have gotten started.

There will be some time spent by the class in writing their own myths and legends.

Discussion and Debate 510/

This course will cover the techniques of discussion and debate, their differences and similarities. Opportunities will be provided for practice in both areas. The topics will relate to present situations in school, community, state, nation, and world.

Principles of Writing 511/

A course for learning writing principles of most forms, such as poems and stories, but it will concentrate on the "tool" writing ability of manuscripts, papers, research technique and reporting.

Speech 1 512/

This is a basic speech course to show the importance of speech in our everyday activities and the ways to write and deliver the different types of formal speeches. There will be lots of classroom opportunities to develop good speech techniques.

Speech 2 513/

Prerequisite: Speech 512/

This course utilizes the basic information gained in Speech 512. The emphasis will be in applying all the principles learned to speaking situations. Effort will be made to provide real speaking opportunities; such as, town

organizations, school functions, teacher organizations, etc.

Drama 1 514/

Open to juniors, primarily, and seniors. Course includes study of pantomime, dramatic movement, diction, acting, make-up, costuming, scenery and stage lighting. Several one-act plays of high interest to students will be rehearsed and prepared in class for production before students and community on the stage.

Drama 2 714/

Open primarily to seniors who have taken Drama 514. Course is continuation of skills in 514 and may include some history of drama and play direction by students. A full-length play of high interest to students will be rehearsed and prepared in class for production before students and community on the stage.

Journalism 1 518 S

The text will cover gathering, writing, editing and displaying the news to its best advantage. Also, the mass-media and their different advantages will be examined. Simultaneously, it is hoped that the practical project of putting out the school newspaper will be accomplished.

Journalism 2 718 S

Shared with Journalism 1 518 S.

Photography 1 519

This course in the study of photography will be thorough. Different types, purposes and principles of the camera will be studied, as well as the stages of photography, from taking the picture to actually printing the photo. Hopefully, principles of photo composition will be incorporated into the course.

Photography 2 719

Same as Photography 1 519 for the 1973-74 school year.

Southwest United States Literature 703/

Literature of the Southwestern United States which is not restricted to national origin or to given time periods. Such aspects as with any course

must be so plotted as to "cover" pertinent periods or contributions. Analysis, period influence, etc. are involved.

Speech-Theater 713/

This course is for the Senior student, primarily, who wishes additional work in Drama and in Speech performance. The course is open to such aspects as Reader's Theater, choral-reading of selected materials such as myths and verse. It is open to most forms of drama and some of speech intended for public performance and non-memorization of materials.

Movies 715/

Movies will explore the art of communication in the film from the silent era to the present. Many types of movies will be viewed and analyzed for their structure and artistic qualities.

Spanish 120

Students will learn to speak, listen to, understand, and do a little reading of the language. They shall learn to carry on simple, grammatical conversations about everyday situations, and about situations encountered by travelers.

Spanish 2 320

Students shall continue to practice conversational Spanish. There will be a much greater emphasis on reading and writing the language. Students will learn to use in oral and written situations more complex language structures and vocabulary. They shall begin to do readings about the history and culture of Spanish speaking countries.

Spanish 3 520

In the third year of Spanish, students will begin to develop fluency in oral and written use of the language. There will be an increased emphasis on reading the literature and on writing.

SOCIAL SCIENCESSocial Studies 126

A two semester course. Students may register for either one or both of the semesters. Participation in the full course will introduce the student to the skills and information necessary for real success in future social studies courses. First semester studies will include fundamentals of citizenship, school, state and national; basic economics principles, and career planning. Second semester will include historical methods, contemporary problems and an introduction to various cultures both western and non-western.

Indian History 327/

Indian History is a one semester course. It is offered primarily for the 10th grade. Twelve weeks will be spent in giving the background of the American Indian and studying the tribes far removed from this area. Six weeks will be used for the study of Southwestern tribes, with comparisons of other areas and the Southwest being noted.

World History 328

A two semester course. Students may register for either one or both of the semesters. The first semester's studies will include pre-history, ancient European and American civilizations and African civilization. The second semester's work will include Asian civilization, modern American and European civilizations and problems in modern international relations. The course is offered primarily for sophomores. Freshmen who wish to enter must have permission of the instructor.

United States History 527

A two semester course required by the State of Arizona and Tuba City High School for graduation.

The course will give the student an understanding of his American heritage and traditions. It will give him an understanding of the world in which he lives by allowing him to examine the trends and events which

have created it.

There are no prerequisites. The course is recommended for the junior grade level. Others may take the course with permission of the instructor.

World Relations 530/

A one semester course offered to juniors and seniors. This course will provide the students with an understanding of contemporary international relationships, economic, political, and diplomatic. The functions and influence of world organizations will be emphasized.

Social Disorder 532/

A one semester course primarily for seniors. Others may enter with permission from the instructor. This course is intended to give the student an understanding of the causes of social disorders and to help him reach conclusions as to why social disorders usually accomplish little, also, the nature of negative response to social disorder. One idea to be pursued is that both peace and conflict each have a "cause".

Government: National 740/

A one semester course, including specific content, required by the State of Arizona and Tuba City High School for graduation.

A course to give basic structure and rationale of the national level of the United States Federal System of Government. The constitutional frame, the government organization, the nature and distribution of powers are the major concern. Some overlapping with state and local governments will be necessary for clarity.

Offered primarily for senior grade level and to juniors with permission. One semester--½ unit credit. Prerequisite: U. S. History.

Government: State and Tribal 741/

A one semester course, including specific content, required by the State of Arizona and Tuba City High School for graduation.

The first nine-weeks of this course will be concerned with State Government.

It will look into the governmental organization and distribution of powers, also, forms and structures of various types of city and county governments.

The second nine-weeks will be concerned with the study of the Hopi and Navajo governmental systems. All treaties and acts that have influenced the forming and shaping of these governments will also be studied.

Offered primarily for senior grade level in balance with National Government or juniors with permission. One semester--½ unit credit. Prerequisite: U. S. History.

Economics: Free Enterprise 742/

A one semester course required by the State of Arizona.

The purpose of this course is to provide the student with sufficient information and a few tools of analysis so that he can understand the philosophical and economic rationale of the Free Enterprise System. Required course by the State for all seniors, or juniors with permission.

Sociology 732/

A one semester course offered primarily for juniors and seniors. The class will offer the student an introduction to the history and methodology of Sociology. Emphasis will be placed upon the study of western culture.

Prerequisite: Psychology.

Indian Culture 734/

A one semester course for those students who wish a better knowledge of the American Indian and his past and contemporary position in the nation and the world.

The student who has had Indian History will probably find more enjoyment in this course.

Psychology 1 738/ (Biology I recommended)

In the modern world, life has become increasingly more complex, and often very confusing. Those who have a greater understanding of themselves and others are those who are most likely to experience greater success and

satisfaction in their life.

This will be a one semester course for students at the 11th and 12th grade level. It will include instruction in the following areas:

- A. History of the science
- B. Basic theories
- C. Psychological measurement and data gathering
- D. Learning theories
- E. Growth and development (infancy and early childhood)

Indian Project Study 745/

A one semester, independent study course for those students who wish to broaden their knowledge of Navajo and Hopi culture and traditions and/or who wish to arrange for particular projects which will be chosen by the student with the help of the instructor. Grade will be based on the student's "project" selection and the responsibility shown in carrying through on the commitment.

Social Science I. S. 750

A one semester, independent study-readings course for juniors and seniors. The student, with the help of the instructor, will choose a readings program or, if he has pertinent questions to ask, an independent study project. The readings program may cover a broad study of the various areas of the Social Studies or may be an in-depth study of one area.

DRIVER EDUCATION

Driver Education 410/

A one semester course involving textual, simulator and road-driving study and experience. The course is designed to instruct in the actual operation of a motor vehicle, the general care of a vehicle relative to safety factors, the rules of traffic, and some study in safety and first aid should an accident occur.

MATHEMATICSMath 9 151 and 9s 152

An instructional pod with the following subjects being taught through sub-grouping: General Math, Pre-Algebra, and Algebra I.

General Math - General Math consists of the following topics:

Review of basic operations with whole numbers, fractions, decimals, and percents.

Solution of basic word problems.

Introduction to basic geometric concepts and constructions.

Pre-Algebra - Pre-Algebra consists of the following topics:

A review of general math concepts with an introduction to the basic concepts of algebra and the algebraic approach to problem solving.

Algebra I - Algebra I consists of the following topics:

Operations with algebraic expressions and polynomials.

Factoring of polynomials of various degrees.

Solution of first and second degree equations and of first degree inequalities, and fractional equations.

Principles of graphing first degree equations.

Introduction to elementary slide rule operations.

Intermediate Mathematics 351 and 352:

An instructional pod with the following subjects being taught through sub-grouping: General Math, Algebra I, Algebra II and Geometry.

Geometry - Geometry consists of the following: An integrated study of plane, solid and coordinate geometry. Included is the study of logic, inductive and deductive reasoning, truth tables, constructions, etc. Pre-requisite: Algebra I.

Algebra II - Algebra II consists of the following: A review of the basic concepts of Algebra, followed by a study of rational and irrational numbers, relations and fractions, quadratic relations and systems, exponentials

and logarithms and the introduction to the trigonometric functions. Prerequisite: Algebra I.

Mathematics Topics 551 and 552

An instructional pod with the following subjects being taught through sub-grouping determined by the student's choice of subject: Algebra II, Geometry, and Math Topics.

Math Topics - Math Topics consists of the following: An introduction to elementary number theory, a review of linear functions, a study of higher degree equations, especially methods of solution, and an introduction to the theory of limits; a study of accuracy and precision with a quick review of logarithms, followed by a thorough study of trigonometry including the use of the slide rule in solving trigonometric problems. Other topics included are sequences and series, permutations and combinations, probability, descriptive statistics, and many other topics from which the students may choose. Prerequisite: Algebra II. Geometry is recommended also.

SCIENCES

Physical Science 176

A general course intended primarily for the Freshman who is very interested in science. It will cover the elemental principles of the physical sciences, including chemistry. The course will include some study on the nature of science and the various subject areas of this field.

Biology 1 376

An introductory course to the various aspects of the living world as discovered and described by the scientist. This course is intended for the more serious science student, such as those more inquisitive in the ways of this knowledge and/or who are considering continued studies, particularly in the professions requiring a knowledge of biology.

Biology 2 576

Biology 1 is a prerequisite for this course which is a continuation of

Biology 1. The course content becomes broader and deeper in concept. The major structure is of the BSCS curriculum program.

Earth Science 377

A course designed to meet fully the science course requirement. The course involves some work in the ways and meanings of a scientific knowing; includes the critical study of such phenomena as the food-chain, is both personally and as a citizen relevant, and does include those concepts generally identified as ecological systems. The course is recommended for those who do not anticipate a career in one of the scientific fields.

Chemistry 1 580

The course involves a study in inorganic chemistry--the composition of matter and the changes it undergoes. A reasonably strong mathematics background is recommended.

Chemistry 2 780

Chemistry 1 is a prerequisite for this course. It is a continuation of concepts studied in Chemistry 1.

Geology 586

The course is designed to acquaint the student with the phenomena of the physical earth and its development. Emphasis will be upon the local-topology and stratifications, as the school is in a major geological wonderland.

Physics 790

The first semester involves a study of "Matter and Molecules", "Behavior of Fluids", and the "Mechanics of Solids". The second semester involves a study of heat, light, electricity and magnetism, some electromagnetic spectrum study and some study on radiation. Energy is the central theme.

Science I.S. 799

An independent study course. Student is screened in registration for sincerity in registration. With the instructor's guidance, each student sets

up projects for investigation and then proceeds to fulfill such projects through the laboratory, quest centers, resource center facilities.

HEALTH/PHYSICAL EDUCATION

Physical Education 1b 201 (boys); 1g 202 (girls)

A general involvement in practical body care; exercise opportunity; awareness and knowledge of "sports" games. The course emphasizes physical-fitness and gamesmanship, as well as body care and cleanliness.

Physical Education 2b 401 (boys); 2g 402 (girls)

A continuation of the concept of P.E. 1b and 1g. The emphasis goes toward "push for achievement" and is somewhat more individualistically rated, although group events are still a part of the learning and means. The serious sports and athletically inclined student is encouraged to register for this course.

Health 408/

A semester course designed to meet basic human need for personal health. Units include studies of general illness/disease and how to preventatively avoid them; specific study of particular body functions; and particular interest and problem areas of drugs, alcoholism and inter-personal relationships.

MUSIC

Beginning Band 215

A course intended for the first or second year instrumental music student. It is an introductory course in the care and maintenance of instruments, band organization, and the selection of a preferred instrument for which instruction will be given. The emphasis is upon learning to play an instrument and to do this within the structure of orchestra and band.

Varsity Band 415

Membership is for those already familiar with an instrument and with

orchestra and band organization. Arrangements for individual and small group practice are made. The class time is devoted to orchestra, band and marching-band preparations. Regular performances at various events and in concert are a part of the study.

Mixed Choir 426

While small groups will be developed within the course, the 426 course is primarily a large, mixed group experience in singing. Regular performances at events and in concert are a part of the study.

ARTS AND CRAFTS

Arts and Crafts 1 249

This class brings together a number of craft activities involving several different areas--metals, plastics, woods, leathers and ceramics.

Each section contains a treatment of basic tools and materials, involving, along with a discussion of methods, the employing of these materials creatively.

The art is general and introductory to colors, forms and motif. It will involve experience in drawing and painting.

Both arts and crafts instruction will involve appreciation concepts.

Crafts 2 449

The student is encouraged to go into depth in one or more of the identified crafts. Instruction will continue along specific crafts skills. The student will be encouraged to commit to one or more projects.

Art 2 431

Two semester course. Prerequisite: Art I.

Art II is designed to strengthen the foundation of basic art principles established in Art I. It is theoretically designed as an introductory course in painting to provide for a sequential art program for those students with an interest in the art field. Students are encouraged to develop personal techniques through application and experimentation in an assortment of painting

media in activities with proposed objectives. Painting activities are augmented by an art appreciation section and the study of departmental terminology.

Art 3 631

Two semester course. Prerequisite: Art II.

Art III is structured to accommodate students with sincere interest in art. Individual instruction and emphasis on choice of painting medium are labeled as inherent motives in Art III. Students are encouraged to continue with their development of personal techniques and their growth in aesthetic appreciation through activity involvement and exposure to examples of creative products from the past and the present. Regular art activities are augmented by sessions in art appreciation and study of departmental terminology.

Art 4 831

Prerequisite: Art III.

Art IV is inaugurated as the finale of a four-step art program. Art IV is structured to accommodate students with the most sincere interest in art. Individual instruction and emphasis on studio-type approach to art activities are the paramount ingredients in this program. Expansion of previous art experiences will be achieved by individual-interest pursuits through continued experimentation and the application of newly discovered techniques to help satisfy the student's aesthetic needs in all areas of the art field. Continued growth in art appreciation and departmental terminology will also be a content in this program.

BUSINESS

Typing I 280

This course will enable the student to acquire knowledge and skills necessary for his own educational and personal use of typewriting. The course will enable students to acquire knowledge and skills necessary to prepare themselves vocationally.

Subject matter covered in Typing I, includes the developing of key-

board mastery. To develop correct techniques of handling the machine and stroking the keys. To develop desirable work habits as neatness, accuracy, proofreading, work evaluation, ability to follow directions--orally and written, arranging copy correctly, and composing skills at rates sufficiently high to permit students to use the typewriter automatically and to provide a free flow of ideas.

Prerequisite: Must be a sophomore or higher.

Typing II 480

This vocational typing class is intended as advanced training for Juniors and Seniors who have successfully completed (with a grade of 3 or better) one year of typing, and who wish to improve their typing ability so they will possess entry-level job skills at the completion of this course. It is hoped that students plan to use typing skills in some future employment. The intent is also that those who undertake Typing II will continue in Clerical Office Practice, providing thorough preparation for a career in the office.

Students will study business letters, envelopes, alphabetical filing, spirit and mimeograph duplication, adding machines, statistical tables, manuscripts, reports, justification of right margins, making change, speed-accuracy tests, career education.

General Business 282

This course will prepare the student to be an intelligent consumer of business goods and services; help him better understand the American economic system; and prepare him to intelligently evaluate the relationship between financial planning and attainment of long-range as well as immediate economic goals. This course is also an entry course to other business and vocational courses.

Subject matter covered in General Business includes the nature of American business; how our economy is changing; business and the consumer; banks and banking services; using credit wisely; economic risks and insurance; saving and investing money; practical money management; communication and

transportation; roles of government, business and labor; and living and working in our economy.

Prerequisite: None.

Shorthand I 481

Shorthand I is intended for Sophomores, Juniors, or Seniors who have completed or are presently enrolled in Typing I and who exhibit an interest in a career requiring the use of Shorthand. The intent is also that those who undertake Shorthand I will continue in Shorthand II and Secretarial Office Practice, providing thorough preparation for a secretarial career.

The student will study the shorthand language, grammar, and punctuation, and practice taking dictation and transcribing at the typewriter. The student will also study general office procedures and how to get a job in career education.

Shorthand II 681

Shorthand II is intended for Junior and Senior students who have completed Shorthand I and Typing I with at least average success (a grade of 3 or better), and who exhibit a strong interest in a career requiring Shorthand. The intent is also that those who enroll in Shorthand II will continue in Secretarial Office Practice, providing thorough preparation for a Secretarial Career.

The student will study the Shorthand language, grammar, and punctuation and be able to read and write shorthand at job entry-level skills following completion of the course. The student will also study career education and how to get a job and general office procedures.

Business Mathematics 482

Business Mathematics provides a high level of arithmetic skills essential in office jobs--especially in bookkeeping, record keeping, selling and general clerical occupations. Everyone, whether he plans to enter business employment or not, will find a need for this course involving arithmetic calculations

and concepts in dealing with daily personal financial problems.

The study of personal money records; buying; wage income; commission income; credit; loans, savings and investment; home expenses; transportation costs; taxes; retail buying; retail selling; wholesaling; manufacturing and pricing costs; business ownership and farm profits and costs; everyday measurements; and introduction to computer mathematics and probability provide a good background of mathematics to meet advance business course requirements and consumer needs.

Prerequisites: None.

Accounting 685

A universal need exists today for a knowledge of the principles of bookkeeping. Bookkeeping contributes to: (a) a person's ability to earn a living; (b) a person's understanding of the economic activities of the business world; (c) a person's competence in managing his personal business affairs.

The course entails the study of day-by-day record keeping of business transactions; starting a bookkeeping system; use of special journals and subsidiary ledgers; introduction to automated data processing; use of the combination journal for transactions affecting petty cash, sales, purchases and payrolls; and the study and use of special bookkeeping transactions, partnerships, corporations and cooperatives.

Prerequisite: One year of high school mathematics with a grade of 3 or higher.

Business Law 686

An understanding of the basic principles of law that are applicable to business transactions is important not only for students embarked on business careers, but is of value to everyone; consumer, small business man, head of household, or housewife involved in business transactions or practices.

The types of law; our court systems; individual legal rights and duties; contracts; remedies of contracts; bailments; transfer of ownership; negotiable instruments; employer and employee relationship; protection of employees;

government regulations related to employment; ownership of property; landlord and tenant relationship; wills and intestacy are stressed in this course.

Prerequisite: General Business.

VOCATIONAL AGRICULTURE

Vocational Agriculture 1 251

This is the first year of Agriculture and is open to freshmen only (boys and girls). It includes an introduction to Agriculture and Agribusiness with emphasis on career orientation, planning the program, basic leadership through F.F.A., Basic Plant Science and Agricultural Mechanics Skills. Some field trips are planned as a part of this study, one to the Arizona State Fair, one to the Arizona State University Farm and one to the University of Arizona Farm. Each class section will be required to conduct a class project related to Plant Science and Agricultural Mechanics Skills on the School Land-Livestock Laboratory.

Prerequisites: None.

Vocational Agriculture 1s 252

This is a first year of Agriculture and is open to Sophomores only (boys and girls). The course content is similar to that of 251, except that it is geared to the sophomore level.

Prerequisites: None.

Vocational Agriculture 2 451

This is the second year of Agriculture and is open to sophomores and juniors. This class includes instruction in leadership, economics, animal science, agricultural mechanics, shop skills and careers in agriculture. The F.F.A. will be an integral part of the instructional program. The three field trips scheduled for 251 and 252 will also be planned. Each section will be required to conduct a class project related to animal science on the School Land-Livestock Laboratory.

Prerequisite: Agribusiness and Natural Resources 251 or 252.

Vocational Agriculture 3 and 4 651 (2)

This is the first year of a two year specialized program designed to develop agricultural competencies needed by students preparing to engage in agricultural production, and technical and/or professional agricultural occupations. Major emphasis is placed upon the development of managerial competencies in the areas of plant science, animal science, soil science, agricultural business management, and agricultural mechanization as related to the production of food and fiber. The F.F.A. and the planned field trips will be utilized for leadership development. All students enrolled must become members of the F.F.A. and conduct an individual supervised occupational experience program as well as participate in a class project related to instruction.

Prerequisite: Vocational Agriculture 251 or 252 and 451.

HOME ECONOMICSHome Economics 1 260

A first year course for those freshmen who have had home economics in junior high.

Each unit listed below builds on but does not duplicate those taught in junior high. The instruction is planned to provide content in keeping with the developmental level of the students.

<u>Order and name of units</u>	<u>Suggested Time</u>
I. Citizenship	4 weeks
II. Clothing and Grooming	9 weeks
III. Consumer Buying	4 weeks
IV. Relationships	9 weeks
V. Nutrition and Foods	9 weeks

Home Economics 1s 261

A first year course for those freshmen taking home economics for the first time.

Each unit listed below is basic and for the age and maturity level of a 14 - 16 year old.

<u>Order and name of units</u>	<u>Suggested Time</u>
I. Citizenship	4 weeks
II. Clothing and Grooming	9 weeks
III. Consumer Buying	4 weeks
IV. Relationships	9 weeks
V. Nutrition and Foods	9 weeks

Home Economics 2 460

Home Economics 460 follows Home Economics 260 or 261 in some patterns. Learning opportunities are built on, but do not duplicate, those in Home Economics 260 or 261. The instruction is planned to provide content in keeping with the developmental level of the students.

Prerequisite: Home Economics 260 or 261 and a sophomore in high school.

Vocational Home Economics 3 660

The units listed below are in-depth and taught on the junior and senior level as a preparation for home living--not only as a wife and mother--but also as a career woman.

<u>Order and name of units</u>	<u>Suggested Time</u>
I. Nutrition and Foods	12 weeks
II. Home Furnishings	6 weeks
III. Textiles, Clothing, Grooming	12 weeks
IV. Family Living	6 weeks

Prerequisite: Home Economics 460 and a junior or senior in high school.

Family Living 832/Bachelor Survival 833

Course intended primarily for senior grade level, or juniors with permission.

Family Living takes the student through the teen years, courting, marriage, family life, etc. Bachelor Survival is structured to instruct the student in basic nutrition and foods; clothing and fashion.

Child Development Practicum 864

To be used for direct experience with children in a professionally organized learning situation putting to use ideas, concepts, knowledge gained in Child Development Symposium 865.

Suggestions for learning situations to be observed or actual experience:

(a) Kindergarten, thru 6th grade.

(b) Children brought to Home Economics Department.

Prerequisite: Senior girl in high school enrolled in Child Development Symposium 865.

Child Development Symposium 865

A study of children basically divided into two semester units.

First Unit: Age - 2 thru 5 years. General Approach - Developing skill in caring for children.

Second Unit: Age 6 thru 12 years. General Approach - The Child in his Cultural World.

Each unit is self-contained and not dependent upon previous study of child development.

Vocational/Occupational Curriculum

1. A set of courses-of-study is being designed for the vocations and occupations. Freshmen and Sophomores, as of the 1973-74 school year, are expected to be aware of these course-of-study requirements and register accordingly from this school year onward.
2. Generally, Freshmen and Sophomores interested in Vocational Agriculture and in Home Economics should plan on registering for the three years of courses.
3. Those interested in Welding, Carpentry, and the to-be-added Auto-Mechanics, ought to register for at least two years of shop; one year of drafting; and secure a basic mathematics competency during their Freshman and Sophomore years.
4. Those interested in Business Education ought to register for General Business and at least one year of typing during their Freshman and Sophomore years.
5. During the 1973-74 school year, curricular course-of-study descriptions and registration guidelines will be completed and distributed.

OCCUPATIONSShop 1 (Wood) 271

This class has been organized to meet the needs of students at all levels of the senior high level, but is recommended for Freshmen-Sophomores with definite woodworking inclination.

The content has been organized to give instruction on how to do the fundamental process of hand and machine woodworking, with particular stress on student participation in shop activities. This course is recommended for carpentry students at the lower division level (9-10).

Shop 2 (Metal) 471

The content has been organized to give instruction on how to do fundamental process of hand and machine metal working with particular stress on student participation in shop activities.

The course is recommended for welding students at the lower division level (9-10).

Drafting 1 479/Drafting 2 679

Drafting 1 - This course is designed to cover basic fundamentals of general drafting, including an introduction to architectural drawing. Problems vary from very simple to somewhat difficult.

No prerequisite. Class offered primarily to sophomores and juniors.

Drafting 2 - Must have taken Drafting 1.

Welding 1 675

This course is designed to cover basic fundamentals of welding and metals, including an introduction to (T.J.G. and M.I.G.) special process welding. Students will be required to make several test plates which must pass testing.

Prerequisites:

1. Mechanical Drawing (Drafting 479).
2. Two years of math.
3. Occupations 270 or Shop 1 or 2.

Vocational Welding 2 875 (2)

This program is designed to offer instruction and laboratory experience in arc and oxyacetylene welding. Students will devote one-third of their time to lectures and class discussions and two-thirds of their time to welding in the laboratory in order to attain a high degree of skill for work in industry.

In order to enroll, the student must:

1. Have completed one year of Welding 1.
2. Have completed one year of Science.
3. Be sixteen years of age or older.
4. Be in the 12th grade.

Carpentry 1 676

This course is the first year, one classhour unit, of the carpentry study block. Counseling with the instructor before registering for this course and block is required. The course is an elemental, practical carpentry and tools study.

Carpentry 2 876 (2)

The Carpentry 1 course is prerequisite for this course. Carpentry 2 is a 2 classhour course and is directed to specific and practical carpentry experiences.

Job Station 877

Counseling with the supervisor is required before registration for this experience is permitted. The course is generally a two classhour on-the-job, practical experience in either the A.M. or P.M. halves of the school day. The student must be registered for Job Orientation 895 simultaneously with this course.

Job Orientation 895

Required of, but not restricted to, Job Station 877 students, the course covers such aspects as job opportunity, job seeking and attaining, and appropriate on-job behaviors.

M:ROTC 298/498/698

This is the first year for a Marine Corps Junior Reserve Officer Training Corps. Because of this, all sections are the first year's curriculum of the regular three year course-of-study. For 1973-74, the course number is to indicate grade level only--298, Freshmen; 498, Sophomore; 698, Junior and Senior. The first year's curriculum emphasizes Marine Corps drill and ceremonies. The basic course-of-study is a selection from among Leadership Training; Drill, Ceremonies and Fitness; Marksmanship and Weapons; and Military Orientation and Organization. These are divided into thirty-six sub-course aspects.

CRS. NO.	COURSE NAME	SEX	MATRIX REQUEST
----------	-------------	-----	----------------

✓ 101	ENG 9C			
✓ 102	ENG 9S			
✓ 120	SPANISH 1			<i>Special - A Reader Course</i>
✓ 126	SCC STDY			
✓ 151	MATH 9			
✓ 152	MATH 9S			<i>for Base + Annual Math</i>
✓ 176	PHYS SCI			
✓ 201	PHY EC 1B	1		
✓ 202	PHY EC 1G	2		
✓ 215	BEG BAND		1	
✓ 249	ART & CRAFTS			
✓ 251	VCC AG 1		1	<i>A survey of Art/Carve/Wrap/Jewelry } Same (Art/Ag) } Same (Voc/Ag)</i>
✓ 252	VCC AG 1S		1	
✓ 260	HCME EC 1			
✓ 261	HCME EC 1S			
✓ 270	CCCUP			<i>a Re-orientation, survey sort - 5 days</i>
✓ 271	SHOP 1			
✓ 280	TYPING 1			
✓ 282	GEN BUSI			
✓ 298	R.C.T.C.			<i>None</i>
✓ 301	ENG 1C			
✓ 320	SPANISH 2		1	
✓ 327	IND HIST		1	
✓ 328	WLD HIST		1	
✓ 351	INTERM MATH			
✓ 352	INTERM MATH			
✓ 376	BICL 1			
✓ 377	EARTH SCI			<i>None - Journal</i>
✓ 401	PHY EC 2E	1	1	
✓ 402	PHY EC 2G	2	1	
✓ 408	HEALTH			
✓ 410	DR EC R			
✓ 415	VAP BAND		1	
✓ 426	MIX CHOIR		1	
✓ 431	ART 2		1	
✓ 449	CRAFTS 2		1	<i>a new specific student course</i>
✓ 451	VOC AG 2		1	
✓ 460	HCME EC 2			
✓ 471	SHOP 2			<i>None (metal)</i>
✓ 479	DRAFT 1			

CRS. NO.	COURSE NAME	SEX	MATRIX REQUEST
✓ 480	TYPING 2		
✓ 481	SHCRT+AND 1		
✓ 482	BLSI MATH		
✓ 498	R.O.C.T.C.		<u>New</u>
✓ 501	ENG 11		
✓ 502	TUT ENG	1	<u>New</u> a Pick-up, if still in trouble
✓ 503	SCC ACVEL	1	
✓ 505	MYTHS & FLKW	1	<u>New</u> - Cultural
✓ 510	CISC & DBT	1	<u>New</u> - awareness of problems
✓ 511	PRIN WRITNG	1	<u>New</u> -
✓ 512	SPEECH 1	1	
✓ 513	SPEECH 2	1	
✓ 514	DRAMA 1	1	<u>New</u> drama onto school day + field work as work hours.
✓ 518	JOURNAL 1	1	
✓ 519	PHOTCG 1R	1	<u>New</u> - a New art media - some relationships to scenic aspects
✓ 520	SPANISH 3	1	
✓ 527	US HIST		
✓ 530	WLD RELT		
✓ 532	SCC CISORD	1	<u>New</u> - goals and aspirations
✓ 551	MATH TOPIC R		
✓ 552	MATH TOPIC S		
✓ 576	BICL 2	1	
✓ 580	CHEM 1	1	
✓ 586	GECL	1	<u>New</u> - area importance
✓ 631	ART 3	1	
✓ 651	VCC AG 3 & 4	1	
✓ 660	HCME EC 3	1	
✓ 675	WELD 1	1	
✓ 676	CARPT 1	1	
✓ 679	DRAFT 2		
✓ 681	SHCRT+AND 2		
✓ 685	ACCLNTING		
✓ 685	BLSI LAW		<u>New</u> - direction for innovation business.
✓ 690	R.O.C.T.C.		<u>New</u>
✓ 703	SH LTR	1	<u>New</u>
✓ 713	SPCH THEAT	1	Drama - some toward ceremonial type
✓ 714	DRAMA 2	1	<u>New</u>
✓ 715	MCVIES	1	<u>New</u> - Broad and "see"
✓ 718	JOURNAL 2	1	
✓ 719	PHCTCG 1S	1	<u>New</u>

CRS. NO.	COURSE NAME	SEX	MATRIX REQUEST
✓ 732	SGCICLOGY		1
✓ 734	INC CLLT		1 <i>New</i>
✓ 739	PSYCH		1
✓ 740	NAT GCVT		
✓ 741	ST & TB GOVT		
✓ 742	FREE ENTER		
✓ 745	INC PRT STDY		1 <i>New</i>
✓ 750	SOC SCI IS		1
✓ 760	CHEM 2		1 <i>New</i>
✓ 750	PHYSICS		1
✓ 759	SCI IS		1 <i>New</i>
✓ 831	ART 4		1
✓ 832	FAM LIV		1 } <i>Converted from "related"</i>
✓ 833	BACH SURV		1
✓ 864	CLD DEVL PRC		1 <i>New</i>
✓ 865	CLD DEVL SYP		1 <i>New</i>
✓ 875	WELD 2		1
✓ 876	CARPT 2		1
✓ 877	JOB-STAT PCT		1 <i>Converted from a "related"</i>
✓ 895	CAREER ORT		1
✓ 901	DCRM ACT		
✓ 910	NC SCHCOL		

Projection

Occupation / Voc. Areas

1. "Repair" one of following of Freshmen
Occupation 270 on way as Home Ec as Res Business
2. Second year
Shop, Metal - Shop Wood - Crafts 2 - Drafting - Business
3. going to
*MCAY 4
 A. Co. 3 or 4 & Child Development
 Office Practice
 Carpentry
 Welding
 auto Mechanics*

Exhibit No. 48

Elementary

120073

U.S. I.C.I.F.C.M.

STAFF STATISTICS AS OF 10-1-53
 (Do not include elected representatives of staff. (See definition in Appendix I))

ACTIVITY ASSIGNMENT CLASSIFICATION	STAFF TOTALS														OVERALL TOTALS (Sum of Col A thru L) M	
	MALE							FEMALE								
	A	B	C	D	E	F	G	H	I	J	K	L				
Full-Time Staff	4				1		1									6
Officials, Administrative Managers	3															3
Principals																
Administrative Support Staff																
Apprentice Principals, Bookkeeping																
Elementary Classroom Teachers	23				4		47	1	1	1	11					87
Secondary Classroom Teachers																
Other Classroom Teachers																
Guidance																
Psychological																
Librarians, Audiovisual Staff																
Consultants & Supervisors of Instruction							1									1
Other Professional Staff																

CERTIFIED

STAT. STAFF STATISTICS AS OF 10-1-73 CLEVELAND PUBLIC High School

Do not include elected/appointed officials (See definition in Appendix)

ACTIVITY ASSIGNMENT CLASSIFICATION	STAFF TOTALS												OVERALL TOTALS (Sum of Col A thru L)			
	MALE						FEMALE									
	A	B	C	D	E	F	G	H	I	J	K	L				
Officials, Administrators, Managers	3															3
Principals					1											1
Assistant Principals, Teaching																
Assistant Principals, Non-teaching	2															2
Elementary Classroom Teachers																
Secondary Classroom Teachers	19				3									1		33
Other Classroom Teachers									10							10
Guidance	1								1							2
Psychological																
Librarian/Audio-visual Staff																
Consultants & Supervisors of Instruction									1							1
Other Professional Staff																
Teacher Aides														1		1

CONTINUED

COCOA COUNTY

ELDERBERRY OAK HIGH SCHOOL

DISTRICT NAME

J. T. No.

STATE OF ARIZONA
 DEPARTMENT OF EDUCATION
 1973 - 19 74
 ADOPTED BUDGET
 DISTRICT GENERAL FUND
 REVENUES

	I ESTIMATED RECEIPTS 1972 19 73 Past Fiscal Year	II ACTUAL RECEIPTS 19 73 19 74 Past Fiscal Year	III ESTIMATED RECEIPTS 19 73 19 74 Current Fiscal Year
--	--	---	--

CASH BALANCE JULY 1, 1973	= 28,837.90	= 28,837.90	53,925.51
CO. SCHOOL FUND (A.R.S. 15-1241) 1st 6 Mo. ADA	260,035.80	258,841.99	258,440.53
State Aid	\$213,268.22		
Endowment Earnings	\$ 16,350.30		
Miscellaneous Contributions	\$ 233.72		
National Forest Fees	\$ 222.03		
County Aid	\$ 20,650.37		
Auto Lien	\$ 17,871.76		
Taylor Grazing	\$ 28.23		
Other	\$		
SPECIAL CO. SCHOOL RESERVE FUND (A.R.S. 15-1247)			
OTHER COUNTY AID			
Special Education (A.R.S. 15-1017)	150.00	119.72	150.00
(Include Co. Aid for all Spec. Ed. Programs)			
Other (Identify)			
Other (Identify)			

continued

OTHER STATE AID

Financial Assistance (A.R.S. 15-1225)	198,773.77	193,718.10	203,457.10
Equalization (A.R.S. 15-1228)	147,345.00	140,779.53	147,827.01
Deaf and Blind (A.R.S. 15-1213)			
Assistant (A.R.S. 15-1214)			
Special Education (A.R.S. 15-1017)	8,850.00	3,824.70	5,702.00
• Special Education (A.R.S. 15-1017) (Include State Aid for all Spec. Ed. Programs)			
• Night School (A.R.S. 15-1212 C3)			
• Special English Training (A.R.S. 15-1099)			
• Career Education (A.R.S. 1199)			
Other (Identify)			

FEDERAL AID

Forest Revenue Fees (A.R.S. 11-197)	432,526.00	302,141.24	620,260.00
P.L. 73-167 Indian Education (Johnson O'Malley)	433,018.05	452,102.00	450,000.57
P.L. 81-874 Federal Impact Aid			
Other (Identify)			
Other (Identify)			
Other (Identify)			

MISCELLANEOUS RECEIPTS

Payments from Other Districts	201,507.00	359,646.50	745,199.50
Tuition from Other Districts			
Local Tuition			
Payments in Lieu of Taxes			
Other (Identify)	10,000.00	17,075.00	49,000.00
Other (Identify) .. Teacher Housing		1,491.34	
Other (Identify) .. Miscellaneous			
Other (Identify)	1,751,455.52	XXXXX	2,244,780.53
TOTAL ESTIMATED AMOUNT AVAILABLE	XXXXX	XXXXX	
ENCUMBRANCE TRANSFER (County Use Only)	(+)	1,795,905.21	
TOTAL AVAILABLE AVAILABLE	(=)	21,100.25	
DISTRICT DUES FOR MAINTENANCE AND OPERATION	(-)	1,618,033.65	
ACCOUNT AVAILABLE	(-)	1,762,400.85	
GRAND TOTAL EXPENDITURES			
CASH BALANCE from 12 Months Item 14, Same as Item 1,			
Cell 2)			

See Reference Measure for impact of expenditures on this Limit.

15 TUSA CITY 90000
 20000
 ELEMENTARY HIGH SCHOOL

SUPPLEMENT TO ADOPTED SCHOOL DISTRICT BUDGET FOR 1972-1973

To comply with Arizona Revised Statutes, Section 15-1201A, the Official School District Budget Form will be completed to only the items which are included in the Statute. All other items, consisting of Federal Aid and State Special English Aid, are to be entered on this Supplement.

	NO. OF EMPLOYEES			ADOPTED BUDGET (Funds Available)			ACTUAL EXPENDITURES			PROPOSED BUDGET		
	Past Fiscal Year	Current Fiscal Year	1972-73	Past Fiscal Year	1972-73	1972-73	Past Fiscal Year	1972-73	1973-74	Past Fiscal Year	1972-73	1973-74
* 5900 Other Federal Aid Expenditures, (Salaries, Expense, Capital Outlay, etc.)												
5910 Vocational Education (
5920 NDEA Title III												
5930 ESEA Title I		18				176,904.92		172,521.56				
5935 EPDA Title V B 2												
5940 EPDA Title V D COP												
5945 EPDA Title V D Sp.Ed												
5950 Adult Ed. Title III												
5955 Highway Safety I...												
5970 ESEA Title III												
5990 ESEA Title II												
5990 ESEA Title VI						2,200.00		2,200.00				2,500.00
5995 ESEA Title VII												
** Other Federal Aid J.C.A. Ed.												100,000.00
** Other Federal Aid												
** Other Federal Aid												
** Other Federal Aid												

Continued

** Other Federal Aid ()....() 179,101.92 172,521.89 362,696.00
 Total Budgeted Federal Aid
 UNEXPENDED FED. FUNDS BALANCE,
 June 30, 19___ (Column 3 minus Column 4)..... 6,280.06

* All Federal programs must be approved by the State Board of Education or authorized representative thereof.

** Other Federal Aid - Identify by Title

Special English (Bilingual) Program Amount Expected to be Received	20,000.00
Outside Budget 6% Limit	
GRAND TOTAL BUDGET (As shown on Budget Form)	2,272,093.00
TOTAL BUDGETED FEDERAL AID (As shown above on Supplement)	362,696.00
TOTAL BUDGETED BILINGUAL AID (As shown above on Supplement)	20,000.00
GRAND TOTAL BUDGET PLUS FEDERAL AID AND BILINGUAL	2,651,533.00

MEMO ONLY

A. Total Categories I through VII as shown on Budget Form (Total Operating Budget) 2,053,493.02
 B. Remaining Operating Budget (Per Line 9 Budget 6% Limit Check or Line L on Special Education Additional Permissible Budget Worksheet) 1,211,071.91

Note: Line A may not be higher than Line B.

*This is for 1972-73 school year
Each figure and unit is in units for 75-76*

Page 2

Section I - REVENUE		Amount (Omit cents)
A. PROPERTY TAXES - Receipts from property taxes levied by your district, including current and delinquent amounts, interest, and penalties. Report total, including collections from levies for debt service, building funds, and all other school district funds. Include amounts levied by your district and collected for you by the county or other local governments.		T81 \$41,675.00
B. ALL OTHER TAXES - Revenue received from other taxes imposed by your district, including licenses and permits. Exclude here and report in item C or E, any revenue from shares of such taxes imposed by the State or other local governments. (Specify separate tax items below.)		-----
1.		
2.		
3. Other		
Total, items B1 through B3		T99
C. REVENUE FROM STATE GOVERNMENT - All amounts received by your school system from the State, including any Federal aid distributed by the State. Include district's share of State-imposed taxes, any apportionment of permanent State school fund earnings, and amounts received for instruction, transportation, construction, school lunches, vocational education, veterans' education, etc. Report cash revenue only, omitting any grants of commodities. Report direct Federal aid in item D. Exclude loans. (Specify major items below.)		
1. Title I E.S.E.A.	176,902	
2. Title II E.S.E.A.	4,491	
3. J.O.M.	570,795	
4. State Vocational Education	22,136	
5. Special Education	3,944	
6. State Aide	314,839	
7. County Aide	26,687	
8. Equilization	194,196	
9. Forest Fee	293	
10. Taylor Grazing	37	
11. Miscellaneous	2,368	
12. Other		
Total, items C1 through C12		C21 \$1,316,688.00

*176,902
4,491
570,795
22,136
3,944
314,839
26,687
194,196
293
37
2,368*

Continued

<p>D. DIRECT FEDERAL AID - Any amounts received directly from the Federal Government (but not Federal aid channeled through the State). Include grants under Public Laws 815 and 874 for federally affected public schools, and the like. (Specify major items below.)</p>		
1.	815	355,720
2.	874	613,304
3.		
4.		
5.		
6.		
7.		
8.	Other	
<p>Total, items D1 through D8</p>		B21 \$969,024.00
<p>E. REVENUE FROM OTHER LOCAL GOVERNMENTS</p>		
1.	Received from other school districts - For tuition, pupil transportation, etc.	D11 556,605.00
2.	Received from counties and cities - Amounts received by your district from county or city taxes and appropriations. Exclude here and report in item A above, any property taxes levied by your district and collected for it by the county or other governments.	D21 46,584.00
<p>F. SALES AND SERVICE REVENUE</p>		
1.	Tuition and transportation fees from pupils and parents	A10 -----
2.	Gross receipts from sale of lunches - Report amount for canteens and school lunch program even if accounts are not maintained centrally. If your schools have no school lunch operations, enter "None."	A09 148,828.00
3.	Other sales and service revenue - Gross receipts of the district from athletic events, sales by book stores, student activity funds, etc.	A12 -----
<p>G. RECEIPTS FROM SALE OF REALTY</p>		
<p>H. INTEREST EARNINGS - Interest received on all deposits and investment holdings of</p>		U11 -----
		U20 -----

1206

DEMOGRAPHIC DATA STUDENT POPULATION

Elementary School

GRADE	AMERICAN INDIAN	BLACK	ASIAN AMERICAN	SPANISH SURNAME	OTHER	TOTAL
K	136	1	1		15	153
1	191				14	205
2	169			1	9	179
3	196				14	210
4	163				13	176
5	180	2			14	196
6	152	1			13	166
7	187	1			13	201
8	159	1			18	178
	1533	6	1	1	123	1664

High School

9	190	1	1		8	200
10	160	2			15	177
11	156				5	161
12	128	1			19	148
	634	4	1		47	686

DEMOGRAPHIC DATA - TEACHERS

GRADE Elementary	AMERICAN INDIAN	BLACK	ASIAN AMERICAN	SPANISH SURNAME	OTHER	TOTAL
K	1				6	7
1	2	1			8	11
2	4				7	11
3	1				8	9
4	1		1		6	8
5	2				7	9
6	2				5	7
7					9	9
8	1				7	8
Special Teacher Ungraded	1				7	8
	15	1	1		29	87
High School 9-12	4				29	33

BREAKDOWN OF TEACHER AIDE ASSIGNMENTS

Kindergarten 7 Aides

First Grade 4 Aides

Second Grade 7 Aides

2 Aides work with grades Kindergarten through 8th

1 Aide works with grades 3rd through 5th

3 Aides work with grades 6th through 8th

*Exhibit No. 49**

*This exhibit was not received by the U.S.
Commission on Civil Rights in time for
publication.

Exhibit No. 50

WINDOW ROCK SCHOOL DISTRICT NO. 8

Fort Defiance, Arizona 86504

ETHNIC BREAKDOWN OF STUDENTS BY GRADES

<u>GRADE</u>	<u>INDIAN</u>	<u>Spanish AMERICAN</u>	<u>ANGLOS</u>	<u>OVERALL TOTAL</u>
K	178	1	10	189
1	215		12	227
2	182		9	191
3	221		20	241
4	210		9	219
5	190		12	202
6	182		17	199
7	231		14	245
8	163		19	182
9	180		14	194
10	152	1	17	170
11	125	1	12	138
12	<u>102</u>	<u>1</u>	<u>13</u>	<u>116</u>
Special Education	<u>63</u>			
TOTAL	2394	4	178	2576

WINDOW ROCK SCHOOL DISTRICT NO. 8

Fort Defiance, Arizona 86504

ETHNIC BREAKDOWN OF EMPLOYEES OF WINDOW ROCK SCHOOL DISTRICT NO. 8

	MALE				FEMALE			
	White	Spanish American	Asian American	American Indian	White	Spanish American	Asian American	American Indian
Officials, Admin. Managers	2			2				
Principals	2			1				1
(Non Teaching) Assist. Principals	1							
Elem. Classroom Teachers	25			4	46		1	12
Secondary Classroom Teachers	26	1			11			
Guidance	4				1			
Librarian/Audio-Visual Staff	2				3			
Consultants and Supervisors of Instructions	1	1		1				2
Other Professional Staff								2
Teacher Aides								47
Technicians				1				
Clerical/Secretarial Staff					5			19
Service Workers	<u>4</u>	<u> </u>		<u>44</u>	<u>3</u>	<u> </u>	<u> </u>	<u>29</u>
TOTAL	67	2		53	69		1	112

GRAND TOTAL - 304

WINDOW ROCK SCHOOL DISTRICT #8: ENROLLMENT ON AVERAGE DAILY ATTENDANCE

<u>YEAR</u>		<u>A. D. A.</u>	<u>YE:</u>		<u>A. I. A.</u>
54-55	Elem.	374,500			
55-56	Elem.	473,300	66-67	Elem.	1311,126
	H. S.	28,149		H. S.	391,374
	TOTAL:	501,439		TOTAL:	1710,500
56-57	Elem.	576,105	67-68	Elem.	1362,160
	H. S.	39,855		H. S.	366,709
	TOTAL:	615,960		TOTAL:	1728,869
57-58	Elem.	620,526	68-69	Elem.	1353,921
	H. S.	103,567		H. S.	387,177
	TOTAL:	724,093		TOTAL:	1741,098
58-59	Elem.	804,538	69-70	Elem.	1374,388
	H. S.	172,780		H. S.	388,951
	TOTAL:	977,318		TOTAL:	1763,339
59-60	Elem.	975,699	70-71		
	H. S.	175,439		TOTAL:	1770,000
	TOTAL:	1151,188			
60-61	Elem.	1072,500	71-72		
	H. S.	225,203		TOTAL:	2160,000
	TOTAL:	1297,888			
61-62	Elem.	1147,987	72-73		
	H.	252,556		TOTAL:	2226,335
	TOT :	1400,543			
62-63	Elem.	1148,319	73-74		
	H. S.	331,324			
	TOTA	1480,643			
63-64	Elem.	1280,073	74-75		
	H. S.	331,715			
	TOTAL	1611,788			
64-65	Elem.	1271,950	75-76		
	H. S.	361,000			
	TOTAL:	1632,950			
65-66	Elem.	1301,273	76-77		
	H. S.	393,477			
	TOTAL:	1694,750			

These figures indicate the growth rate in average daily attendance for students in Kindergarten through the twelfth grade in the Window Rock School District #8 in the past 19 years. Most of the district's buildings at the present time are inadequate or not conducive to implementing the educational functions they were initially designed for. Several of the original buildings were built by the Navajo Tribe and later turned over to the district. The last major construction was completed about 10 years ago. At present all available classroom space is being utilized. There is no more space to implement new and needed programs. Request Civil Rights Commission recommend to the Congress additional money under P.L. 815 to assist in defraying construction costs.

1213

RECEIPTS

FOR

FISCAL YEAR 1972 - 1973

State and County Aid:	\$ 1,150,401.06	37%
Johnson-O'Malley Funds:	701,803.59	22%
PL 874 Impact Funds:	1,044,775.00	34%
Rents - Misc:	45,912.23	01%
Tuition - New Mexico:	114,189.27	03%
District Levy:	<u>111,114.18</u>	03%
TOTAL RECEIPTS: 1972 - 1973	\$ 3,168,095.33	

TITLE I APPROPRIATION:	1972 - 73	\$ 238,981.00
TITLE I SUPP. C:	1972 - 73	\$ 13,000.00
TITLE II LIBRARY:	1972 - 73	\$ 3,085.00

1214

Exhibit No. 51

STATEMENT

SUBMITTED TO THE

UNITED STATES

CIVIL RIGHT COMMISSION

BY THE

ROCK POINT COMMUNITY SCHOOL BOARD

AT HEARINGS

IN WINDOW ROCK

OCTOBER 24, 1973

This report has been prepared at the request of the Rock Point Community School Board to give a brief account of their efforts over the last few years to "contract" the school.

BACKGROUND

Tsé Ntsaa Deez' áhi, 'rock/ it is large / it projects horizontally outwards - the one that', is a Navajo community of perhaps 1300 people on the middle reaches of Chinle Wash in northeastern Arizona.

An "Education Committee" was organized as a standing committee of the Rock Point Chapter 15 years ago. (The "Chapter" is the basic unit of community government within the Navajo tribal government, somewhat like the New England town meeting.) In 1969, the Navajo Tribal Council passed a resolution (CAU-87-69) establishing "Local Navajo Community School Boards" at all Bureau schools. Rock Point's Education Committee reorganized at that time as a School Board in compliance with this resolution. These Boards have been termed "Advisory School Boards" by the Bureau. A close reading of the Council resolution shows that the Council granted such "Local Navajo Community School Boards" much more extensive powers.

In July of 1970, the President of the United States, in a major policy address, announced a new Indian policy. A policy of "Self-Determination" was announced to replace the by-then discredited policy of "Termination". Legislation was to be sent to Congress to make it possible for Indian tribes and communities to contract to operate services heretofore operated for them by the Bureau of Indian Affairs - such as schools.

Unfortunately, there is still no new legislation to enable

Indian Tribes and communities to "contract" schools. "Contracting" appears to have been a major issue in the still unresolved intra-Bureau and intra-Departmental struggles of the last four years.

NEGOTIATIONS I

In January of 1971, the Rock Point School Board asked for a meeting at Rock Point to explore the option of "going contract". Representatives of Agency, Area, and the Central Office met with the Board at Rock Point. A favorable vote was obtained from the Chapter and the Commissioner (Bruce) was informed that the Board and the community wished to contract for the operation of the school. No formal response was received.

In May, 1971, the Board President and representatives of the school were asked to come to Washington to discuss the Board's Title VII (Bilingual) proposal with the Office of Education. At the Board's request, the remainder of the Board was enabled to go to Washington to discuss their proposal to "contract" the school with the Bureau of Indian Affairs.

The Board's original proposal was quite modest. It asked that the Board a) be authorized to "direct" the school for the following schoolyear and that they be given planning funds, b) to determine the feasibility of contracting for the operation of the school with only Bureau funds and c) to develop a basic plan of operation to serve as a guide for policy development. With the results of these studies, and with a year of experience "directing" the school, the Board would be able to decide whether or not they wished to contract for "control" of the school for the following schoolyear.

Two days of intensive discussion took place in Washington between members of the Board and representatives of the Bureau. The Board was advised that guidelines for the contracting of schools were being formalized. The Board left Washington with a written commitment from the Commissioner (Bruce) that negotiations would be begun at Rock Point on a given date in June.

These negotiations never took place. No explanation was ever given. The Board could only conclude that their negotiations were a casualty of the intra-Departmental in-fighting in Washington.

Negotiations on a contract for the feasibility study were held at the Area in September - with the express condition that the "direction" of the school would not be discussed at that time.

Draft III of the subchapter of the Bureau manual having to do with the contracting of schools became available to the Board in December. There they learned that a letter of intent was required by January 1, and a proposed plan of operation by March 1st. Ironically, funds for the feasibility study (negotiated in September) reached the Board in mid-January; funds for developing a plan of operation reached them in mid-March.

NEGOTIATIONS II

Having received draft III of the manual in December of 1971, the Board submitted a letter to the Commissioner (Bruce) stating their intent to contract for the operation of the school at Rock Point for the following schoolyear (1971-72). (Copies of this and all subsequent major items of correspondence were sent to Agency and Area, and to the Tribal Education Division, the Tribal

Council's Education Committee, and the Tribal Chairman.)

In late February, the Board President and the Principal hand-carried the Board's proposal to Washington. Meeting with the Commissioner (Bruce), the Board President stressed the need for early negotiations. A date in early April (1972) was agreed upon.

In March of 1972 the then Bureau Principal of Rock Point School counter-signed the Agency-prepared budget for the school. The amount, which did not include food costs, was \$615,000.

As time for negotiations drew near, Area Office informed the Board that the Bureau would be represented by both a Central Office and an Area team. Only Central Office staff could speak on policy matters; but Area staff would speak on financial matters.

The Central Office team arrived in Gallup the day before negotiations were to have begun. The following morning, half an hour before negotiations were to have begun, Area notified the Board that there would be no negotiations.

Both teams came to Rock Point. There, the Area team informed the Board that they (the Board) had failed to meet Area requirements, set up, without the Board's knowledge, the week before. The Bureau manual - 20 BIAM 6- only required that the Board, a) be incorporated in the state (because the Navajos are a non-I.R.A. tribe) and b) that the Board had been given the power, by the Council, to negotiate contracts. The Board had met both these conditions. But now they were told by Area that they must also have a written statement of support of their proposal from c)

the Navajo Division of Education and (1) the Navajo (Council) Education Committee.

Late that afternoon (Wednesday), the Board asked both the Central Office and the Area team to accept a one day recess in the negotiations in order that the Board might go to Window Rock to comply with these new conditions and to obtain both these written statements.

The following morning, as they prepared to leave for Window Rock, the Board was told that they also needed (e) a resolution of the Tribal Council specifically supporting the Rock Point proposal, that the Council would not meet again for weeks, that the Area Director would not name a negotiating team until all these new requirements were met and that there was no way in which they could be met before Friday. The Board already had a legal opinion to the effect that the Bureau manual required only that the Board had the power to negotiate contracts and that this power had been given to all Local Navajo Community School Boards by CAU-87-69.

The Board went to Window Rock. They obtained a written statement of support from the Tribal Division of Education. The Education Committee was not in session; the Committee Chairman (in an N.C.C. regents' meeting 100 miles away) agreed to call in an oral statement of support. Members of the Chairman's staff stated that with the support of both the Division and the Committee, they foresaw little difficulty in obtaining Council approval.

With these statements of support, the Board went to the Area Director's office. Meeting with an acting Area Director, the Board asked that he name the existing teams as the Bureau negot-

iating team and, if necessary, to put the negotiated contract before the Council when it would return. The Board was told that this could not be done because the Area Director was out and the Central Office team had left the Reservation. (It later became rather difficult not to believe that the Central Office team had been hustled off the Reservation having been given the impression that the Board had acquiesced to their departure.)

(In their original proposal, the Board had asked to take over ~~all~~ "control" of all positions at the school. While there were precedents for federal employees retaining Civil Service benefits without having Civil Service job security (the AEC, the FBI, the Postal Service and others), the Board was advised that special legislation would be required to allow the Board to do so.

By April, then, the Board amended its original proposal. All professional positions, all positions in Title programs, and any new positions would go to the Board. All existing paraprofessional positions would remain as Bureau positions. As these positions were vacated, for one reason or another, by Bureau employees, these positions would go to the Board. Thus in time the Board would take over all positions - by attrition.

While administratively awkward, this compromise seemed the only reasonable one. ¹

To the Board, and to the community, the concept "community" is of the utmost importance. Most of the paraprofessionals are

1 Busby School, run by the Northern Cheyenne Tribe, came up with a similar plan.

community people. Given the inadequate funding of community-controlled schools, Boards cannot offer the same salaries and benefits that Bureau schools do. Through this compromise, the Board avoided having to force employees from the community to choose between, on the one hand, leaving the Bureau and accepting lower pay and benefits to remain in their home community and, on the other hand, leaving their home community to retain higher Bureau pay and benefits.²)

In May, the Board was at last able to obtain a meeting with the Tribal (Council) Education Council and obtained a statement of support from the Committee.

In late May, the Tribal Council came back into session. The Board obtained unanimous approval for a resolution supporting their efforts to contract in early June - CEN-45-72.

Having completed all the requirements set by the Area, the Board wrote the Area Director, asking that he name a negotiating team. Nothing happened. After five weeks of efforts, the Board was able to obtain a meeting with the Area Director in Window Rock.

The Area Director and the acting Assistant Area Director (Education) spent more than an hour telling the Board why they could not and should not 'go contract'. Abruptly, the Area Director reversed himself and said that negotiations could be started immediately.

2) For more details, see Holm, Wayne, "The Funding of Contract Schools" mimeo., Rock Point, March 1973.

Negotiations were begun a week later at Rock Point - in mid-July. Area representatives stated that the contract, with food, could not exceed \$625,000. The Board pointed out that if the Agency-prepared budget (without food) was \$615,000 and if food cost \$70,000, (the BIA figure) the Board was being asked to take a \$60,000 cut! ($\$615,000. + \$70,000. = \$685,000 - \$625,000. = \$60,000.$)

At the Board's suggestion, a call was placed to the Central Office in Washington; a formula for funding the school was given to the Area representatives.

The Area representatives returned the following week and serious negotiations began. (The Contracting Officer had not, until then, seen a copy of the Board's proposal.) In a number of days of strenuous open negotiations, a workable contract was hammered out.

The following Monday, a community meeting was held at the school to explain the negotiated contract to the community. A referendum was conducted the first four days of August with a Bureau poll-watcher sitting in. On the 4th of August 1972, the votes were tallied with the help of a Bureau and a Tribal observer. Over 75% of the eligible parents had voted; 58% had voted in favor of accepting the negotiated contract. Thus, eighteen months after setting out to contract the school, the Board had met all the requirements of the manual and all the extra-manual requirements imposed by Area.

But four days later the Board learned that the Area Director had informed his staff that Area had no intention of contracting

either Rock Point or Borrego Pass. The Chairman, attending the NECA convention in Portland, prevailed upon the Area Director to reconsider.

On the 11th (of August) the Board met with representatives of Area who informed them that a contract might be signed on the 14th.

On the 14th of August, with only nine working days left before school was scheduled to open, a contract was signed.

The Board offered to retain any Bureau teacher who chose to remain, despite the fact that some had talked rather strongly against contracting. Only one chose to do so. In a period of nine days, all other Bureau teachers were transferred out, and the Board hired and moved in its own English-language teachers.

School began on schedule, on August 27th, with Navajo-language teachers and Programmed Reading tutors holding classes while the English-language teachers underwent a crash orientation program.

An effort was made to terminate retroactively the Bureau administrators and specialists who chose to remain with the Board. Area later backed down and allowed these people to resign.

^UTh~~is~~s, despite every effort on the Board's part to effect as smooth a transition as possible, the transition came very, very late and very abruptly at the end of a long, hard, summer.

NEGOTIATIONS III

In December 1972, wishing to avoid another imposition of last minute Area regulations, the Board wrote Area asking if there were any new regulations of which they should be aware. Area replied, in January, that they foresaw no difficulties in contracting for the following schoolyear.

On March 1st, the Vice President of the Board and the school Director hand-carried copies of their proposal to the Area Office in Gallup. The Board asked for early negotiations; a date in early April was set.

Late the afternoon before negotiations were to have begun, Area advised the Board of the Area's new "all-or-nothing" policy. Instead of taking over the remaining paraprofessional positions by attrition, the Board must take over all positions in a given administrative component of the school (academic, dormitory, kitchen, etc.) or give up those positions they now had in that component.

Two days of negotiations ensued. Many minor matters were settled to the Board's satisfaction. A few major matters were tabled - among them, Area's "all-or-nothing" policy. Asked the basis of this new policy, Area asserted that this ensued from Civil Service regulations. The Board asked to be shown the relevant regulations. After some delay, the Area Personnel Officer came forth to read sections from, not Civil Service regulations, but the Bureau's own personnel manual, 44 BIAM, detailing the chain of command.

Asked where or how this forbade the direction of Bureau employees by Indian School Boards, the Area Personnel Officer indicated that this was implied by omission. The Board pointed out that the personnel manual, 44 BIAM, was released in 1964 whereas the school contracting manual, 20 BIAM, had been released in 1972; the latter manual does allow Board direction of Bureau employees.

The second round of negotiations was held in Gallup in late April. In the meantime, the Board had sought legal assistance from the Native American Rights Fund and the Navajo (Tribal) Division of Education. A NARF attorney accompanied the Board to the second round of negotiations. An NDCE representative participated in this and all subsequent negotiations.

The second round of negotiations was over, for all practical purposes, in ten minutes. Area simply announced that the Bureau manual 20 BIAM ⁴, released in 1972, had not been published in the Federal Register and was therefore only "guidelines", not policy. Therefore, the Board was bound by this manual but Area was not. It took the Board and its attorney several weeks to prove that this was not the case: 20 BIAM is policy (but not regulations) and, as such, is binding upon the Area. On May 24th the Deputy Assistant Secretary of the Interior informed all Area Directors that 20 BIAM was policy and that the Areas were expected to follow it.

A third round of negotiations was held in mid-May 1973. In the course of the morning sessions, the acting Assistant Area Contracting Officer alleged that Board direction of Bureau employees was forbidden by Civil Service regulations, by Federal procurement

regulations, or by Federal personnel regulations. The Board asked to see these regulations; the meeting recessed to allow him to search for these. He returned without such regulations. Citing the final phrase of the crucial section of the Act of 1834, that "direction....may be given to the proper authority of the tribe", he alleged that the word "may" indicated discretion and that he, as acting Area Contracting Officer, had the right to exercise such discretion for the Secretary.

Realizing that time was running out, the Board, on May 18th, requested Area to extend the existing contract through September 30th to avoid a cessation of funds at the school while appeals were being reviewed.

This request was denied by the Area Contracting officer on May 20th on the grounds that to do so might "place the school mission in jeopardy".

The Board appealed this decision to the Area Director on June 7th.

The Area Director denied this appeal on July 5th, after the end of the fiscal year, stating that the school Director's "uncompromising position with respect to the supervision of Bureau employees by an independent corporation (School Board) may well result in the termination of contractual relations between the Navajo Area and the Board."

The school Director replied to the Area Director's rejection on July 9th and on July 10th appealed the Area Director's decision to the Special Assistant to the Secretary of the Interior.

No response was received to this appeal until after the legal matters had been resolved in August.

The Board had been told, in the course of the first round of negotiations, that only the Area Director would be able to discuss the Area's reasons for refusing to allow Board direction of Bureau employees for FY '74 even though they had allowed this in FY '73. The day after the third round of negotiations, the Area Director wrote to refuse the Board's request for a meeting, stating that "...no useful purpose would be served by entering into an argumentative discussion over the merits of internal BIA regulations." (underlining added.)

The Board pursued, throughout the summer, two lines of appeal: one for an extension of the FY '73 contract, the other for the right of the Board to direct Bureau employees during FY '74.

Following the futile third round of negotiations, the NARF attorney filed an appeal on May 22nd to the Area Director on behalf of the Board appealing the administrative ruling that the Board could not continue to direct Bureau employees at Rock Point. A copy of this appeal was sent to the Special Assistant to the Secretary of the Interior.

Having had no response from the Area Director within the prescribed 20 days, an appeal was filed by the NARF attorney to the Special Assistant to the Secretary of the Interior on June 13th.

A response to the first of these appeals was written by the acting Area Contracting Officer. He denied the Board's appeal, noting three new reasons for doing so: a) "the Act of 1834 permits

'direction', but not supervision of Government employees" - the Board had never contended otherwise: b.) that this would involve "paying double since our Tables of Organization includes direction of all employees" (?); and c) that "in the opinion of our Solicitor...an independent corporation (School Board, can in no way qualify as a Tribe under the act of...1834...".

The school Director appealed this in turn to the Special Assistant to the Secretary of the Interior on July 13th. It was noted that the Area Director's reply was not only quite late but was signed by a subordinate of the official whose decision was being appealed. The appeal spoke to each of the three arguments advanced by the acting Area Contracting Officer, noting that no copy of the Solicitor's opinion cited had been given to the Board. It was pointed out that the fact that the Board's compliance with the Bureau's own requirement that they must incorporate (20 BIAM 6.10A(3)) could not be used to characterize the Board as merely a private or "independent" corporation. (To this date, the Board has still not seen a copy of the Field Solicitor's opinion cited.)

On July 26, the AATA attorney wrote a supplemental letter to the Special Assistant to the Secretary of the Interior noting that the Board had been threatened with retrocession for their position on Board direction, a position shared by members of the Special Assistant's own staff and that the Board had been denied funds since June 30th. He requested that immediate action be taken to extend both funding and Board direction until the legal matters ^could be resolved.

On August 2nd, 1973 the fifth round of negotiations was held in Gallup. The Solicitor's opinion, dated July 31st, was received by teletype. But the Area Contracting Officer stated that, until or unless he had new instructions from the Area Director, he would not be able to proceed with the contract. Other matters were discussed.

The opinion, from the Acting Associate Solicitor, Indian Affairs, dated July 31st, stated that a Board could direct Bureau employees if a) the Board "is a part of the tribe" and b) "has been duly authorized to act for the tribe."

Local Community Navajo School Boards were established by the Council in August of 1969 by resolution CAU-87-69. Rock Point's was one such Board and, as such, is a Tribal entity. While the Council did support the Board's effort to contract the school in June of 1972 (CJN-45-72), this resolution did not expressly authorize the Rock Point Board to direct Bureau employees.

The school Director was called late the night of August 6th by the Assistant Area Director (Administration) who stated that Area was prepared to complete a contract. After considerable discussion, it developed that the basis of such a contract would be a return to Area's "all-or-nothing" dictum of four months before.

On August 7th, the AALA lawyer met with the Assistant Area Director (Administration) in Gallup. A memorandum of understanding, subject to the approval of the Area Director and the Board, resulted from this meeting. In effect, Area would give the Board a Letter Contract for the forthcoming year; the Board would go back to the

Council within 120 days to determine whether or not the Council would authorize the Board, as a Tribal entity, to direct Bureau employees.

On the 8th, the Assistant Area Director (Administration) said that the Area Director had approved the agreement; the Board did so on the 9th.

The Area Contracting Officer called on August 14th to impose a number of new requirements. The Board would have to accept an "escrow agent to handle all disbursements" and an on-site BIA supervisor "to discharge those functions and duties which cannot be delegated to a non-Government agency." The initial operating capital would not be advanced until the board completed arrangements for an escrow agent. The school's Director insisted that a copy of these new requirements be written up. A copy was obtained the following day.

In-service training began at the school on Monday, August 20th. The Board was still without funds.

The school's Director wrote an extended letter to the Area Contracting Officer protesting what the Board considered to be the imposition of new requirements.

The NARF attorney, the NDCE Contract Specialist, and the school Director met with the Assistant Area Director (Administration) in Gallup on August 27th. It was stated that Area would allow the Board to exceed the 120 days in the memorandum of understanding if it could be shown that the Board had made reasonable efforts to get the item on the Council agenda. In the course of the meeting, the

Assistant Area Director (Administration) suggested that Area had a new opinion from the Field Solicitor to the effect that the Council had not authorized the Board to "operate" the school.

The Board's representatives met later that afternoon with the Area Contracting Officer and the Area Finance Officer. It was concluded that an escrow agent would not be needed; that quarterly audits might be adequate. ^{Following day, the} The Field Solicitor stated that such a resolution, if passed, would resolve any questions his office had about the legality of the Board's operation at Rock Point.

On Thursday, the 30th, a Board employee picked up a copy of the Letter of Intent signed the day before.

On Tuesday, September 4th, school opened at Rock Point. The school was still without funds.

On Monday, September 10th, the advance was received. After ten weeks without funds, and with school underway, the Board was again solvent.

At the time this report is written, the Board is still without a contract. Area feels there are no major issues now outstanding and that a contract may be ready by mid-November. The Board is operating with a Letter of Intent and an advance. The first invoice for reimbursement has been submitted.

The Board was able to have its resolution added to the agenda of the summer session of the Council, but the Council adjourned before completing the Agenda. The resolution is now on the agenda of the fall session. Should this resolution be

approved, any Local Navajo Community School Board should be able to obtain the authority to direct their community's school.

In retrospect, the point at issue all spring and summer was a valid legal question: do community School Boards have the same right to "direct" Bureau employees as Tribes do?

But the question was not taken to the Office of the Solicitor by the Area but by the attorneys for the Board.

Area, with their "all-or-nothing" policy, asserted that the Board did not have the right to do so. Asked why, Area asserted that:

- a) this is against Civil Service regulations (April 11th and May 16th);
- b) 20 BIA is not policy but only "guidelines" - Area need not allow the Board to direct Bureau employees (April 25th);
- c) this is against Federal procurement regulations (May 16th);
- d) this is against Federal personnel regulations (May 16th);
- e) the acting Area Contracting Officer has the power to exercise the Secretary's option to use the Act of 1834 - and chooses not to do so (May 16th);
- f) the Act of 1834 permits "direction" but not supervision of Government employees (July 6);
- g) since the Area's Tables of Organization include the direction of all Bureau employees, paying the Board to do so would amount to "paying double" (July 6th);
- h) an "independent corporation...can in no way qualify as a Tribe under the Act of...1834" implying that the Board was merely an "independent corporation" and not an entity of the Tribe (July 6th);

- i) the Bureau manual (20 BIAM 4.6A) forbids the use of Bureau funds to pay those "directing" Bureau employees (July 6 and August 2nd).

The Solicitor's opinion of July 31st would seem to indicate that none of these contentions was correct.

Funds ceased on June 30th. Area denied all requests for an extension of contract on the grounds that to do so "would certainly place the school mission in jeopardy" (May 30th) or that this might lead to "a chaotic situation in making the necessary arrangements for reopening the school" (July 5th).

The Board was allowed to go without funds for ten weeks in July, August, and early September. Funds were not received until the beginning of the second week of school.

The Board was threatened with retrocession for refusing to accept any of the nine assertions cited above. For example: ".....your uncompromising position with respect to the question of the supervision of Bureau employees...may well result in the termination of contractual relations between the Navajo Area and the Board." The Board's "uncompromising position" was that Area must document their ^{said} ~~held~~ assertion that Board direction of Bureau employees, allowed by the Bureau's manual 20 BIAM and practiced at both Rock Point and Busby during FY '73, was illegal. Area was unable or unwilling to do so.

CONCLUSIONS

- 1) Existing legislation makes it difficult for even well-intentioned Bureau officials to contract schools with Indian tribes or communities.

- 2) The existing Bureau accounting system makes it all but impossible to determine the real costs of running Bureau schools and therefore to determine adequate funding levels for contract schools.
- 3) Given the increasing complexity of school contracting regulations, it is becoming all but impossible for a local School Board to contract for their school without inside or outside assistance.
- 4) A few - very few - Area officials, if in key positions, can thwart a local Board almost indefinitely - not by what they do but by what they refuse to do.
- 5) A few key officials in the Navajo Area seem to have been quite willing to make up regulations as they went along, to deny an extension of funds or to threaten retrocession to force a Board to accept their made-up regulations.
- 7) "Decentralization" is likely to make it more difficult, rather than less difficult, for local School Boards to obtain control of their own schools.
- 6) It is extremely difficult for local Boards to work closely with their communities, ~~work~~ to develop programs of quality Navajo education, or to develop policy and effective program management when they must be preoccupied, for months at a time²⁴, with nothing more than the survival of their school as a common law run school.

As long as decisions about the allocation of Bureau funds between locally-controlled contract schools and Area B.I.A. schools are made by the Area, those decisions will almost always be to allocate such funds within the organization, i.e., to Area schools.

- 7) Two more Navajo Boards obtained contracts in 1972. No more Boards obtained contracts in 1973; only one of the existing four contracting schools has a contract as of this date (October 24, 1973). No more Navajo Boards are likely to be allowed to contract for the operation of their schools unless legislation, regulations, and ^{attitudes} ~~personnel~~ are changed.

Wayne Holm
October 1973

*Exhibit No. 52*ETHNIC BREAKDOWN OF STAFF EMPLOYED IN THE 67
BIA SCHOOLS SERVING THE NAVAJO RESERVATION

The material in the following charts is set out by state, and by BIA boarding or day school within each of the three states covered by the Navajo Reservation. Each school is followed by a parenthesis which identifies the type and grade level for that school:

B/K-8 indicates a Boarding school, Kindergarten through grade 8.

D/B-12 indicates a Day school, Beginner through grade 12

The staff categories used are comprehensive, combining several specific job titles within each category:

Administrators

Principal
Assistant Principal
Education Specialist
Student Activities Director
Guidance Supervisor
Guidance Counselor
Education Technician
Librarian

Teachers

Teacher Supervisor
Ungraded
K-8 (includes K-5 Train-
ing Instructor)
9-12

Clerical/Maintenance

Secretary
Clerk/Typist
Census Clerk
Bank Clerk
Teller
Warehouseman
Food Service
Pupil Transport

Aides

Home Life Aide
Recreation Aide
Education Aide

Following the three state listings, there appear 8 dormitories which house Navajo students who attend nearby schools. These dormitories provide only limited instructional services, primarily in English language skills.

UTAH		DORMITORIES									
	Aneth (B/B-8)	Navajo Mountain (B/B-1)	Plagstaff, Arizona	Holbrook, Arizona	Snowflake, Arizona	Winslow, Arizona	Aztec, New Mexico	Huerfano, New Mexico	Magdalena, New Mexico	Richfield, Utah	
American Indian	53	8	27	29	12	13	22	14	16	8	
Administrators			1				1				
Teachers (total)	1										
K-9	1										
9-12											
Aides	41	6	22	19	6	10	17	10	11	3	
Clerical/Maint.	11	2	5	9	5	3	4	4	5	5	
Black											
Administrators	1										
Teachers (total)	1										
K-8											
9-12											
Aides											
Clerical/Maint.											
Asian American											
Administrators	1										
Teachers (total)	1										
K-8											
9-12											
Aides											
Clerical/Maint.											
Spanish Surname											
Administrators	1		1								
Teachers	1										
K-8	1										
9-12											
Aides											
Clerical/Maint.											
Other	16		3	8	4	9	3	4	8		
Administrators	5		2	2	2	1	3	1			
Teachers (total)	10		3	2	4	1					
K-8	1										
9-12											
Aides	1		1	2	1	2	1	5			
Clerical/Maint.			1	1	1	1	1				

NAVAJO AREA SUMMARY

10/31/73 Membership

All American Indians

	Seats	Total	K	B	1	2	3	4	5	6	7	8	9	10	11	12	Ungraded
Intermountain.....	—	704											17	62	205	123	227
Shiprock Agency.....	3660	2429	141	—	131	100	159	269	220	511	122	142	101	37	31	20	715
Tuba City Agency.....	4078	5067	192	—	529	555	510	480	467	369	420	313	237	106	70	—	614
Eastern Navajo Agency.....	4811	3714	175	—	476	348	435	360	276	198	231	171	204	272	—	150	376
Chinle Agency.....	4350	3472	157	—	303	354	344	361	297	215	211	236	197	207	161	164	—
Fort Defiance Agency.....	4216	4318	174	—	418	459	476	470	472	393	386	245	126	115	117	89	367
GRAND TOTAL.....	23715	20109	843	—	1857	1816	1864	1945	1282	1376	1394	1129	1067	942	721	744	2809
<u>Contract Schools:</u>																	
Corrego Pass School.....	120	97	15	—	17	16	20	13	16								
Rock Point School.....	310	347	26	—	62	67	59	40	32	15							46
Rough Rock School.....		394	74	—						32	24	18	13	9	7	10	505
TOTAL FOR CONTRACT SCHOOLS.....																	

NAVAJO AREA SUMMARY SHEET

10/31/73 Membership Report

All American Indian- all pages.

	Seats	Total	K	R	1	2	3	4	5	6	7	8	9	10	11	12	Ungraded
<u>Elementary Boarding:</u>																	
Intermountain.....	—	17										17					
Shiprock.....	2712	1853	110		70	76	161	22	2	181							
Tuba City.....	4750	4101	148		470	496	455	455	426	368	127	110					
Eastern Navajo.....	3112	2524	111		263	311	372	321	239	163	274	153					
Chinle.....	1976	1804	110		242	297	331	307	249	22							
Fort Defiance.....	4028	3664	178		418	457	422	454	422	247	227	245					
Sub-total	16,639	13,763	657		1,483	1,637	1,744	1,775	1,524	1,117	960	522					2,257
<u>Junior High School:</u>																	
Shiprock.....	550	364															
Chinle.....	900	768															
Sub-total	1,450	942															
<u>High Boarding:</u>																	
Intermountain.....	—	687															
Tuba City.....	600	222															
Eastern Navajo.....	1,008	812															
Chinle.....	1,024	737															
Sub-total	2,632	2,501															
<u>Day School:</u>																	
Shiprock.....	270	283	51		2	24	18	21	16	23							
Tuba City.....	300	536	44		59	59	12	21	21								
Eastern Navajo.....	270	242	34		144												
Chinle.....	450	353	41														
Sub-total	1,310	1,218	156		324	144	12	122	11	43							
<u>Dormitory:</u>																	
Shiprock.....	128	129															
Tuba City.....	400	302															
Eastern Navajo.....	400	227			42	37	50	22	2	5	17	21					
Fort Defiance.....	728	627			2	2	7	12	20	44							
Sub-total	1,654	1,471			46	21	54	55	58	80	82	22					
GRAND TOTAL.....	23,715	20,262	843		1,827	1,858	1,957	1,745	1,722	1,236	1,017	115					2,474

Shiprock Agency
10/31/73 Membership Report

	Seats	Total	K	B	1	2	3	4	5	6	7	8	9	10	11	12	Ungraded
<u>Elementary Boarding:</u>																	
Aneth.....	420	287	20	-	29	27	21	34	34	51							74
Mehnezad.....	320	327	17		14	19	23	71	44	47							12
Sanostee.....	720	482	29		14	19	23	99	78	78							136
Tecnospos.....	832	547	29														122
Toadlena.....	420	217	16		28	30	26	34	26	25							22
Total.....	2712	1853	110		70	76	101	238	204	171							223
Shiprock Junior High.....	550	364									143	143	68				
<u>Elementary Day:</u>																	
Beclabito.....	60	63			24	9	8	15									7
Cove.....	120	127	15		37	15	10	16	16	20							22
Red Rock.....	90	71	16		61	24	18	31	16	20							11
Total.....	270	283	31										53	37	31	28	
<u>Dormitory:</u>																	
Aztec.....	128	128															
GRAND TOTAL.....	3660	2659	141		131	100	157	569	220	201	153	143	101	37	31	24	915

TUBA CITY AGENCY

10/31/73 Membership Report

	Seats	Total	K	B	1	2	3	4	5	6	7	8	9	10	11	12	Ungraded
<u>Elementary Boarding:</u>																	
Dennehotso.....	270	247	15		36	31	39	27	28								712
Kaibeto (Lower).....	270	177	35		68												71
Kaibeto (Upper).....	660	470			83	83	55	68	54	70	61	63					7
Kayenta.....	660	573			69	70	78	66	69	55	53	47					60
Leupp.....	690	491	33		54	57	50	55	62	34	76	33					37
Navajo Mountain.....	30	36			12												5
Rocky Ridge.....	120	110	14		26	27											43
Shonto.....	1050	986	51		122	132	115	106	119	95	91	75					67
Tuba City.....	1000	1041			83	70	119	133	104	114	115	92					161
Total.....	4750	4101	148		470	486	455	455	436	368	407	370					511
Grey Hills High.....	600	223											223				
<u>Elementary Day:</u>																	
Chilchinbeto.....	120	130	27		27	27	23										26
Red Lake.....	180	206	17		32	32	32	30	31								32
Total.....	300	336	44		59	59	55	30	31								58
<u>Dormitories:</u>																	
Flagstaff.....	300	218								1	6	3		32	71	52	51
Richfield.....	128	139												32	35	37	35
Total.....	428	357								1	6	3		64	106	89	87
GRAND TOTAL.....	6078	5167	192		529	565	570	485	467	369	443	313		337	706	70	87
<p>1 to be 1,024 in FY 1976</p>																	

EASTERN NAVAJO AGENCY

10/31/73 Membership Report

	Seats	Total	K	B	1	2	3	4	5	6	7	8	9	10	11	12	Ungraded	
Elementary Boarding:																		
Baca.....	50	34			21													13
Canoncito.....	120	111	23		20	19	22											26
Chi Chil Tah.....	110	106	22		30	27												27
Crowpoint.....	832	624			34	57	85	96	97	48	70	72						57
Dlo Ay Azhi.....	128	97			17	22	19	27										12
Dzilh-na-o-dith-ble.....	510	345	18		20	20	43	32	33	28	60	33						37
Lake Valley.....	128	105	15		11	15	13	19	12	9								11
Mariano Lake.....	120	97	14		22	18	25											33
Pueblo Pintado.....	210	123	19		28	26	39	37										33
Standing Rock.....	50	35			9	14												12
Torreon.....	55	57			20	11												12
White Horse.....	50	23			9													14
Wingate Elementary.....	750	703			33	72	128	106	96	74	74	48						2
Total.....	3113	2524	111		283	311	385	321	238	163	214	153						345
Wingate High School.....	1008	812											518	265	185	144		
Elementary Day:																		
Alamo.....	20	53	20		31													
Borrogo Pass.....																		
Bread Springs.....	90	73	21			38												14
Jones Ranch.....	90	50	8		26													6
Ojo Encino.....	90	70	13		43													14
Total.....	290	246	64		148													54
Dormitories:																		
Magdalena.....	300	220			21	17	26	21	28	23	17	24	16	7	3	6		8
Manuelito Hall.....																		
Huerfano.....	100	117			24	20	34	18	10	12								2
Total.....	400	337			45	37	50	37	28	35	17	24	16	7	6	6		17
GRAND TOTAL.....	4811	3919	175		476	348	435	360	276	198	231	177	192	222	192	150		17

1024 if not shared by Navajo... 274

CHIMLE AGENCY

10/31/73 Membership Report

	Seats	Total	K	B	1	2	3	4	5	6	7	8	9	10	11	12	Ungraded	
<u>Elementary Boarding:</u>																		
Chinle.....	276	671			48	24	91	205	195									52
Low Mountain.....	150	171	31		19	49	40	25										7
Lukachukai.....	510	509	33		66	60	118	57	47	56								20
Mazlini.....	150	125	17		19	24	25	20										20
Pinon.....	270	328	29		90	90	57											62
Rock Point.....	—	—	—		—	—	—	—	—	—								—
Total.....	1976	1804	110		242	277	331	307	244	56								217
Many Farms Junior High.....	200	767								127	—	222						
Many Farms High School.....	1024	737											12	207	169	164		
Cottonwood Day.....	450	353	47		61	57	53	54	53	28								
GRAND TOTAL.....	4350	3472	157		303	354	384	361	297	215	24	286	197	207	169	164		217

FORT DEFIANCE AGENCY

10/31/73 Membership Report

	Seats	Total	K	B	1	2	3	4	5	6	7	8	9	10	11	12	Ungraded		
<u>Elementary Boarding:</u>																			
Chuska.....	630	511			48	58	51	61	57	66	75	59						36	
Crystal.....	150	125	14		13	16	26	21	16									19	
Dilcon.....	700	725	34		75	70	80	101	91	75	77	68						54	
Greasewood.....	690	557	23		68	60	65	81	59	60	54	65						22	
Hunters Point.....	192	155			22	28	29	23	30									23	
Kinlichee.....	270	236	23		28	27	27	26	27	25	12	19						22	
Pine Springs.....	64	60	16		22	12												10	
Seba Dalkai.....	128	117	19		29	24	32											13	
Tohatchi.....	384	343			29	36	45	46	53	61	31							42	
Toyei.....	700	637	19		56	98	86	65	92	62	80	37						42	
Wide Ruins.....	180	198	30		28	28	31	30	27									24	
Total.....	4088	3664	178		478	457	472	454	452	349	329	248						307	
<u>Dormitories:</u>																			
Holbrook.....	350	324							12	22	39	39	64	45	55	48			
Snowflake.....	128	97											24	30	29	12			
Winslov.....	250	233				2	4	16	8	22	18	16	46	40	38	24			
Total.....	728	654				2	4	16	20	44	57	55	136	115	117	88			
GRAND TOTAL.....	4816	4318	178		478	457	472	470	472	393	386	303	136	115	117	88			307

BUREAU OF INDIAN AFFAIRS
 NAVAJO AREA DIVISION OF EDUCATION
 ALL STAFF EMPLOYED BY BUREAU OF INDIAN AFFAIR SCHOOLS

TITLE	TOTAL NUMBER OF EMPLOYEES	OTHER				BLACKS	SPANISH SURNAME	ASIAN AMERICAN	ALL OTHERS
		NAVAJOS	AMER. INDIANS	INDIANS	ASIAN				
A. PROGRAM DIRECTION -- TOTAL:	199	85	20	12	5	0		77	
Intermountain	11	1	4					6	
Shiprock	31	15			1			13	
Tuba City	43	20	5	3	1			14	
Eastern Navajo	38	7	5	3	2			20	
Chinle	32	18	2	1				11	
Fort Defiance	44	24	4	3				13	
B. DIRECT INSTRUCTION -- TOTAL:	1016	48	75	15	16	9		573	
Intermountain	77	2	7	2	1			6	
Shiprock	110	35	7	10	3			53	
Tuba City	207	42	22	16	5			122	
Eastern Navajo	189	26	11	25	4	3		120	
Chinle	182	30	14	24	3			110	
Fort Defiance	251	113	14	18				106	
C. SPECIAL EDUCATION -- TOTAL:	37	13	1	4		1		18	
Intermountain									
Shiprock	9	7						2	
Tuba City	9	5		1				3	
Eastern Navajo	9	1	1	2				5	
Chinle	4							4	
Fort Defiance	6			1				5	
D. LIBRARY & MAT. CENTER: TOTAL:	18	1						17	
Intermountain									
Shiprock	3							3	
Tuba City	3							3	
Eastern Navajo	2							2	
Chinle	4	1						3	
Fort Defiance	6							6	

	TOTAL NUMBER OF EMPLOYEES		OTHER NAVAJOS AMER. INDIANS		BLACKS	SPANISH SURNAME	ASIAN AMERICAN		ALL OTHERS
	TOTAL	126	126						
J. PUPIL TRANSPORTATION: - - - TOTAL:	126								
Intermountain									
Shiprock	21								
Tuba City	24								
Eastern Navajo	28								
Chinle	28								
Fort Defiance	25								
GRAND TOTAL:	3575	2262	285	127	11	858			

Shiprock Agency
Funding Sources - FY 1974

	Amount
<u>Elementary Boarding:</u>	
Aneth.....	608,200
Nenahnezad.....	606,200
Sanostee.....	771,300
Teecnospos.....	1,165,700
Toadlena.....	517,600
Total.....	3,869,000
Shiprock Junior High.....	1,184,800
<u>Elementary Day:</u>	
Beclabito.....	98,100
Cove.....	167,300
Red Rock.....	143,300
Total.....	408,700
<u>Dormitory:</u>	
Aztec.....	191,100
Agency Headquarters.....	179,000
GRAND TOTAL.....	5,852,600

TUBA CITY AGENCY
Funding Sources - FY 1974

	Amount
<u>Elementary Boarding:</u>	
Dennehotso.....	516,400
Kaibeto (Lower).....	10,000
Kaibeto (Upper).....	124,500
Kayenta.....	117,400
Leupp.....	1,000,100
Navajo Mountain.....	121,500
Rocky Ridge.....	297,500
Shonto.....	1,599,500
Tuba City.....	202,400
Total.....	8,201,400
Grey Hills High.....	814,100
<u>Elementary Day:</u>	
Chilchinbeto.....	199,400
Red Lake.....	211,500
Total.....	460,900
<u>Dormitories:</u>	
Flagstaff.....	389,200
Richfield.....	173,000
Total.....	582,200
Agency Headquarters.....	207,000
GRAND TOTAL.....	10,268,600

EASTERN NAVAJO AGENCY
Funding Sources - FY 1974

Elementary Boarding:	Amount
Baca.....	120,882
Canoncito.....	218,108
Chi Chil Tah.....	191,641
Crownpoint.....	1,261,370
Dlo Ay Azhi.....	265,584
Dzilth-na-o-dith-hle.....	609,942
Lake Valley.....	222,245
Mariano Lake.....	213,389
Pueblo Pintado.....	396,382
Standing Rock.....	127,804
Torreon.....	130,927
White Horse.....	82,568
Wingate Elementary.....	1,317,460
Total.....	5,158,302
Wingate High School.....	1,969,705
<u>Elementary Day:</u>	
Alamo.....	61,242
Borrego Pass.....	—
Bread Springs.....	85,792
Jones Ranch.....	86,843
Ojo Encino.....	101,265
Total.....	335,142
Agency Headquarters.....	315,292
<u>Dormitories:</u>	
Magdalena.....	277,028
Manuelito Hall.....	—
Huerfano.....	188,531
Total.....	465,559
GRAND TOTAL.....	8,244,000

CHINLE AGENCY
Funding Sources - FY 1974

	Amount
<u>Elementary Boarding:</u>	
Chinle.....	1,539,335
Low Mountain.....	266,636
Lukachukai.....	700,685
Nazlini.....	300,992
Pinon.....	582,215
Rock Point.....	285,533
Total.....	3,775,396
Many Farms Junior High.....	1,335,583
Many Farms High School.....	1,820,573
Cottonwood Day.....	451,762
Agency Headquarters.....	186,386
GRAND TOTAL.....	7,569,800
<i>↓ Gov't. payroll - 2000 summary sheet for contracts with School Board.</i>	

FORT DEFIANCE AGENCY
Funding Sources - FY 1974

	AMOUNT
<u>Elementary Boarding:</u>	
Chuska.....	1,104,682.
Crystal.....	320,884
Dilcon.....	1,151,818
Greasewood.....	1,075,020
Hunters Point.....	349,601
Kinlichee.....	402,769
Pine Springs.....	154,392.
Seba Dalkai.....	260,999
Tohatchi.....	730,992
Toyeyi.....	1,156,766
Wide Ruins.....	436,357
Total.....	7,144,180
<u>Dormitories:</u>	
Holbrook.....	423,319
Snowflake.....	236,226
Winslow.....	301,359
Total.....	950,904
Agency Headquarters.....	177,316
GRAND TOTAL.....	8,272,400

*Exhibit No. 53*Class "C" Resolution
No BIA Action Required,

CAU-87-69

RESOLUTION OF THE
NAVAJO TRIBAL COUNCILApproving and Adopting the Navajo Tribal Community
School Board Act, Pertaining to the Establishment,
Development, and Operation of Navajo Community School Boards

WHEREAS:

1. The Navajo Tribe is committed to the continuous improvement in the quality of education available to the Navajo People, and
2. The Navajo People have demonstrated a willingness and a desire to have greater participation in local school affairs, and
3. Local School Boards would improve the quality of education on the Navajo Reservation, and
4. In the School Year 1967-68, nine out of ten Navajo Area schools had organized and operated local school boards, and an agency school board organization had been created, and
5. The Budget and Finance Committee, by Resolution BFMA-22-69, has given local school boards various duties relating to the Navajo Tribe clothing program for school children, and
6. There is a need for uniformity in the procedures of these local school boards, and
7. The substance of the proposed act was approved by 36 of 39 agency school boards at a meeting at Hunters Point Boarding School in April of 1969.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council hereby adopts the proposed Navajo Tribal Community School Board Act, systematizing procedures for establishment, development, and operation of Navajo Community School Boards.
2. The Navajo Tribal Council hereby adopts as the public policy of the Navajo Tribe the Statement of Aims and Objectives of the Navajo Local Community School Board Program hereto attached.

3. The Navajo Tribal Council hereby authorizes the Education Committee of the Navajo Tribal Council and the Navajo Area, Division of Education to cooperate with the local chapters to take any steps necessary to implement this act, and the goals expressed in the statement of the goals of the Navajo Tribal Community School Program.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 51 in favor and 0 opposed, this 8th day of August, 1969.

Nelson Damon
Nelson Damon

Vice Chairman
Navajo Tribal Council

NAVAJO EDUCATIONAL GOALS DEVELOPED BY THE
NAVAJO TRIBAL EDUCATION COMMITTEE

1. To seek maximum involvement of parents and tribal leaders in the education program.
2. To attack the unique problems of Indian students by the provision of unique programs suited to the needs of these students, such as the ESL Program.
3. To develop a public information program which reflects progress made on a continuing basis.
4. To endeavor to assist in any way possible so that full utilization can be made of resources, including the Economic Opportunity Act, Public Law 89-10, and other similar programs which can benefit the Indian people.

AN ACT RELATING TO THE ESTABLISHMENT, ORGANIZATION
AND PROCEDURES OF OPERATION OF NAVAJO COMMUNITY SCHOOL BOARDS

TITLE I. The Navajo Local Community School Board

A. Establishment. The chapters of the Navajo Tribe are hereby authorized to establish such Local Navajo Community School Boards as are suitable for their respective areas.

B. Membership. Any enrolled member of the Navajo Tribe may serve as a member of a Local Community School Board, provided that: 1) he is a resident of the chapter he will represent; 2) he is 21 years of age or over; 3) he is not an employee of the school upon whose board he would serve.

C. Composition. A Local Navajo Community School Board shall be composed of not less than 3 nor more than 7 members as established by the chapter or chapters having jurisdiction over the local school board.

D. Election of Members. Elections of members of Local Navajo Community School Boards shall be held at the second regular chapter meeting in August of every year. Elections shall be announced by the chapter and school board officers at the first regular chapter meeting in the month of August of every year. The officials of the local school board in cooperation with the officers of their respective chapters shall be responsible for posting notice of elections, and carrying out the election of Local Navajo Community School Board members.

E. Tenure. (1) Any member of the Navajo Tribe qualified to serve as a member of a local Navajo Community School Board may be elected to serve upon any such board for any number of terms. (2) Should any vacancy in any Local Navajo Community School Board occur, the chapter wherein the board is located shall elect board members as are required to fill the remainder of the term of the seat left vacant. Those members first elected to serve originally upon Local School Boards shall either by agreement, by lot or by both serve 1/3 of them for a term of 1 year, 1/3 of them for a term of 2 years, and 1/3 of them for a term of 3 years. If the number of school board members first elected to serve upon a local school board is incapable of equal tripartite division, members shall be selected by lot in addition who will serve a term of 1 year.

F. Powers; Authority; Duties

1. All Local Navajo Community School Board members shall serve without compensation for performance of their duties. Provided, however, that Local Navajo Community School Boards shall have the authority to compensate their members for any reasonable expenses incurred in the performance of their duties as school board members, if funds for such reimbursements are available.

2. The Local Navajo Community School Boards are hereby authorized to solicit funds from such other sources as they may choose, and such school boards may disburse these funds in any manner related to the performance of their duties and functions. The Local Navajo Community School Boards shall file yearly statements of account with their respective Agency School Boards.

3. In order to effectuate local control of schools on the Navajo Reservation, all proposals relating to management or instruction of such schools shall be submitted to the Local Navajo Community School Boards for their consideration and consent. The Local Navajo Community School Boards shall have the authority to advise the Agency School Administrator in charge of hiring and replacement of both to grant its approval and disapproval of Administrative and Instructional personnel.

4. The Local Navajo Community School Boards shall work in cooperation with the principals of the schools which they serve, shall participate in the total aspect of school operation such as finance, personnel, school plant management, transfer of school facilities and educational program, shall strive to maintain constant good relations between the school and the surrounding community, shall determine policies relating to the use of school facilities after hours, shall cooperate with other local agencies for the improvement of the community generally, and shall initiate such activities involving both curricular and extra curricular aspects of school functions, as will foster increased community participation in education.

5. A Local Navajo Community School Board shall report any disagreements either among its members or between it and school officials, to the agency or inter-agency school boards, if such disputes are incapable of resolution at the Local Board level.

6. The adopted operating plans of the present existing boards or groups will be utilized and incorporated under this section.

G. Officials. Each Local Navajo Community School Board shall elect a President, Vice-President, and a Treasurer, and such other officials as are deemed necessary.

H. Meetings. Meetings shall be held at least once per calendar month during the school term, and at such other times as the President of the local school boards shall deem advisable. The President, in calling any meetings of the local board, shall give a minimum of three days notice to each member of the board.

I. Recall. Any member of a Local Navajo Community School Board who in the judgment of Chapter having jurisdiction over such board has been derelict in his duties, by reason of continual absence from meetings, or who has been convicted in any

court of law for committing any major criminal offense, may be recalled by a majority vote of a valid meeting of that Chapter.

TITLE II. Agency School Boards

A. The Chapters of the Navajo Tribe, in cooperation with the Local School Boards within their jurisdiction, are hereby authorized to establish Agency School Boards.

B. Each Agency School Board shall be composed of members elected or appointed by the Local Boards within the agency. Each Local Board shall appoint or elect one person to serve on the Agency School Board. In no event shall an Agency School Board have more members than the total number of schools within the agency.

C. Agency School Boards shall be established in agencies having schools drawing students from more than one chapter served by a local school board, including but not limited to the Chinle, Crownpoint, Many Farms, Shiprock, and Tuba City Boarding Schools.

D. The Agency Board wherein it is feasible shall handle the affairs of their respective agency bordertown dormitories.

E. Powers; Duties

1. The Agency School Board shall meet as necessary to request and review reports from Local School Boards relating to projects and activities carried out by these Local School Boards.

2. The Agency School Board shall plan workshops and other training activities for members of Local School Boards.

3. The Agency School Board shall review and approve any financial statements submitted by any Local School Board within its jurisdiction. If an Agency School Board finds that any Local School Board has mismanaged or otherwise misappropriated funds available to it, the Agency School Board may require the Local School Board to submit for its approval all future disbursements of Local School Board funds, for a period at the discretion of the Agency School Boards. The Agency School Board shall have general powers to oversee and superintend the activities of Local School Boards, and to assure that the activities of such Local Boards comply with and implement the purposes of this Act.

F. Agency School Boards shall meet either monthly or at such intervals as the Inter-agency shall establish, but in no event shall it meet less than four times per year.

G. Each Agency School Board shall elect a President, a Vice-President, and a Treasurer, and other officials as necessary.

TITLE III. Inter-agency School Boards

1. Each Agency School Board shall elect or appoint two members from the board to serve on an Inter-agency School Board. In no event, shall a membership of an Inter-agency School Board exceed ten members.

A. In cooperation with the Education Committee of the Navajo Tribal Council, the Inter-agency School Board shall have the following powers and duties:

1. An Inter-agency School Board shall be established to consider programs and problems of reservation-wide significance and for off-Reservation schools such as Intermountain, Chemawa, Albuquerque, Stewart, Chilocco, Fort Sill, Phoenix, Riverside, and Sherman.
2. The Inter-agency School Board shall make recommendations to the Education Committee of the Navajo Tribal Council concerning all Navajo Area Schools and Local School Boards.
3. The Inter-agency School Board shall plan such activities for Navajo Area Schools and Local School Boards as are required in order that the Navajo Area and Local School Boards may effectuate the purpose of this Act.
4. The Inter-agency School Board will from time to time meet with the Education Committee of the Navajo Tribal Council to review the progress of education on the Navajo Reservation, and make any proposals which in the opinion of the Inter-agency School Board would "improve" education in the Navajo Nation.
5. The Inter-agency School Board shall recommend to the Education Committee of the Navajo Tribal Council such policies, procedures, goals, and aims, or such workshops as are required to implement the intent of this Act.

B. Officers. The Inter-agency School Board shall establish a President, a Vice-President, and a Treasurer, and such other officers as are required.

C. Meetings. The Inter-agency School Board shall meet at intervals set by a majority of its members, but in no event shall it meet less than four times a year.

D. Funding. The Inter-agency School Board in cooperation with the Education Committee of the Navajo Tribal Council will solicit funds as are necessary to support its activities, and

any activities of Local or Agency School Boards, from available sources. Any funds procured by any Agency School Boards an excess of cost requirements for their respective activities shall be dispersed [sic] to Local School Boards in a matter established by the Inter-agency School Board.

Exhibit No. 54

REVISED DRAFT

NAVAJO AREA PHILOSOPHY AND OBJECTIVES OF EDUCATION

The overall task of the Navajo Area Division of Education is to help provide an opportunity for every Navajo child and youth to acquire the knowledge, attitudes, habits, and skills he needs to help himself and others achieve worthy goals in the multicultural setting of our country.

Since each Navajo youth has the right to choose his own destiny, it is the responsibility of Education to assist him in developing the potential to do so. All people responsible for the education of Navajo children and youth are entrusted with the task of guiding them in understanding that there is strength in similarities and value in diversity---and that the quality of life in America can continue to be enriched and strengthened by people whose cultures are different as well as similar. It is our belief that human dignity is a basic value of freedom; therefore, a program of education must be provided for Navajo children and youth which will enable them to develop to their fullest potential and their worth as individuals according to their own particular needs and interests.

Educational programs for Navajo children and youth should be developed around curricula, activities, and materials which will help each one:

- A. To develop a realization of self by involving children and youth in the recognition and development of their own personal, educational, social, and cultural competencies.
- B. To maintain pride in his heritage, to cherish that certain body of tradition his people value enough to preserve from generation to generation, and to respect the culture and heritage of others.
- C. To develop an understanding of human relationships and the ability to function effectively with others.
- D. To develop and practice a set of values and standards of citizenship acceptable to himself and to the society in which he lives.
- E. To develop and maintain sound health of body and mind.

- F. To develop an inquiring mind which will lead to continuous growth and learning.
- G. To develop competency in communicating with others.
- H. To acquire the necessary knowledge, skills, habits, and attitudes for a career and economic independence.
- I. To develop responsibility in self-direction and management of his own affairs.
- J. To acquire such knowledge, habits, skills, and attitudes as will contribute to the prudent use of leisure time.

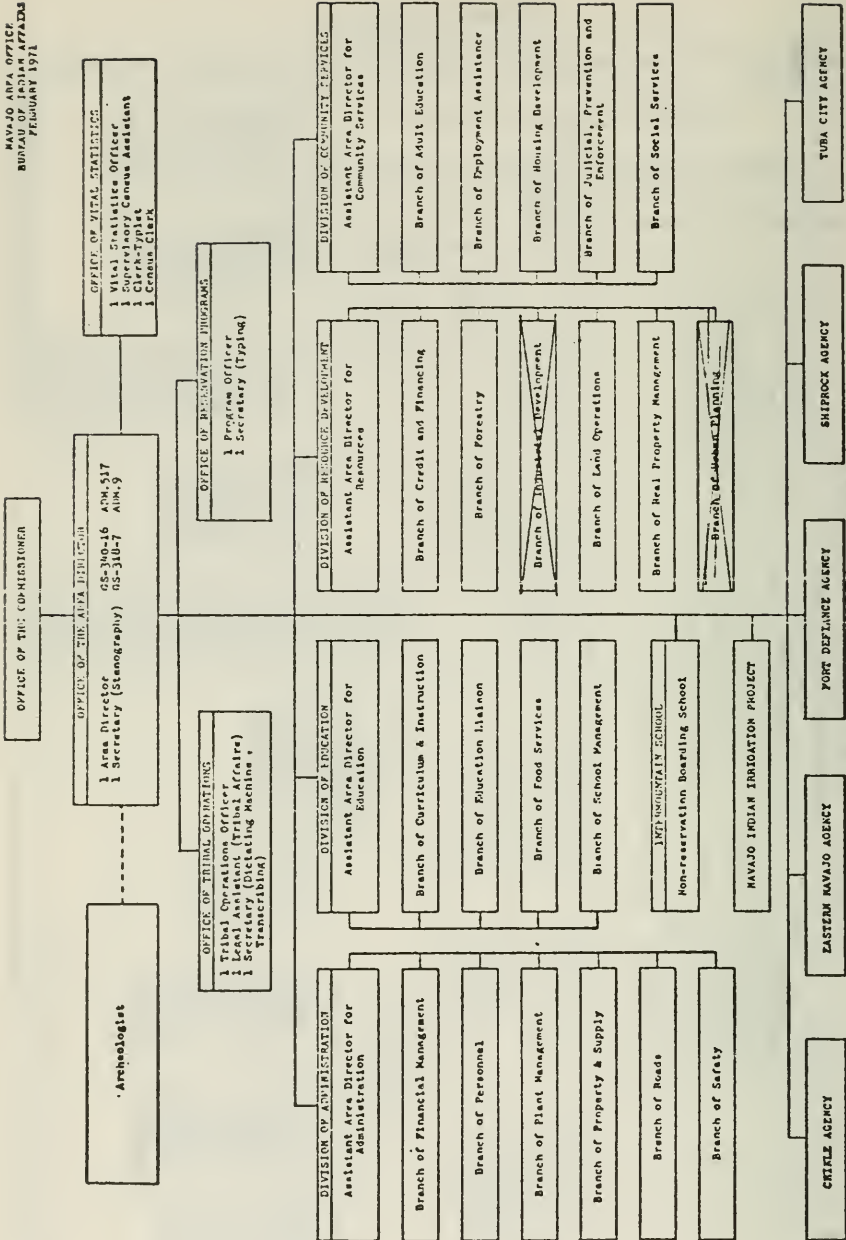
This philosophy recognizes the importance of maximum involvement and meaningful participation of parents, school boards, tribal leaders, and related programs in the education of Navajo children and youth. Therefore, it is essential that the schools capitalize on community and tribal resources which are available.

In summary, the Navajo Area's philosophy of education is to equip each individual with a self-image and the knowledge, skills, and understandings which will permit him to live harmoniously, productively, and happily in a changing democratic society. It is believed that educational programs should be directed toward developing attitudes of discovery, problem-solving, research, and experimentation leading to creative and critical thinking.

~~cc:~~
~~File~~
005

Exhibit No. 55

- Item 55 (a) Approximately 460 Title I aides.
- (b) 30 applied for the teacher training program.
- (c) 19 were accepted for the teacher training program.
- (d) 15 were given the 1 day per week release time required by the training program.



1269

*Exhibit No. 57**

*See Exhibit No. 60 for this information.

Exhibit No. 58

PER PUPIL COSTS FOR BIA COMPARED WITH CONTRACT SCHOOLS (WITHOUT FOOD, WHSE., FLT. OPERS., INTERMTN., AREA & AGY. OFCS.)

	1972			1973			1974		
	Amount	Pupils	Amount each	Amount	Pupils	Amount each	Amount	Pupils	Amount each
Borrogo Pass	--	--	--	150,503	77	1,955	142,810	97	1,472
Rock Point	--	--	--	662,817	351	1,888	657,600	347	1,895
Rough Rock	884,872	389	2,275	774,625	403	1,922	895,000	394	2,272
BIA Schools	33,840,683	22,844	1,481	35,637,599	20,062	1,776	38,874,300	19,405	2,003

25 USC 48

25 § 48**INDIANS**

Ch. 2

§ 48. Right of tribes to direct employment of persons engaged for them

Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe. R.S. § 2072.

Library references: Indians ↪32; C.J.S. Indians §§ 11, 67 et seq.

Historical Note

Derivation. Act June 30, 1834, c. 162, § 9, 4 Stat. 737.



United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

NOV 30 1973

Mr. John Powell
General Counsel
United States Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D. C. 20425

Dear Mr. Powell:

Enclosed is a copy of a memorandum dated July 31, 1973, from the Acting Associate Solicitor, Indian Affairs, on the scope of the act of June 30, 1834, 4 Stat. 737; 25 U.S.C. § 48. A copy of this memorandum was requested by the Commission at a hearing it conducted on October 24, 1973, at Window Rock, Arizona. We understand that the memorandum is desired in connection with, and as a supplement to, testimony of Mr. Barry K. Berkaon and that it will be included as an exhibit in the record made on the October 24 hearing.

Sincerely yours,

Reid Peyton Chambers
Associate Solicitor,
Indian Affairs

Enclosure



United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

JUL 31 1973

MEMORANDUM:

TO: Deputy Assistant Secretary, Indian Affairs

FROM: Acting Associate Solicitor, Indian Affairs

SUBJECT: Scope of the Act of June 30, 1934, 4 Stat. 737; 25 U.S.C. 48

On July 23, 1973, you requested our opinion on whether it is proper to include a provision in contracts similar to the one between the Bureau of Indian Affairs and the Rock Point Community School Board, an Arizona Corporation, which provides for direction by Indian school boards of certain Bureau employees. You advise that the Bureau requires the following conditions for contracting with a local Indian group for the operation of a Bureau school:

1. The board must be an entity with contracting capacity either by incorporating under the laws of the state, or by obtaining a charter from the respective Indian tribe.
2. The board must be an elected body and the contracting must be approved by a referendum of parents.
3. The board must present a resolution from the tribe expressing tribal approval for negotiating a contract for the total or partial operation of the school system.

On April 3, 1970, it was concluded in an opinion of the Deputy Solicitor, M-36803, Authority of the Bureau of Indian Affairs to Transfer to an Indian Tribe the Direction of Federal Employees pursuant to the provisions of R.S. Sec. 2072, 25 USC Sec. 48, 77 I.D. 49, that an Indian tribe may direct Bureau employees engaged in programs for Indians. Section 48 reads:

"Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe."

Therefore, the question for resolution here is whether an Indian school board may be a proper authority of a tribe to direct Bureau employees.

In this connection, you point out that the Office of the Field Solicitor in Albuquerque has advised the Albuquerque Area Office that a local Indian school board incorporated under state law is not a tribe and, so, may not direct Bureau employees in the performance of their duties.

To the extent that a local Indian school board is a state corporation, we think that when acting in that capacity there can be no question that it is without authority to assume the direction of Bureau employees. However, we also believe it is possible for a local Indian school board, even though incorporated under state law, to act on behalf of an Indian tribe for purposes of 24 USC 48 if it is in fact a part of the tribe and has been duly authorized to act for the tribe.

In other words, we do not see why an Indian school board may not have two separate and distinct identities, under each one of which it may exercise the powers and rights each such entity has. Thus, while an Indian school board which is incorporated under state law may not exercise the governmental powers of a tribe in its capacity as a state corporation, if it is also organized as a school board under tribal law with specific authority given it to exercise the tribe's power to direct Bureau employees in the performance of their duties, we see no bar to its exercise of its powers as a tribal entity and agent simply because its members are also incorporated under state law.

To avoid confusion in regard to the exercise of the respective powers of an Indian school board which is both incorporated under state law and organized as a tribal entity, we recommend that in any contracts which the Bureau makes with any Indian school boards having such dual aspects that it does not include the provision for direction of Bureau employees where contracting with such boards in their capacity as state corporations. Where appropriate, separate notification by letter to an Indian school board in its tribal aspect should be made to advise it that it has been found competent to direct Bureau employees and is authorized to do so. The letter should include a statement of those limits on this direction authority which are set out in the Deputy Solicitor's opinion of April 3, 1970, supra.

As your memorandum does not request us to apply the foregoing legal conclusions with respect to the Rock Point Community School Board, we express no opinion on whether that board is an entity of the Navajo Tribe duly authorized by the Tribe to exercise directions of Bureau employees.

/s/ Charles M. Joller

Acting Associate Solicitor, Indian Affairs

Exhibit No. 60

Prepared
2/15/74NAVAJO AREA OFFICE
CHART OF APPROPRIATIONS BY FISCAL YEAR

ACT.	APPROPRIATION	FY 1971		FY 1972		FY 1973		FY 1974		FY75 TARGET ALLOWANCES
		INITIAL	END OF YEAR	INITIAL	END OF YEAR	INITIAL	END OF YEAR	INITIAL	END OF YEAR	
14	2507 Educ & Welfare Svcs									
1740	Education	49,041,100	49,746,392	53,201,000	56,331,560	54,546,500	56,537,100	60,193,500	66,838,000	
1768	Adult Education	356,000	366,000	374,000	415,000	360,900	372,400	387,300	513,000	
1769	Community Services	-	-	-	-	-	22,500	7,500	8,000	
1770	Social Services	8,661,000	19,161,000	19,664,000	19,857,000	20,670,000	21,461,400	22,707,000	23,209,000	
1775	Housing Improvement	988,000	988,000	1,277,000	1,278,000	1,662,000	1,663,200	1,463,711	1,645,000	
1780	Employment Assistance	405,000	552,000	635,000	713,000	1,011,800	1,067,800	1,359,000	1,515,800	
1785	Adult Vocational Training	421,000	816,000	867,000	972,000	3,452,000	3,798,300	2,827,000	4,532,300	
1790	Law & Order	242,000	256,375	266,000	314,000	250,800	266,600	331,700	332,000	
	TOTAL	60,114,100	71,885,767	76,284,000	79,880,560	82,154,000	85,169,300	89,276,711	98,593,100	
14	2201 Resources Mgmt									
1800	Forestry	216,000	230,500	239,000	284,000	246,000	246,000	284,000	284,000	
1805	Range Lands	297,000	297,000	331,000	338,000	331,400	335,100	371,400	403,000	
1821	Agricultural Extension	308,000	308,000	296,000	302,500	296,000	294,457	299,000	361,000	
1822	Credit Operations	122,000	126,000	147,000	145,000	143,000	139,000	135,300	146,000	
1823	Reservation Programs	124,200	121,200	134,000	137,000	137,100	137,100	123,200	124,000	
1824	Industrial Development	95,800	218,700	82,000	156,000	100,000	135,510	122,100	122,900	
1825	Tribal Operations	47,300	37,300	25,000	26,000	58,000	37,600	67,600	83,000	
1826	Housing Development	157,000	160,200	174,000	178,000	177,000	183,800	191,100	212,000	
1830	Soil & Moisture Cons	770,000	810,000	868,000	878,000	851,800	1,013,800	985,800	986,000	
1835	Indian Water Rights	-	-	-	65,000	400,000	200,000	200,000	234,000	
1840	Roads Maintenance	981,000	981,000	1,281,000	1,281,829	1,464,229	1,466,500	1,466,500	1,622,000	
1861	Real Property Management	161,000	181,000	203,000	215,000	211,000	216,000	228,500	244,000	
1863	Real Estate Appraisals	32,000	31,000	12,000	18,500	65,000	65,000	71,300	92,000	
1865	General Trustee Services	78,000	78,000	88,000	90,000	90,000	92,000	107,100	108,000	
1870	Repair & Maint (B & U)	5,855,000	5,780,000	6,186,000	6,176,000	6,031,400	6,292,900	7,159,100	7,749,600	
1875	Maint of Res Fac	-	-	-	-	-	75,000	-	-	
1885	Ind Business Dev Fund	-	345,000	-	-	-	-	-	-	
1886	Environmental Quality Svcs	-	-	-	-	-	-	28,300	-	
	TOTAL	9,244,300	9,686,900	10,116,600	10,250,000	10,319,529	10,887,496	11,840,300	12,751,500	

NAVAJO AREA OFFICE
CHART OF APPROPRIATIONS BY FISCAL YEAR

ACT.	APPROPRIATION	FY 1971		FY 1972		FY 1973		FY 1974		FY75 TARGET ALLOWANCES
		INITIAL	END OF YEAR	INITIAL	END OF YEAR	INITIAL	END OF YEAR	INITIAL	END OF YEAR	
1250	14X2364 Road Construction Federal-Aid Highway Rds	5,226,000	5,226,000	8,600,000	11,160,000	14,895,000	14,232,079	14,553,826		15,832,000
1000	14X2301 Construction	24,000	24,000	23,814	23,814	312,710	312,210	325,800		346,000
1120	Irrigation Systems M.A. & I.	824,000	824,000	260,000	260,000	289,000	311,500	549,700		858,000
	TOTAL	848,000	848,000	283,814	283,814	601,710	623,710	875,500		1,204,000
1979	14-20X8102(20) Fed Aid Highway Highway Trust Fund	139,444	139,444	-	-	1,188,000	1,188,000	1,077,937		
1698	Cleaning Accts (Authorizations) Plant Operations	*	*	*	*	5,757,384	5,757,384	6,077,697		6,303,000
1799	General Support Services	*	*	*	*	2,116,000	2,188,400	2,354,400		2,086,400
	TOTAL	*	*	*	*	7,873,384	7,945,784	8,432,097		8,389,400
	GRAND TOTAL	75,571,844	87,786,111	95,216,814	101,577,374	117,093,623	120,046,369	126,056,371		136,770,000

* Included in Appropriation/Activity Figures

1277

Navajo Area Office
P. O. Box 1060
Gallup, New Mexico 37301

JAN 12 1973

Memorandum

To: Commissioner of Indian Affairs
Attention: Division of Program Analysis

From: Area Director

Subject: Band Analysis for F.Y. '75 APP

As required for the F.Y. '75 APP, enclosed is form A of the Band Analysis which reflects program priorities for the Navajo Area.

Also enclosed herein is form B of the Band Analysis as prepared and submitted by the Navajo Tribe.

(sgd.) WILFRED G. BOWMAN

Acting Asst. Area Director

Enclosures

511:JPDURAN:imh:01-11-73

cc:

File

Chrono ✓

M & F

100's Reading File

BAND ANALYSIS, FORM A FOR AREA
 (Dollars in thousands and tenths)

FALL 1972

AREA	Navajo		INSTALLATION			NOO	
	CODE		1974 FUNDS			1975 FUNDS	
	PROG. ELEM.	BUD. ACT.	AREA OFFICE	AGENCY SHARE OF AREA OFFICE	BASE (LESS AGENCY SHARE)	110% OF BASE	95% OF BASE
PROGRAM ELEMENTS & BUDGET ACTIVITIES	17-20	21-26	31-36	37-42	43-48	49-54	55-60
EDUCATION							
Area Office Education Program Directions	11B	1740	923.4		923.4	1015.7	877.2
All Other BIA School Operations, (Brd. Sch., Dorms, etc)	11Z	1740	45176.9		45176.9	49694.6	42918.1
Indian Contract Schools	12	1740	1,560.1		1,560.1	1,716.1	1,482.1
Adult Education	13	1768	384.8		384.8	423.3	365.6
Public School Assist. (JOM)	14P	1740	3,780.1		3,780.1	4,158.1	3,591.1
Higher Education (Scholarships)	14Q	1740	3,253.0		3,253.0	3,578.3	3,090.4
ECONOMIC DEVELOPMENT							
Commercial, Industrial & Tourism Development	21	1824	100.0		100.0	110.0	95.0
Outdoor Recreation	21	1806	-0-		-0-	-0-	-0-
Agriculture - Range	22	1805	331.4		331.4	364.5	314.8
Agriculture - Extension	22	1821	280.0		280.0	303.0	266.0
Agriculture - SMC	22	1830	901.8		901.8	992.0	856.7
Traffic Operations	23	1822	107.5		107.5	113.3	102.1
Real Property Mgmt.	24	1861	211.0		211.0	232.1	200.5
Real Estate Appraisals	24	1863	61.8		61.8	68.0	58.7
Forest Lands	25	1800	264.0		264.0	290.4	250.8
COMMUNITY SERVICES							
Community Development	31	1768	-		-	-	-
Employment Assistance ^{1/}	32	1780	4,718.0		4,718.0	5,189.8	4,482.1
Judicial, Prev., Enforce.	33	1790	198.1		198.1	217.9	188.2
Housing Improvement	34	1775	1,600.0		1,600.0	1,760.0	1,520.0
Housing Development	34	1826	177.0		177.0	194.7	168.2

Welfare & Guidance	35	1770	21,833.0		21,833.0	24,16.3	20,741.4
Tribal Operations	36A	1825	58.0		58.0	63.8	55.1
ENGINEERING							
Irrigation O&M, collected & appropriated ^{2/}	42	1860 0000	-0-		-0-	-0-	-0-
Plant Operations (exclude reimbursable)	43	1898	5,556.3		5,556.3	6,111.9	5,278.5
R&M, B&U (Exclude Reimbursable)	44	1870	5,160.0		5,160.0	5,676.0	4,902.0
Road Maintenance	52	1840	1,380.8		1,380.8	1,518.9	1,311.8
CONSTRUCTION							
Irrigation & Power	41	1000	10,319.5		10,319.5	11,351.5	9,803.5
B&U, Exclude MA&I	46	1100	1,269.8		1,269.8	1,396.8	1,206.3
MA&I	46	1120	510.0		561.0	561.0	484.5
Roads	51	1250	15,720.0		15,720.0	17,292.0	14,934.0
OTHER PROGRAMS							
Program & Community Planning	61	1827	-0-		-0-	-0-	-0-
Environmental Quality	62	1886	-0-		-0-	-0-	-0-
Indian Water Rights	71	1835	200.0		200.0	220.0	190.0
Reservation Programs	82	1823	64.4		64.4	70.8	61.2
General Trustee Services	91	1865	73.0		73.0	80.3	69.0
OFFICE PROGRAMS							
Executive Direction	81	1299	97.7		97.7	107.5	92.5
Fiscal Plans & Management	82	1299	298.3		298.3	328.7	293.0
Contracting	83B	1299	17.7		17.7	19.5	16.7
Personnel	83D	1299	443.9		443.9	488.3	421.7
Rest of Admin Services ^{3/}	83Z	1299	887.9		887.9	976.7	843.5
Training & Referral	85	1299	63.0		63.0	69.3	59.9
Safety	86	1299	148.0		148.0	162.8	140.6
TOTAL, ABOVE PROGRAMS			128130.7		128130.7	140943.9	121724.5

^{1/}Employment Assistance includes Adult Vocational Training (1785).

^{2/}Includes O&M & 1950 Budget Activities.

^{3/}Includes Components A, G, E, and F on Program Element 83.

1280



Executive Office of the Chairman
THE NAVAJO NATION
Window Rock, Arizona, 86515

PETER MACDONALD
Chairman

December 21, 1972

Mr. Anthony P. Lincoln
Navajo Area Director
Bureau of Indian Affairs
Window Rock, Arizona 86515

Dear Mr. Lincoln:

Enclosed is Band Analysis, Form B that you requested our staff to indicate to priorities.

We regret that we are submitting this form one day late but I simply hope that the priority listing that is provided herein will do much towards redirecting Bureau funds in terms of Navajo Tribal needs.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marshall Tomé".

Marshall Tomé
Executive Assistant to Chairman

cc: Chairman, NTC
Director of Administration

RECEIVED

JAN 3 1973

GROUP AREA
BRANCH OF BUDGET

BAND ANALYSIS, FORM B--FOR TRIBES
 General Priorities concerning New Programs, and New Directions of Existing Programs

IBE	AGENCY		AREA
			Navajo
	QUESTION 1		QUESTION 2
NEW PROGRAMS & NEW DIRECTIONS (See attached description of each)	WOULD YOU REDUCE FUNDING FOR CURRENT PROGRAMS TO INCREASE FUNDING FOR THESE? (Check Yes or No for each program)		RANK THE 10 TOP PRIORITY PROGRAMS ON THIS LIST. (Enter 1 for the top priority program; 2 for next highest program; etc. up to 10 or 10th highest program. Leave blank for programs with priority less than 10th.)
	YES	NO	
<u>EDUCATION</u>			
1. Pre-Kindergarten Centers		X	
2. Summer Programs		X	
<u>ECONOMIC DEVELOPMENT</u>			
3. Indian Business Development Program		X	2
4. Capital for Revolving Loan Fund		X	
5. Loan Insurance & Interest Subsidy		X	4
6. Outdoor Recreation		X	
<u>COMMUNITY SERVICES</u>			
7. Alcoholism Programs		X	
8. Tribal Affairs Management		X	6
9. Tribal Government Development		X	7
<u>OTHER PROGRAMS</u>			
10. Program and Community Planning		X	8
11. Environmental Quality		X	9
12. Indian Water Rights		X	1
<u>SERVICE PROGRAMS</u>			
13. Training and Referral		X	
14. Safety Management		X	
<u>ENGINEERING</u>			
15. Indian Action Team (ITAP)		X	3
16. Engineering Services (ITAP)		X	
17. Surplus Equip. Rehab. (ITAP)		X	10
18. Fire Protection-Indian Communities		X	
19. Improve Telecommunication Systems		X	
20. Provide Electric Power		X	5

BUREAU OF INDIAN AFFAIRS
1974 PROGRAM MEMORANDUM -- FUND ANALYSIS
PRIORITIES AMONG CERTAIN PROGRAMS

LOCATION- Navajo Area

N	0	0	0	2
---	---	---	---	---

2-6

DATE 11/22/71

1	3	2	6
---	---	---	---

12-15

PM ELEMENTS	CODES		1973 BASE (\$000)	INCREASE OVER 1973	
	ACTIV.	PM ELEM.		10% OF BASE (\$000)	PROPOSED INCREASE (\$000)
<u>Education</u>	17-22	23-26	31-36	37-42	43-48
Education program administration	1740	09-00	\$ 1,634.5	\$ 59.5	\$ 844.8
Research & Development	1740	10-00	0.0	0.0	125.2
Education personnel training	1740	11-00	93.9	430.1	2,825.0
School operations (omit off-reservation boarding schools)	1740	13-00	41,924.5	5,353.5	35,164.4
Summer programs	1740	14-00	343.1	573.8	3,768.8
Aid to public schools	1740	15-00	4,878.0	220.8	1,450.7
Scholarships	1740	16-00	1,610.0	391.0	1,990.0
<u>Adult Education</u>					
Adult education & Community development ..	1768	17-00	360.4	0.0	1,563.1
Agricultural extension	1821	17-00	306.8	0.0	561.9
<u>Job Training & Placement</u> (Omit FEAO's and Residential Training Centers)					
Adult vocational training (excluding OJT)	1785A	20-10	860.0	0.0	511.7
Direct placement	1780	20-30	642.2	0.0	559.9
<u>Reservation Development</u>					
Indian Business Development Fund	1885	30-10	0.0	0.0	575.0
Credit & financing (operations)	1822	30-20	132.3	0.0	167.4
Real property management	1861	30-30	165.0	0.0	176.5
Real estate appraisal	1863	30-30	17.0	0.0	18.7
General trustee services	1865	30-30	162.2	0.0	15.4
Commercial & industrial development (in- cluding arts and crafts)	1824	30-40	103.9	0.0	2,976.5
Outdoor recreation	0000A	30-50	0.0	0.0	1,346.4

LOCATION Navajo Area

N	0	0	0	2
2-6				

DATE 11/22/71

1	3	2	6
12-15			

PM ELEMENTS	CODES		1973 BASE (\$000)	INCREASE OVER 1973	
	ACTIV	PM ELEM.		10% OF BASE (\$000)	PROPOSED INCREASE (\$000)
<u>Reservation Development--con.</u>	17-22	23-26	21-36	37-42	43-43
Forest lands	1800	30-60	\$ 231.0	\$ 0.0	\$ 218.
Range lands	1805	20-70	326.8	0.0	147.
Soil & moisture conservation	1830	30-70	823.9	0.0	2,138.
Irrigation O & M (collected)	0800	30-70	0.0	0.0	0.0
Irrigation O & M (appropriated)	1880	30-70	23.2	0.0	302.
Natural resource inventories	0000R	30-80	0.0	200.0	200.0
<u>Community Services</u>					
Maintaining law & order	1790	50-10	243.4	0.0	2,976.
Housing improvement	1775	50-20	1,200.0	297.7	1,075.
Housing development	1826	50-20	168.5	0.0	177.
Welfare & guidance services	1770	50-30	24,090.0	0.0	9,216.
Aid to tribal governments	1825	50-40	56.3	0.0	0.0
<u>Engineering</u>					
Road maintenance	1840	60-12	1,274.9	2,034.0	2,034.
Plant operations	1898A	00-00	5,768.0	0.0	858
Repair & maintenance, B & U	1870A	70-00	6,153.8	0.0	3,968.
<u>General Support</u>					
Safety	1299Q	00-00	155.2	0.0	91.
Reservation management	1299U	00-00	546.0	0.0	131.
GAE & FAS combined (Area Offices only) ...	1299A	00-00	1,240.0	0.0	243.
<u>Reservation programs</u>	1823	94-50	129.1	0.0	264.
TOTAL, ABOVE PROGRAMS			95,603.9	9,560.4	77,789.

1284

Exhibit No. 61

STRENGTHENING
NAVAJO
EDUCATION

DIVISION OF EDUCATION
THE NAVAJO TRIBE

1285

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JUNE, 1973

DIVISION OF EDUCATION
THE NAVAJO TRIBE
WINDOW ROCK, ARIZONA

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ACKNOWLEDGEMENTS

This monograph was developed through the efforts of numerous persons and organizations. The Navajo Tribes' Division of Education managed the preparation of the document; in total, this effort encompassed 14 days. Hopefully, the monograph provides new insights into ways by which to further the implementation of education as a vital developmental force for the Navajos.

Peter MacDonald, Chairman of the Navajo Tribe, and Dillon Platero, Director of the Tribes' Division of Education, jointly conceived the idea of preparing this monograph. Several members of the Education Division's staff worked diligently in the draft of the document. These representatives included: Katherine Arviso, Assistant Director, Adult and Vocational Education; Ralph U. Davis, Director, Adult and Vocational Education; Joy Hanley, Director, Elementary Education; Winona M. Marianito, Education Specialist, Special Education Department; and Elizabeth Murphy, Education Specialist, Special Education Department.

Members of the Navajo Tribes' Coordination and Community Relations Offices also wrote portions of the draft manuscript; these persons included: Jerry Kee, Education Coordinator, Ft. Defiance Agency; Harvey McKerry, Coordinator, Shiprock Agency, and Wilbert Tsosie, Assistant Coordinator, Eastern Navajo Agency.

Secretaries from all of the above named offices assisted with the typing of the draft manuscript. We are most grateful to them.

The monograph was edited by Tom Flannery (who also assisted with writing the initial draft), Contracts Officer, Division of Education; and Dr. Richard F. Tonigan, Educational Consultant, Albuquerque, New Mexico; assisting them were Dr. Gerald Boyle, economist, Dr. Thomas Cloyd, experienced mission school director, Michael Smith, graphic designer; Joyce S. Rhodes, layout artist and several capable typists. Dr. Tonigan was responsible for overall development of the monograph.

Final review and approval of the contents of the document rested with Mr. MacDonald and Mr. Platero.

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1 THE NAVAJOS



THE EARLY NAVAJO PEOPLE

The Navajo people call themselves "Diné" meaning, "The People". They are members of the Athabascan language group which migrated from Asia to the Northwest Pacific Coast some 1300 to 1600 years ago. Anthropological research reveals that perhaps as early as 1000 A.D., the Navajos began to occupy what is now the southwestern portion of the United States, but the first definite signs of their presence dates from around 1450 A.D. Navajos had prolonged contact with the pueblos which were also settled in the same region. The pueblo dwellers at Zuni called Navajos the "Apachu", a word which probably meant "enemy" or "stranger", but may have been derived directly from the word "Apadje" (people) by which some of the migrants referred to themselves.

During the period of approximately 1550 - 1600, the Navajos learned agriculture from the pueblos. The earlier Navajo economy based on hunting and gathering was retained but with reduced emphasis as agricultural more adequately performed the function of supplying ample food in a new environment. In the space of a few years the Navajo adopted puebloan styles of architecture, manufacturing techniques, religious paraphernalia and many elements of non-material culture such as clans, matrilineal descent, matrilineal residence, the origin myth and ritual.¹

THE ARRIVAL OF EUROPEANS

The first contact between the Navajos and the European arrivals (Spanish explorers) occurred in 1583 when a small company led by Antonio de Espejo and Fray Bernardino Beltran, journeying from El Paso, met "peaceful Indian mountaineers" west of Zia.²

The recorded history of the Navajo people during the seventeenth century is sketchy. The 1680 Pueblo Revolt had economically, as well as socially, impacted the Navajos. First, Navajos reportedly collected the stray sheep and horses released by the general confusion, in 1696, as Pueblo Indians revolted against their Spanish rulers. Under the Spanish governor de Vargas, a reconquest campaign began; this caused many pueblo families to unite with eastern Navajos. This social contact produced cultural change; for example, weaving became a part of Navajo life, and the use of wool changed clothing characteristics. After 1800, as

Spain's control over her colonies weakened, the Navajos emerged as a successful nomadic cultural and one of the dominant military powers in the Southwest. Their military strength was known from the Rio Grande to the western boundary of the present day Navajo Nation.

The Spanish occupation of the Southwest finally ended in 1821 when Mexico gained independence from Spain.

OCCUPATION BY THE UNITED STATES

The United States began its exploration prior to this period, but by 1846 U. S. troops had invaded the Southwest. Following a brief military campaign, the Mexican possession was ceded to the United States by the treaty signed at Guadalupe Hidalgo on February 2, 1848.

To assist in taming the new country the U. S. military's first duty was to quell the livestock raids of the Navajos; Navajo resistance lasted for more than 100 years. During a fifteen year span between 1846 and 1861 a total of seven treaties were executed. The first one was promulgated at Fort Wingate between Colonel William Alexander Doniphan and Navajo leaders Zarcillos, Largos, Narbona, Sandoval, Manuelito and others. Both sides failed to honor the terms of this and other treaties, although it was usually the custom of the U. S. to blame the Navajos for any and all breaches of treaty. Peace between the Navajo and the United States was on an intermittent basis, and hence, during his time Ft. Defiance was established as a U. S. military outpost. With a brief interval during the Civil War (1859 to 1863), the U. S. went on an all-out course to either subdue or annihilate *Diné*, the people.

A noted mountain man, Colonel Christopher "Kit" Carson was appointed to spearhead the campaign of subduing the people in the spring of 1863. Invading the heart of Navajo land, Kit Carson's troops killed Navajo sheep and livestock wherever they could be found, devastated their cornfields and orchards, and burned their *hogans*, completely destroying the Navajo economy. The people, with the aid of severe winter conditions of 1864, were starved into submission.

THE LONG WALK

Ultimately, about half of the Tribe, more than 8,000, made the "Long Walk" to Fort Sumner reservation on February 15, 1864. Life at Fort Sumner was infested with misery and agony. Threat of loss of life to other marauding tribes, of physi-

¹Hester, James; *Navajo Culture Change: 1550 & Beyond*.

²John Upton Terrell; *The Navajos; The Past and Present of a Great People*, p. 22.

cal discomfort and disruption of family contributed to making life at Fort Sumner a nightmare. Complete deprivation of clothing, shelter and food were experienced both during the "Lonq Walk" to, and at Bosque Redondo. After four heart-breaking years, the Navajos began to make overtures for returning to their land; their petition for peace negotiations was granted and a peace commission headed by General William T. Sherman was sent to arrange a treaty. On June 1, 1868, a treaty, the only one ratified by U. S. Congress, was signed.

The Bosque Redondo imprisonment signified new political and economic relationships. The Navajos were no longer master of their own fate but subservient to another society. U. S. directed culture changes were to be begun immediately and the people were given no alternative, only to comply. The Navajos were given new implements, seeds, food, livestock, and farming methods; their food and clothing were both rationed. The chief results of this period included the realization by the Navajos that the old free way of life was gone forever and that new imposed life styles must be accepted. Secondary results included the acceptance of new culture values such as the adoption of Anglo dress and the beginning of Navajo-Anglo bilingualism.

THE RESERVATION PERIOD BEGINS

In the reservation period which followed, conditions changed again. The people were released to live on the land they loved and to readapt as best as they could. The American Government embarked on a program of directing culture change with the avowed purpose of integrating the Navajo people into American national culture. As stipulated in the 1868 treaty life's most essential items were guaranteed, but most of these were usually performed forcefully with the unilateral consent of the federal government. Thus, federal programs of health, welfare, and education were established and failed. Many themes of the Anglo culture conflicted with those of the Navajo culture, e.g. christianity, marriage, politics and economics. The two cultures had naturally developed very different values, goals, and life supportive and improvement processes.

During the 1850's the United States was steadfastly moving into the newer frontier west of the Mississippi. Contact with Indian tribes by early settlers was often unpeaceful, usually a military confrontation resulted. The Bureau of Indian Affairs (BIA) was established within the U. S. War Department to contend with the Indian problem. Later when Indian tribes were placed on reserva-

tions the Bureau of Indian Affairs' main responsibility was working with the Indian tribes.

FORMAL EDUCATION ESTABLISHED

The task of the Bureau of Indian Affairs was to deal with the provisions stipulated in the 1868 treaty. One of the recognized stipulations regarded the education of Navajo children. In 1882, a boarding school, managed by missionaries, was established at Fort Defiance, and in 1890 a second boarding school was set up at Grand Junction, Colorado; these two schools served the educational needs of all the Indians of the Southwest. Later Carlisle Institute was established in Pennsylvania; few Navajos were recruited to attend. The Navajo view towards the concept of boarding school education was either "uninterested reaction" or "directly antagonistic". Boarding school attendance created unpleasant anxieties, and traumatic experiences, especially loneliness. The BIA's boarding school educational concept conflicted with Navajo's way of educating their youth. "It's disciplinary methods were like those in force elsewhere in Indian service boarding schools. Ankle chains and solitary confinement were a common practice."³

In 1887, in order to combat Indian disinterest in attending the boarding schools, the BIA instituted a compulsory school attendance regulation, and then expanded the boarding school program (1900-1913). Centers of Navajo population received some of the new schools (Tohatchi, Tuba City, Shiprock, Leupp, Chinle, Crownpoint, and Toadlena). After 1896, school teachers were no longer missionaries, but were civil servants required to pass U. S. Civil Service examinations. The Navajos interest in sending their children to these schools was at low ebb until about 1930.

School enrollment more than tripled from 1950 to 1970. The number of high school graduates jumped from 75 to 1500 per year. The Tribe reacted by setting aside \$10 million of its oil revenues for college scholarship trust funds. By 1973, over 1,000 Navajos were enrolled in colleges and professional schools and the Navajo Tribal Chairman was a college graduate (the first in Navajo history). In 1969, Navajo Community College instituted a higher education program on the Navajo Nation, the first institution of higher learning ever operated by Native Americans; Ganado Mission became a multi-tribe Indian incorporated junior college, The College of Ganado, in 1972.

³Edward H. Spicer, *Cycles of Conquest*, p. 223.

THE CONTRACT SCHOOL

The Navajos eventually came to realize that they needed to administer the schools enrolling their children. In 1966, a community controlled school, a "BIA contract school", was established on the Navajo Nation at Rough Rock, Arizona. The operation of this school was funded under a contract with BIA and through resources of the Office of Navajo Economic Opportunity (ONEO). The establishment of this school was an experiment in instituting local community control over Navajo schools. This precedent setting establishment brought out that there is considerable advantage to the Navajos having the power to make local school decisions, both administratively and instructionally. Ramah Navajo High School, Borrego Pass School and Rock Point Elementary School, all recently established community controlled, contract schools, signifying the importance Navajo communities place in school community movement.

DINÉ BI'OLTA' ASSOCIATION

The Diné Bi'olta' Association, a Navajo education was established in the 1960's; this organization has a primary responsibility, the development of teachers who are best equipped to teach Navajo youth.

NAVAJO EDUCATION COMMITTEE

The Treaty of 1868 represented a significant step toward making educational opportunities available to Navajo children. It was the first step in an organized plan for offering such opportunities.

Although the first educational programs for Navajo children were limited in their effectiveness, they were first steps. It is notable that they were taken despite what seemed almost insurmountable obstacles. The intent and desire to bring such opportunities to the children of a people who had heretofore had no such opportunities in itself bespoke a vision likewise notable.

At the time of the signing of the Treaty of 1868, there was no central Navajo Tribal government and no Tribal political organization. It was not until some seventy years later in the decade of the 1930's that the Tribal Council in essentially its present form became operative.

As this formalization proceeded, the Tribe designated committees with special functions. Among

these was the Education Committee; on January 18, 1938, a resolution was passed by the Tribal Council to appoint a Committee on Education consisting of three members to act as advisors to the Tribe on all matters of education affecting the Navajo Tribe.

In 1957 the Tribal Council in recognition of the important work of its Education Committee increased the committee from three to five members.

Initial steps to maximize the involvement of Navajos in school affairs began in 1966 with the Tribal Education Committee setting four goals for Navajo Education:

1. To attack the unique problems of Indian students by providing programs suited to the needs of these students.
2. To seek the maximum feasible involvement of parents and tribal leaders in the education programs.
3. To develop a continuous public information program which disseminates news about the educational progress being made.
4. To endeavor to assist in any way possible so that full utilization can be made of resources, including the Economic Opportunity Act, P.L. 89-10, and other similar programs which can benefit the Indian people.

NAVAJO DIVISION OF EDUCATION

The Navajo Tribe, in recognition of the extreme importance of an adequate and proper education, passed on June 17, 1971, a resolution establishing the Tribe's Navajo Division of Education. In the words of Chairman Peter MacDonald:

"The Division was established to support and execute the Navajo Tribe's educational philosophies, policies, and objectives affecting Navajo school children, youth and adults in all areas and activities on and near the Navajo Reservation. This is consistent with the policies of the Navajo Tribe . . . (and) the speech made by the President of the United States, Richard M. Nixon, on July 8, 1970, which outlined and proposed a new federal Indian policy which would assist the first American in his search for self-determination and preservation of culture and identity by allowing him to voice his opinions, approvals and recommendations which would best shape his own destiny."

NAVAJO
TRIBAL COUNCIL
CHAIRMAN OF
NAVAJO TRIBE

COMMISS-
IONER
NAVAJO DIVISION
OF
EDUCATION

SPECIAL

SPECIAL

ASSISTS.

ASSISTS.

ASSOC. COM.
EDUCATIONAL
SERVICES

DEPUTY
COM.

ASSOC. COM.
EVALUATION AND
REVIEW

ASSOC. COMMISSIONER
EDUCATIONAL PLANNING & DEVELOPMENT

NAVAJO DIV. OF EDUCATION

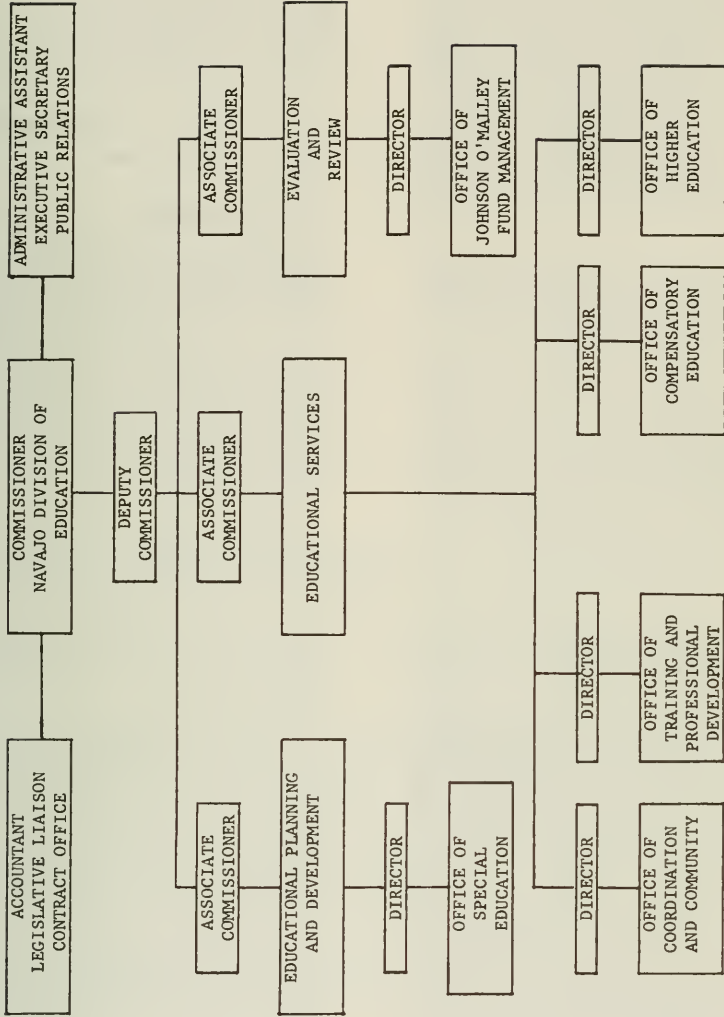


CHART # 1
NAVAJO DIVISION OF EDUCATION

The creation of the Navajo Division of Education (See Chart #1) signified more than a change in political climate. It implied a basic decision that the survival of a great nation and a great culture hinges upon the Navajo Tribe's ability to develop a full and rich life for all Navajos on the Reservation. Thus, the Navajo Nation has made a decision for culture as well as for individual survival. Currently, the Navajo Division of Education is the primary vehicle for assuring the preservation of the Navajo cultural heritage. Never before has the federal establishment been more willing to implement a policy of self-determination for Indians, even to the point of a willingness to immediately turn over large program components to Tribal control. This was recognized by President Nixon when he stated:

"In my judgment, it should be up to the Indian tribe to determine whether it is willing and able to assume administrative responsibility for a service program which is presently administered by a federal agency . . ."

A major challenge facing the Navajo Division of Education is to rapidly develop the capability to assume that responsibility. Effective July 1, 1973, the Navajo Division of Education is to be renamed the Navajo Office of Education in keeping with the inherent philosophy and purpose of reorganization to attain the level of Indian leadership and authority equivalent to the problem being attacked.

NAVAJO RESERVATION

The Navajo Reservation today comprises some 14,500,000 acres spread over the three states of New Mexico, Arizona, and Utah. This land mass is sometimes contrasted to the size of the states of New Hampshire, Connecticut, Vermont, and Rhode Island combined. The Navajo land is part of geographical formation called the Colorado Plateau. Elevations on Navajoland ranges from 3,500 feet above sea level to more than 10,000 feet. Topographic structure varies. There are flat alluvial valleys at the 4,500 to 6,000 feet level; rolling plains between 5,500 to 7,000 feet; Mesas at 6,000 to 8,000 feet; and the mountains above 7,500 feet. Over half of the Navajo Reservation is warm, arid, and with desert-like climatic conditions: average annual rainfall is about eight inches and the vegetation includes native grasses, pinon and juniper trees and sagebrush. In the humid mountainous region yellow pine, oak, aspen, and fir trees are common. Approximately fifteen percent of the reservation is arid with very little vegetation. Heat in these regions is intensifying. The Navajo population overflows the reservation on all sides.

Before the advent of modern technology, the utilization of land was the basis of subsistence, primarily in the yield of crops, the availability of edible native vegetation, and the wild game it provided. Land also formed the basis of religious worship. The four sacred mountains and the earth as a mother form the basis of spiritual well being of the people. Today, some Navajos continue to raise their own crops, but successful crop yields are largely dependent on the periodic supply of moisture and the natural fertility of the soil. Large quantities of food (e.g., flour, coffee, meat and potatoes) are bought at trading posts scattered throughout the Navajo Nation.

THE NAVAJO TODAY

Amidst influxes of many new ideals and influences, the homogeneity of Navajo life styles are still in contact. The basic unit of Navajo social and economic life is the biological family: husband, wife, and unmarried children. Because Navajo society is fundamentally matriarchal (line of descent and property inheritance are traced through the mother) a number of related families are often aggregated together in one geographical area. In this set-up, related families often share major tasks together for convenience. These tasks include such chores as sheepherding, hauling wood and water and performing ceremonial rituals.

The largest effective unit of social and political cooperation is the "community;" it is based not on blood, but on geographical location. Failure to recognize the community's existence until the early Twentieth Century handicapped the development of effective political organizations until recent years. The community, for the most part, has been recognized as the basic unit for selection of delegates to the Navajo Tribal Council, the Tribe's principal governing body.

The Navajo people traditionally identify themselves by clans; they number about seventy presently. Many of these clans are names of places, names of other tribes, or a characteristic description of a person. The Clan system formerly acted as an effective social control technique, but with American influence this has weakened. Marriage is based on clan and is exogenous; the primary function is to identify distant relatives to prevent inbreeding.

The Navajos' basic philosophy is that it is this life which counts, and that life is full of dangers. Navajos accept nature as a powerful motivator and consequently a Navajo strives to conform rather than to alter life's course. The virtues which they attempt to possess are those which promote har-

mony and reduce friction. The ideal Navajo being possesses self-control, generosity, and cheerfully shoulders his portion of community work.

Utilization and acceptance, in terms of making the most of American and Navajo cultures, has been an advantage to the Navajo people. The life style created by the fusion of the two cultures is creating a unique culture which can make life better for all Navajos in the future.

AUTHORITY AND LEGAL STATUS

"The Indian's right of self-government is a right which has been consistently protected by the courts, frequently recognized and intermittently ignored by treaty-makers and legislators, and very widely disregarded by administrative officials. That such rights have been disregarded is perhaps due more to lack of acquaintance with the law of the subject than to any drive for increased power on the part of administrative officials.

The most basic of all Indian rights, the right of self-government, is the Indian's last defense against administrative oppression, for in a realm where the states are powerless to govern and where Congress, occupied with more pressing national affairs, cannot govern wisely and well, there remains a large no-man's-land in which government can emanate only from officials of the Interior Department or from the Indians themselves. Self-government is thus the Indians' only alternative to rule by a government department.

Indian self-government, the decided cases hold, includes the power of an Indian tribe to adopt and operate under a form of government of the Indians' choosing, to define conditions of tribal membership, to regulate domestic relations of members to prescribe rules of inheritance, to levy taxes, to regulate property within the jurisdiction of the tribe, to control the conduct of members by municipal legislation, and to administer justice.

Perhaps the most basic principle of all Indian law, supported by a host of decisions is the principle that those powers which are lawfully vested in an Indian tribe are not, in general, delegated powers granted by express acts of Congress, but rather inherent powers of a limited sovereignty which has never been extinguished. Each Indian Tribe begins its relationship with the Federal Government as a sovereign power, recognized as such in Treaty and Legislation.

The powers of sovereignty have been limited from time to time by special treaties and laws designed to take from the Indian Tribes control of matters which, in the judgment of Congress, these tribes could no longer be safely permitted to handle. The statutes of Congress, then, must be examined to determine the limitations of tribal sovereignty rather than to determine its sources or its positive content. What is not expressly limited remains within the domain of tribal sovereignty.

*The acts of Congress which appear to limit the powers of an Indian tribe are not to be unduly extended by doubtful inference."*⁴

The Legislative branch of the Navajo Tribe has developed a Navajo Tribal Code:

"which clearly shows the desire and ability of the Navajo people to govern themselves. It also reflects the greater responsibility which the Navajo people have given to their elected representatives to the Tribal Council."

*"Only by construction of a Tribal system which has as its main purpose the preservation of the Navajo way of life can Navajo tribal goals be assured. Second as the Navajo Tribe seeks to work out the relationship of its nation to the United States and the surrounding states, the ever growing body of Tribal law becomes increasingly important in requiring there other governmental systems to recognize that extent to which the Navajo Tribe has become a sovereign tribe."*⁵

Vine Deloria, noted Indian lawyer and author discussed the sovereignty of minority groups as follows:

*"Tactical efforts of minority groups should be based upon the concept of sovereignty. Only in this manner can they hope to affect policies which now block them from full realization of the nature and extent of their problems, and the history of intergroup relations is littered with examples of the recognition, no matter how implicit, of the sovereignty of minority groups."*⁶

⁴Felix S. Cohen's *Handbook of Federal Indian Law*, p. 122, UNM Press: Albuquerque, New Mexico.

⁵Navajo Tribal Code, Title VII through Title XVI, p. 9.

⁶Deloria Vine, *We Talk, You Listen*, p. 11, 1970, The MacMillan Company, New York.

One can assume that a tribal government has the legal authority and sovereignty to assume policy and control of any phase that is not in conflict with Federal Law.

TRIBAL GOVERNMENT

The Navajo Tribe is governed by a Tribal Council composed of seventy-four elected members presided over by an elected Chairman and Vice-Chairman. Elections are held in strict accordance with outlined election procedures. The seventy-four delegates, one from each election district, are elected annually, along with the Chairman and Vice-Chairman in November at four year intervals. In general, each elected Councilman represents approximately 1600 Navajos.

The business of the Tribe is expedited by an executive council, an appointed body of eighteen delegates from among the general council membership, known as the "Advisory Committee." This Committee acts within the limitations of specific authorities delegated to it by resolutions of the Navajo Tribal Council.

Fiscal matters, before being presented to the Council, are reviewed by the Budget and Finance Committee. A group of ten delegates appointed for that purpose. Other committees on which the councilmen serve are Health, Education, Central Loan, Resources, Police and the Parks Commission, each with five members, and Welfare, Judicial, Trading, Placement and Relocation, and the Commission on Alcohol, each with three members. All of these committees function in an advisory capacity to the Navajo Tribal Council.

The powers of the Navajo Tribal Council, as a recognized instrument of Tribal government, stem from those sovereign rights which reside in Indian tribes by virtue of the fact that the Congress has not taken them from the tribes. This includes control over reservation land, mineral and other resources, and, through Courts of Indian Offenses, over civil and certain minor criminal cases.

Delegates to the Navajo Tribal Council report the actions of the body to the people of their districts at regularly scheduled community meetings in order to keep the Navajo informed as to the functions of their governing body.

The Navajo Tribe presently does not operate under a constitution, but by law it is empowered to develop and adopt one by referendum. This action is presently being considered.

EXECUTIVE BRANCH OF THE TRIBE

The Chairman of the Navajo Tribal Council presides over the deliberations of the Tribal Council and also acts with full authority as the chief executive officer of the Tribe's administrative organization in the conduct, supervision, and coordination of Council approved Tribal programs. He has ultimate responsibility for the proper and efficient operation of all Tribal executive divisions and departments. He represents the Tribe in negotiations with governmental and private agencies and meet with many off-reservation organizations and groups to create favorable public opinion and goodwill toward the Navajo Tribe.

The Chairman appoints various standing committees, including the Advisory Committee, within the Council, boards and commissions within and outside the Council, and helps in determining Tribal policy and procedures.

The Vice-Chairman of the Tribal Council, during the absence of the Chairman, presides over Tribal Council meetings and, when so directed by the Chairman, performs designated duties of the chief executive officer. The Vice-Chairman presides over meetings of the Advisory Committee and signs documents on behalf of the Tribe when authorized by the Tribal Council.

Included in the executive branch are four main offices (source: Navajo Tribal organization chart, 1973.):


1. Office of Administration
2. Office of Operations
3. Office of the Controller
4. Office of Business Management

JUDICIAL BRANCH

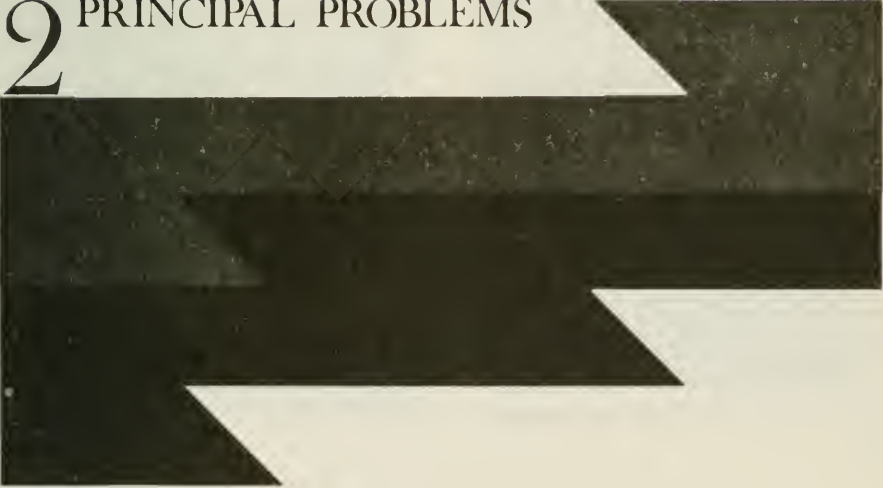
The Judicial Branch of the Navajo Tribe consists of the Trial Courts and Court of Appeals of the Navajo Tribe. The territorial jurisdiction of the Navajo Tribe and of the Navajo Tribal courts extends to and includes Navajo.

The Trial Courts have power to issue any writ or orders necessary and proper to the complete exercise of its jurisdiction.

The Court of Appeals has jurisdiction to hear appeals from final judgments and other final orders of the Navajo Tribe. The Court of Appeals has the power to issue writs or orders necessary and proper to complete exercise of its jurisdiction.



2 PRINCIPAL PROBLEMS



INTRODUCTION

The socioeconomic and the educational status of an educational community are integrally related. Success or failure in one of the areas has direct consequences for the other. This thesis is especially applicable to the Navajo Reservation. An understanding of the scope and nature of both the socioeconomic and the educational problems of the Navajos is essential to the resolution of most of the conditions adversely affecting their growth and development.

As one studies Navajo history there emerges a pattern of repetitious societal problems that need to be solved by new processes. The Navajos know these problems — they have long lived with many of them, they alone may find the necessary methods for solving them.

SOCIOECONOMIC PROBLEMS

EMPLOYMENT. The Bureau of Indian Affairs estimated the Navajo labor force at 40,346 persons in 1971, and by April 1, 1972, this figure had expanded to 43,793. The projected labor force for 1973 is 44,100. Current figures indicate that 15,656 Navajos are fully employed and that 8,918 are employed on a part-time basis. This means that there is a present employable Navajo labor force of 24,574. The percentage of unemployment is 58.4%.

INCOME. The raising of livestock and limited agricultural production formed the primary basis of income for the traditional Navajo society. In addition, many families utilized their skills in weaving and silversmithing to supplement the family income.

Today, the traditional Navajo society is undergoing a process of change that involves a movement towards technological development. This movement is causing shifts in employment patterns, and therefore, in the Navajos sources of income.

While the yearly per capita income on the Navajo Reservation has progressed in the last thirty years, (\$82 in 1940, to \$759 in 1973), the 1970 census reveals there yet remains a vast discrepancy between the national standard of living in the United States, and the Navajo standard of living (in 1969 all families in the U. S. had a median family income of \$9,433 and Navajos had only \$2,998). The census figures of 1970 also revealed 64.4% of the Navajos were living in poverty in 1969.

HEALTH. On July 1, 1955, the Indian Health Ser-

vice was created as a unit within the U. S. Public Health Service. Since then, the Indian Health Service has expanded its facilities and services in an attempt to keep up with the growing Navajo population. Presently, there are eight service units (five with hospitals, two with health centers, and one Indian medical center), all of which are located on or near the Reservation. In 1970, the Navajo area Indian Health Advisory Board was formally established by the Tribe, and through it the Tribal Council continues to press for improved health services and facilities on the Reservation. Despite their joint efforts, however, the health of the Navajo is comparable to that of the general population of the United States twenty to twenty-five years ago.⁷

The following table indicates the deficit health care situation existing on the Navajo Reservation; it is obvious that Navajos have fared worse than the general population of the country.

HOUSING. The traditional Navajo home is a six-sided, one-room, log dwelling called a hogan. While there are many Navajos now living in more conventional or modern type housing, the majority of the Navajo people still live in hogans. As a general rule, the hogan facility lacks electricity, running

TABLE I

Health and Medical Care Indicators
Navajo and U. S. — 1970

	Navajo	United States
Infant death rate, per 1000 live births	42.3	20.7
Incidence of certain infectious diseases, per 100,000 population:		
Tuberculosis	270.0	19.0
Rheumatic fever	90.0	1.6
Hepatitis	1,120.0	223.0
Life expectancy at birth (years)	63.2	70.5
Hospital beds per 1000 population	4.4	7.8
Physicians per 100,000 population	92.0	163.0

Source: U. S. Public Health Service, Navajo Area Office, Window Rock, Arizona.

water, and sewage connections. It is usually heated by a fire built on the earthen floor or in a small, wood-burning stove. Often, large families usually live in a single hogan; consequently, overcrowding is the common lot.

⁷The Navajo Tribe, *The Navajo 10 Year Plan*, McLeod Printing Co., June 1972.

In an effort to deal with a serious shortage of adequate housing, the Navajo Tribal Council, in April 1963, established the Navajo Housing Authority. The Authority was charged with providing the Navajo people with safe, sanitary, and decent housing. In April 1973, the Navajo Housing Authority indicated that 1030 new housing units had been completed between 1963-1972 and 970 during 1972-73.

Recent Tribal plans summarize the status of the housing problem:

To provide Navajo people with modern housing, 19,281 new housing units are presently needed. Of the 6,585 existing houses which have standard inside plumbing, 1,894 units now need repair and renovation.⁸

COMMUNICATIONS. The primary avenues of public communication on the Navajo Reservation are radio, television, and the newspaper. Within the last ten years there has been a gratifying increase in the number and the frequency of radio programs broadcasted in the Navajo language. The radio remains the main source of information and avenue of communication for the majority of the Navajo people. The distribution of newspapers having increased considerably, they are now also an important communications medium. Television is still primarily restricted to the more populated areas of the Reservation, since these areas are more often provided with electricity.

TRANSPORTATION FACILITIES. On the Reservation hard surfaced roads have been built primarily to provide dependable travel routes between the various government facilities (schools, hospitals, and governmental offices). Two east-west and two north-south highways cross the Reservation. Only 1,370 miles of roadways are paved; this is a little more than one-third of the ratio of paved roads to square miles in rural areas of the state surrounding the Navajo Reservation. There are no railroads crossing the Navajo Reservation; naturally, this creates an even greater necessity for a hard surfaced highway system. Aircraft landing strips have been built in various places; most of these are graded dirt surfaces and need to be regraded after most rains, snows, and sandstorms (few communities have grading equipment); few runways have lights, control towers, or any other modern airport facilities.

The lack of adequate communications and transportation facilities and services is manifested

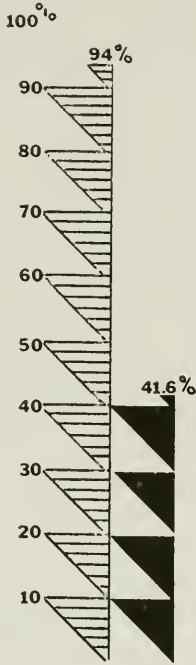
in many Reservation deficiencies: boarding school rather than day school education for children; minimal health care delivery services; lack of current information regarding activities on other areas of the Reservation; difficulty in operating social service programs; lack of industrial and commercial development; and the inability to attract and hold non-Navajo professional workers. While the Navajo Tribe is concerned about the problems associated with poor communications and transportation and is endeavoring to arouse greater public interest in efforts to obtain improvement funds, the Navajo Reservation remains one of the most communications poor and transportation starved sectors of the United States.

ECONOMIC DEVELOPMENT. After the 1868 Treaty was signed and the Navajos returned to their land, they quickly adapted to the economic potentials of the land restored to them. Sheep were the primary means of a livelihood and Navajo flocks grew steadily to support the increasing population. Much of Navajo land being semi-arid, caused Navajo families to soon make use of all the land where pasture and water could be found. For a time the needs of the increasing population were met by enlarging the Navajo's land area, but land acquisition practically ceased by the early 1900's. The increasing size of the population and herds of livestock put heavier and heavier pressure on this fixed land base. The grazing crisis of the 1930's, and the livestock reduction trauma which followed, finally made the creation of a more diversified economic base an absolute necessity.

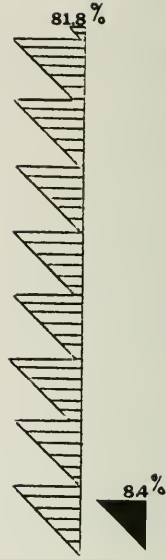
Navajo country has always been isolated from the main economic current of America, but still, growth can be ever so slowly observed. The reasons: traders came, the railroads brought jobs, and the federal work programs of the 1930's substantially impacted the Navajo economy. Later when World War II ended, Navajo War veterans returned with new technological knowledge. Then oil was discovered, creating a new series of occupations. Oil revenues provided funds for experimentation in economic development. By the 1960's the Tribe had begun to utilize its economic base somewhat more fully, and to seek protection for its natural resources.

Although substantial gains have been made during recent times, the Navajo economy has fallen farther behind. Chairman MacDonald's previously cited "Ten Year Plan" identifies some specific reasons for this lag, including severe erosion, conflict over water rights, poor road systems, depletion of natural resources, lack of job opportunities, and the need for more relevant educational opportunities.

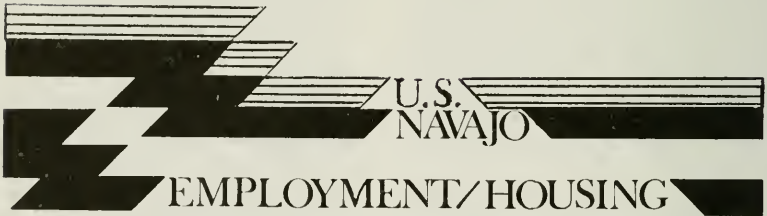
⁸The Navajo Tribe, *The Navajo 10 Year Plan*, McLeod Printing Company, June 1972.



TOTAL LABOR
FORCE EMPLOYED
IN 1970



HOMES WITH
STANDARD INSIDE
PLUMBING



SOCIAL SERVICES. Finding ways to fulfill the social needs of the Navajo people constitutes a paramount problem. The Navajo Tribe's social service program is in the process of being developed; its primary purpose is to supplement inadequate state and federal programs. A comprehensive social services system is badly needed.

An objective of the program is the development of the potential of Navajo human resources. Adherence to this objective is dictated both by the moral sense of the Navajo people and the exigency of their economic situation.

PUBLIC SERVICES. The Navajo Tribal Utility Authority, created by the Navajo Tribal Council in 1959 to bring electric power to Shiprock, has expanded into natural gas, water, and sewer operations. It is also increasing the distribution system for delivering electric service to the total Reservation. (In a few areas of the Reservation, Arizona Public Service Co., supplies electricity, and other companies market LP gas.)

Approximately sixty percent of Navajo homes remain without electrical service, and eighty percent without water and sewer service. (In off-reservation areas of the United States, ninety-nine percent of all homes have electric service, and more than ninety percent have running water and sewer facilities.) Navajo Indian families use kerosene lamps and haul water for many miles, and they will continue to do so until utility expansion programs are adequately financed.

Public services provided by local governments in the remainder of the United States include such functions as public safety, fire protection, law and order, environmental protection, and various others. Some of these public services are not found at all in Navajo country. These missing services must be secured and all other services need to be upgraded to support an acceleration in economic development.

EDUCATIONAL PROBLEMS

The most significant implication of having varying types of school system sponsors on the Navajo Reservation is the lack of an integrated educational system with common goals and responsibilities for providing quality educational services to Navajo children. Each educational program on the Reservation has its own hierarchal structure, levels of responsibilities, lines of authority, rules, regulations, procedures, and standards. The following is a brief overview and description of the various school programs.

MISSION SCHOOLS. There are many different religious groups operating twenty-two school programs and annually enrolling about 1,000 Navajo youth. A few examples are: St. Michaels (Catholic), Navajo Mission (United Methodist), and Rock Point (Lutheran). Each church group is responsible to its own religious organization for defining its school program. Policies, procedures, curriculum, pupil expenditures, teacher standards, and overall quality of educational services vary greatly from one mission school program to another. If the same church group operates more than one school program, policies may be similar for those schools but completely unrelated to any other church group's school program.

TREATY OBLIGATIONS — BIA SCHOOLS. In Article VI of the Treaty of 1868, it was provided:

"... The United States agrees that for every thirty children between said ages (6 and 16 years) who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher."

Efforts were then made toward the establishment and operation of schools on the Navajo Nation. It soon became apparent that it was virtually impossible to compel the Navajo children to attend school under the conditions of the Reservation life.

Around the 1880's, construction of Fort Defiance Boarding School was begun, with plans to take care of at least 150 residential students. Problems with funding and retaining a competent teaching staff hindered the school's progress. Very few children attended this school without running away at every opportunity.

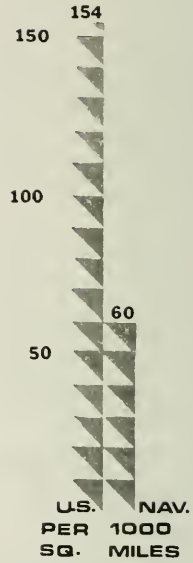
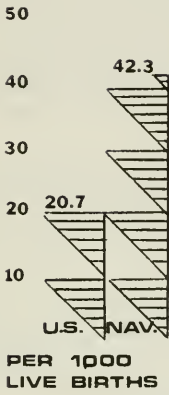
The 1900's saw schools being constructed at locations such as Tuba City, Leupp, Tohatchi, Shiprock, and Chinle; and, shortly thereafter, at Crownpoint, Toadlena, and Fort Wingate. Even with the introduction of schools within local areas, the formal education system made little impact upon the Navajos. They continued conducting their own educational process at home (these included traditional techniques of stock raising, weaving, and practicing cultural beliefs).

In the 1940's World War II introduced a much broader viewpoint of what was beyond the Reservation boundary lines. This resulted from the impact of returning servicemen and others who had

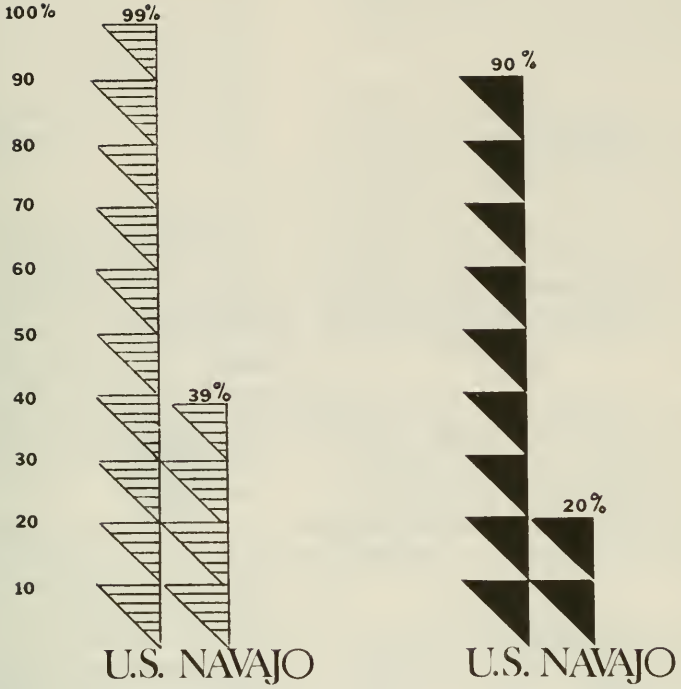
100 %

\$10,000

200 MI



MORTALITY RATE
INCOME PER CAP.
PAVED ROADS
HEALTH, INCOME & TRANS.



U.S. PUBLIC SERVICE
HOMES W/ ELECTRICITY
HOMES W/ WATER FAC.

left Navajoland to seek employment or other means to a different way of life.

About this same period of time, more studies and reports were undertaken by experts to identify the primary needs of the Navajo. It was often pointed out that the Tribe's increasing population required additional facilities to keep itself abreast of its educational needs.

In the 1950's, Congress enacted legislation, known as the "Long Range Act", to provide the Navajo Reservation and its people with educational facilities and opportunities. A "crash" construction program was started. The Bureau of Indian Affairs attempted to carry out its plans to make education available to all school age children. In its efforts, it directed the setting up of day operations, trailer schools, bordertown and Reservation dormitories, and off-Reservation boarding schools. Although there was increased enrollment (24,158 pupils in 1971-72), other problems were noted, especially those emotional and adjustment problems occurring as a result of the non-Navajo School environment.

Again, as with mission schools, the Bureau had its own organizational structure and lines of authority which differed from those of other educational systems on the Reservation. In addition, while individual Bureau schools may have differed somewhat in their utilization of specific materials, teaching techniques, and special services programs, they remained subject to the overall policies established at BIA Headquarters in Washington, D. C.

PUBLIC (OR STATE) SCHOOLS. Since the 1890's the public school education received by most Indian students has been subsidized to some extent by the Federal Government. Legislation was passed at that time authorizing the Office of Indian Affairs to reimburse public schools for the extra expense incurred with the enrollment of Indian children:

... In 1890, the Federal Government adopted a policy of enlisting the aid of the public schools, wherever possible, in the Indian education program. However, in view of the non-taxable status of Indian Reservation lands, State Departments of Public Instruction could not carry the burden of Indian enrollment without Federal aid. Although public funds were used in various manners after the turn of the century to assist public schools enrolling reservation Indian children, the greatest impetus to the public school movement was given by passage of the Act of April 16, 1934 (48 Stat.

596), commonly known as the Johnson-O'Malley Act. This piece of legislation authorized the Secretary of the Interior "to arrange with states or territories for the education, medical attention, relief of distress, and social welfare of Indian..." The Act was amended in 1936 to clarify and broaden its provisions somewhat. Specifically, the amendment provided (1) that the Secretary of the Interior could enter into contract with States, Counties or other political subdivisions, or with State universities, colleges or other types of schools for the provision of educational, medical and other services to Indians: . . .⁹

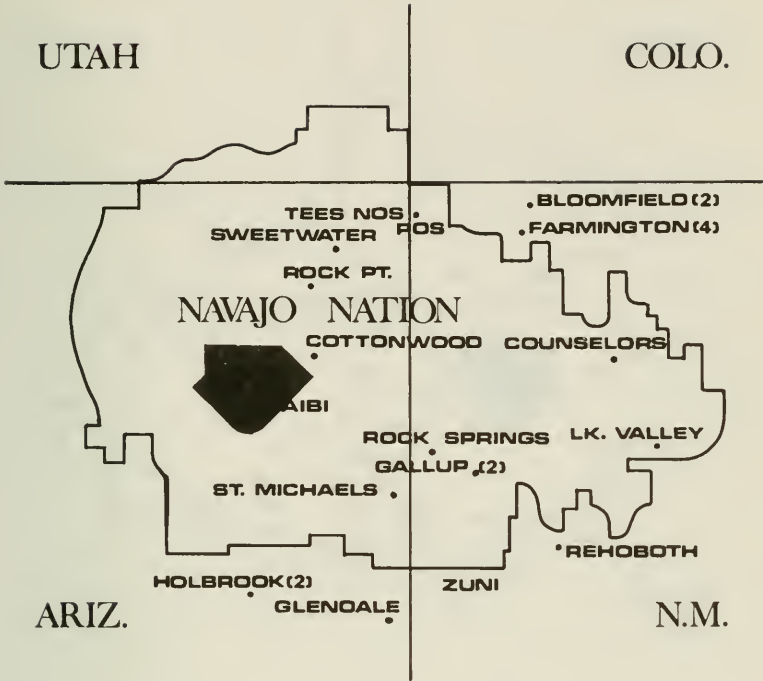
The 1940's were indicative of a preference for public schools; by 1972 the number of Navajo youth attending public schools numbered 29,804. The Navajo Tribe had recommended that federal schools be replaced with public schools on the basis that the two systems differed particularly in objectives, teaching methods, and curricula. Because the Navajo Reservation extended into portions of the states of New Mexico, Utah, and Arizona, it was necessary to negotiate with the state departments of education of these states. The states were not equipped, nor were they willing to operate a large system of boarding schools. They were, however, willing to assume responsibility for public school operation on the Navajo Nation at certain locations.

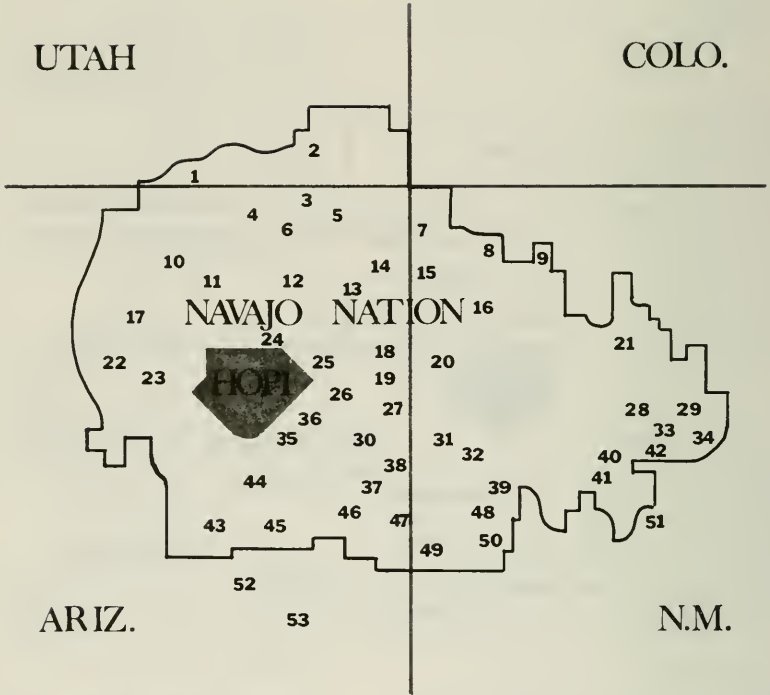
After some study of the situation, New Mexico accepted the transfer of the former federal day school at Mexican Springs. The school at Sawmill was taken over by the State of Arizona. Other transfers and the construction of new public schools followed these initial actions by the states and has allowed many additional children to attend school on a daily commuter basis. The first public school built on the Navajo Reservation with funds appropriated under Public Law 815 was opened at Fort Defiance, Arizona, in 1954.

In a 1973 Department of the Interior news release, it was reported that a six-month, nationwide, BIA-funded study of the school construction needs of public school districts serving Indian students was underway. The release further pointed out that:

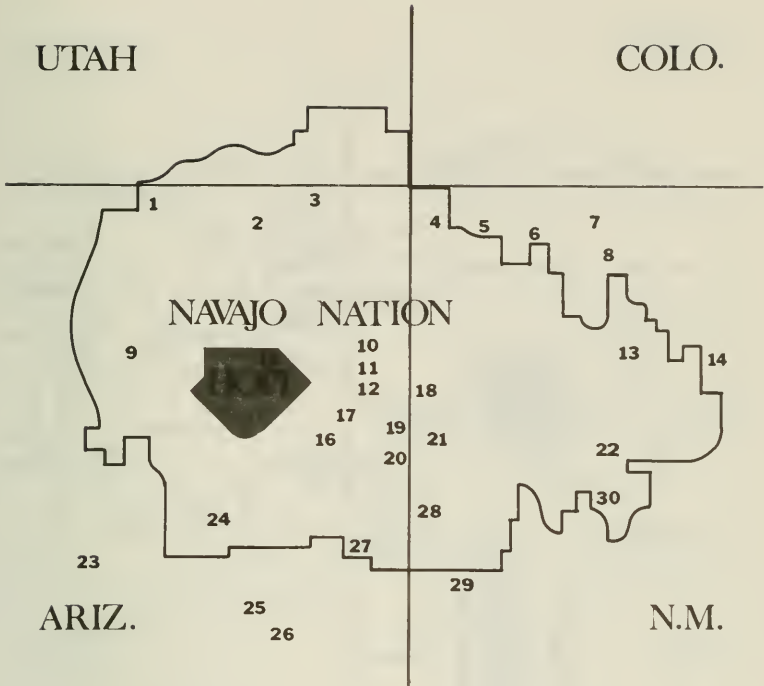
"in a preliminary study, the Gallup School District, a public school district in New Mexico (where many Zuni and Navajo children are educated), was found to have the greatest need of any single district. At the state level, Ari-

⁹The Navajo Yearbook, Report No. VIII, 1951-61, p. 52.





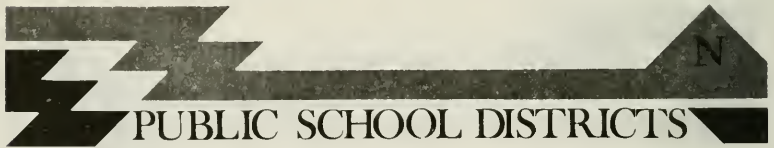
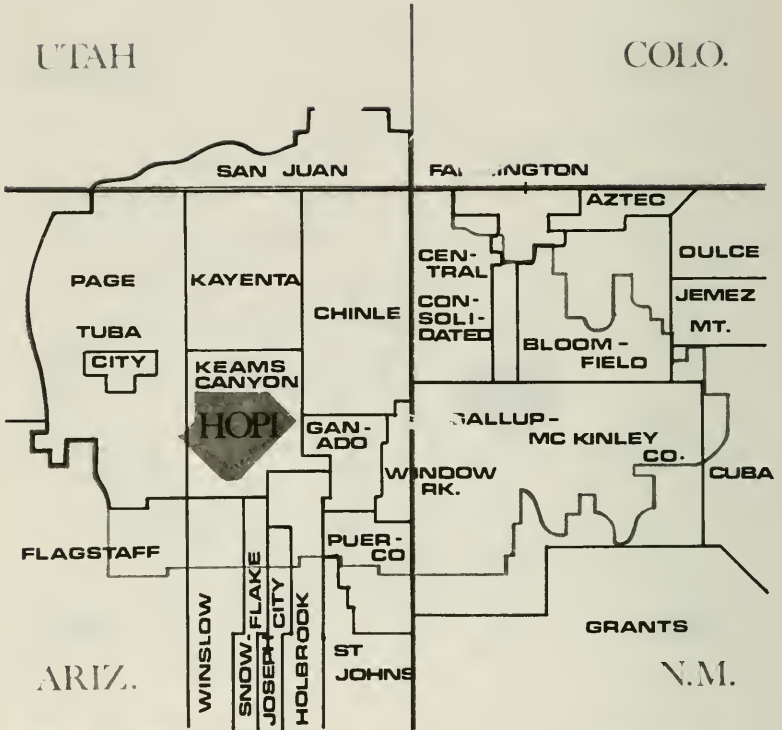
SEE APPENDIX D
B.I.A. SCHOOLS (53)

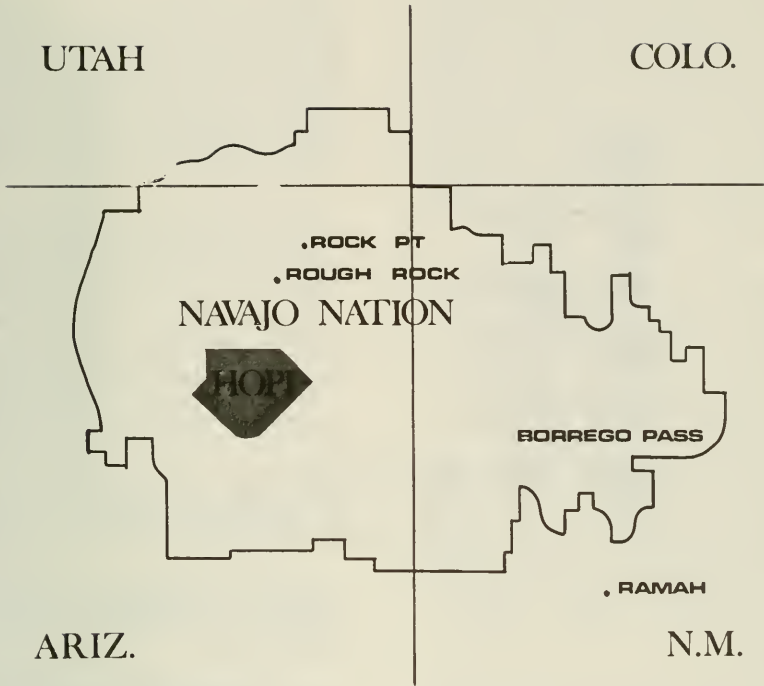


SEE APPENDIX D

PUBLIC SCHOOLS (30)

A decorative graphic at the bottom of the page. It features a stylized, jagged 'Z' shape on the left, a horizontal bar in the middle, and a triangle on the right containing the letter 'N'. The text "SEE APPENDIX D" is positioned above the bar, and "PUBLIC SCHOOLS (30)" is positioned below it.





zona was found to have the greatest overall need."

COMMUNITY-CONTROLLED SCHOOLS AND PROGRAMS. The four community-controlled schools on the Reservation (Rough Rock, Borrego Pass, Ramah, and Rock Point) are currently enrolling a total of 946 students in grades kindergarten through twelfth. These incorporated schools are Navajo controlled and operated. They were started under special contract arrangements with the Bureau of Indian Affairs and approved by the Navajo Tribal Council. Each of these recently organized schools has its own school board which establishes the policies, procedures, and standards for that school. While each of these schools shares common goals and similar organizational structures, each is a separate entity and is directly responsible to its own governing board and local community. In addition, each of these schools has some responsibility to the Bureau of Indian Affairs in terms of specific contract agreements, but is not controlled by, nor directly subject to overall Bureau policies.

TRIBAL PROGRAMS. The passage of the Anti-Poverty Bill by the United States Congress in August, 1964 provided an opportunity for the Navajo Tribe to establish community action programs on the Reservation. On April 7, 1965, the Advisory Committee of the Navajo Tribal Council passed a resolution (ACAP-36-65) which formally established and approved the operation of Office of Navajo Economic Opportunity (ONEO).

The "Headstart" program is one of ONEO's child development programs. It presently serves 2040 Navajo children (four and five years of age) at 102 sites on the Reservation. Since 1965 it has served approximately 13,880 pre-school children. In this program the child's environment is used as a laboratory for learning experiences, and his culture and language are important elements in his development. Every opportunity is made for the parents to become involved in the school and its activities.

"Homestart," which is the only Indian "Homestart" program in the United States, is also operated by the ONEO Child Development Program. "Homestart" started in June, 1972 and is an early childhood learning program which basically takes Headstart into the home. With "Homestart," the parents are considered to be the most effective teachers of their children. In 1972-73 ninety-three children were enrolled in this program.

While the Navajo Tribe is responsible for the success of these programs, and provision of qualitative services to children, the Tribe itself must observe Federal regulations and guidelines which pro-

vide the basis of funding for Headstart, Homestart, and Day Care programs. Again, another system — again, different rules, regulations, standards, and procedures.

IMPLICATIONS OF CURRENT EDUCATIONAL SITUATIONS

THERE IS NO UNIFYING SYSTEM. All the educational programs operating on the Navajo Reservation directly affect the Navajo people and their children. Yet, each of these school programs operates within and is responsible to its own organizational structure and not to the people who are most directly affected. Admittedly, the various agencies have made cooperative gestures with each other; but, in reality, no consistent policies or common goals have been established.

The end result is the present series of fragmented educational efforts with no common framework oriented to, or directly responsive to, the unique educational needs of the Navajo people.

THE NAVAJO PEOPLE DO NOT CONTROL THEIR EDUCATIONAL DEVELOPMENT. In consideration of the matter of control of educational programs and services, the Navajo Nation can be likened to a private household whose neighbors (well-intentioned as they may be), are trying to run the affairs of that household without consulting its family members.

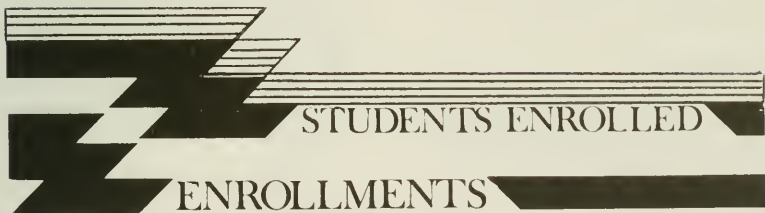
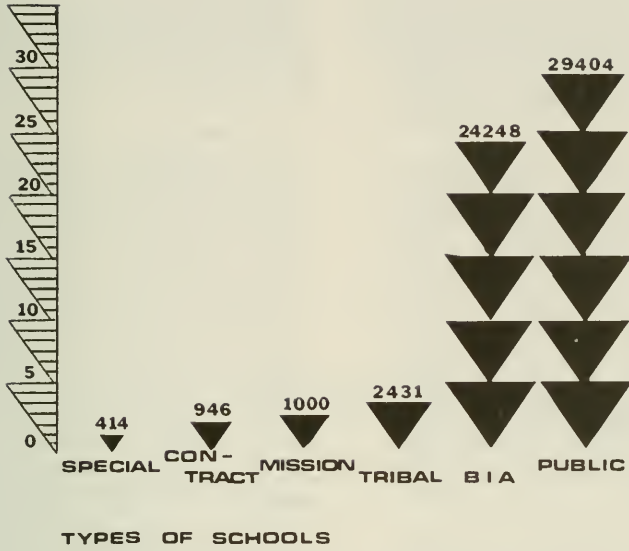
The Navajos, in essence, have a very small voice in, but no control over, that matter which is a critical ingredient to continued growth and future development — the education of Navajo youth.

As a result of the lack of control over their educational destiny, the Navajo people find themselves faced with the dilemma of being provided educational services that are disparate to their unique educational needs.

LINGUISTIC AND CULTURAL. The following citation from the 1969 Special Senate Subcommittee on Indian Education addresses the inadequacy of educational systems on the Reservation in meeting the special linguistic and cultural needs of Indian children:

"... the typical school feels that it is its responsibility not to teach skills, but to impress the 'alien' Indian with values of the dominant culture ..."

SOCIAL — FAMILY. From the same document we read:



... Teachers, textbooks, and curriculum, therefore, are programmed to bring about the adoption of such values of American life as competitiveness, rugged individualism, and success. But for the Indian whose culture is oriented to completely different values, schools become the source of much conflict and tension. He is told he must be competitive, when at home he is taught the value of cooperation. At school he is impressed with the importance of individual success, but at home the value of good interpersonal relations is emphasized."

ECONOMICS. One of the purposes and responsibilities of an effective educational system should be to assist, guide, and provide training to young people — training which is relevant to the economic status and needs of the society from which the young person comes and is likely to return. This is one of the major educational deficits existing on the Reservation today.

While the technological growth and development of the Navajo Reservation is more limited and has comparatively fewer job opportunities than the nation as a whole, there still exist vast discrepancies between the needs of the Tribe and what young people are trained or encouraged to do. For example, the medical and health needs of the Reservation are enormous; and yet, there is only one Navajo doctor, and some Navajo nurses and technicians. While there is some general encouragement given to students to enter these professional fields, most schools on the Reservation do not provide the basic training and orientation necessary to lead young people into the various areas of health and medicine. Where are the Navajo teachers, special education personnel, social workers, child care workers, planners, development specialists, program planners, etc.

In order for the Navajo Nation to continue to grow and develop economically, there must be a direct relationship between the developmental needs of the Tribe and the kind of job orientation and training provided to young people.

RELIGIOUS-PHILOSOPHICAL.

... The teacher complains about the Navajo youth not being motivated, but how can he be expected to be motivated when to do so means rejection of his parents as well as their teachings, his religion, his race and history."
(1969 Special Subcommittee on Indian Education)

In another research report, a 1970 national

study of American Indian education by Robert J. Havighurst of the University of Chicago, charges are made that many Reservation schools utilize curriculum that rejects or attempts to eliminate the Indian heritage of the child, and calls upon schools to recognize the special needs of Indian youth and to develop curriculum to meet those needs.

ALIENATION TO EDUCATION. Probably the most devastating result of the last one hundred years is the degree to which Navajo children and adults have been alienated against education. This monograph includes many reasons for this development. One of the early views leading up to these problems was written in 1863 when Brigadier General James H. Carleton arrived in New Mexico and wrote a position on the educating process he felt was needed for the Navajo people. The statement is as follows:

... "To gather them together little by little on to a reservation, away from the haunts and hills, and hiding-places of their country and then to be kind to them. They teach their children how to read and write; teach them the arts of peace; teach them the truths of christianity; soon they will acquire new habits, new ideas, new modes of life; the old Indian will die off, and carry with them all their longings for murdering and robbing; the young ones will take their places without their longings; and thus little by little they will become a happy and contented people, and Navajo wars will be remembered only as something that belongs entirely to the past."¹⁰

This type of thinking has haunted the education of Navajos for 100 years. Statistics show that achievement has not occurred as a result of such educational efforts.

There are so many things in the schools that one can still cite as being alien to the Navajo. Any one difference between teacher and student beliefs might become a cause for increasing alienation (differences in dress of teachers as compared to the dress of parents and family; differences in personal choices of home styles, employment, religion, and social activities; the assumption that everyone must speak English; and, the inability to comprehend the complexity of Indian language or skills acquired in the native language).

Frequently, when students do not succeed in schools because of loneliness, frustration, lack of

¹⁰James H. Carleton to General Lorenzo Thomas, September 6, 1863 in U. S. Congress, Senate Joint Special Committee, "Conditions of the Indian Tribe," 39th Congress, 2nd Session, 1866-67, Report No. 156, P. 134.

familiar food, friends, or lack of family ties, schools place the blame on the student dropping out, or on his parents. Such students might be referred to as "going back to the blanket" (going home), and other such derogatory remarks might be used by school staff members to make degrading inferences about dress and the mannerisms of traditional Indians.

The report by the National Indian Youth Council (with the Far West Laboratory) entitled "Who Should Control Indian Education," concludes that:

The crucial problem in the education of American Indian children is the general relationship between the white society and the Indian people. This relationship frequently

demeans Indians, destroys their self-respect and self-confidence, develops or encourages apathy and a sense of alienation from the educational process, and deprives them of an opportunity to develop the ability and experience to control their own affairs through participation in efforts of local government.

In summary, the relevancy of education in meeting the unique, linguistic, social, cultural, and economic needs of the Navajo people is a critical issue and a matter of paramount concern. If all men are guaranteed the right to an equal educational opportunity, does this not also include the Navajo people? Does the Navajo have any less right to direct his future than any other citizen?



3 EDUCATIONAL ALTERNATIVES



History has left the Navajos with many major problems. In many ways these problems parallel those of most of the developing nations being assisted by the United States Agency for Independent Development and the World Bank International Bank for Reconstruction and Development. The problems cut across all walks of life and all fields of endeavor; the most serious impediments to the development and the happiness of the Navajo people were discussed in preceding chapters.

Just as the developing nations (e.g. Nigeria, Colombia, Brazil, and Thailand) are doing (with considerable American financial assistance), the Navajo Nation is placing deep faith in the positive relationships existing between education and socio-economic growth. In fact, U. S. governmental agencies, Congress, religious organizations, universities, state governments and numerous other institutional bodies have expressed this belief time and time again by funding, establishing and operating educational functions on the Navajo Nation.

This chapter of the monograph is devoted to an exploration of the principal educational delivery systems utilized to date on the Navajo Nation and the introduction of what might become the next refinement.

ALTERNATE #1: CONTINUE THE EXISTING

As one can comprehend from the complexity of the Navajo Nation's educational problems, there are several alternatives which might be used to try to solve the problems. The first reasonable alternative that ought to be considered is the continuation of education as it currently exists. The reason why one must consider this alternative with such importance is because some Navajo people are content with the education their children receive.

Existing educational activities of an elementary and secondary nature are numerous. Our concern is only with the formal ones; there are four such programs which are of concern to the Navajos:

1. BIA schools
2. Public schools
3. Mission schools
4. Contract schools

It is well known that Indians are not satisfied with BIA schools. This is a fact of such long standing that it is major concern. Unfortunately, in reviewing the over-all performance of Indian students there appears to be little performance dif-

ference by Indian children attending public schools or Bureau of Indian Affairs schools. Neither school system seems to adequately meet Navajo needs.

The state educational systems serving Navajos do recognize their inability to provide a meaningful education to Navajo students, but little attempt has been made by any of the educational systems to work cooperatively with any of the other involved statewide systems to implement educational programs for the common good of Navajo students.

In attempts to overcome this inability, state and local educational systems have applied for federal funds to initiate the development of programs, materials, etc. In many cases these same programs have already been developed by another school on the Navajo Reservation. As a result, there is constant overlapping and duplication of effort by the existing districts, no one major system is available to coordinate and lead all educational systems on the reservation. These conditions will continue to exist and Indian students will continue to suffer and be deprived of a relevant, high quality level education, if present educational activities are encouraged to continue without modification.

It goes almost without saying, that existing programs are badly fragmented. This is as true administratively as it is instructionally. One church has one set of standards; another church another set. The same can be factually stated for the three states, the public schools, the four contract schools and the BIA schools. Nothing is done to see that all Navajo children receive something common.

ALTERNATE #2: UNIFICATION UNDER ONE OF THE EXISTING, FORMAL PROGRAMS

There are now four formal educational programs operating at the elementary and secondary levels on the Navajo Nation. Of these, three hold no possibility for unifying all Navajo education under their sponsorship or their administration. These three are: 1) BIA schools; 2) mission schools; and 3) contract schools. Perhaps the reasons are self-evident; in summary, BIA has been trying for a long time to educate the Navajo, and it has been unsuccessful; mission schools have never filled a major proportion of the need and are retiring from the scene — there seems to be no question that none of the churches supporting mission schools on the Navajo Nation would be willing, even if able, to financially undertake the mammoth task of funding all of the public educational requirements of the Navajos. Contract schools provide local commun-

ity control, but by design represent individualistic efforts to demonstrate Navajo competence; they do not pretend to be the panacea for Navajo education. This leaves the Navajos with one other potential unification agent, namely, the public schools.

There are many great public schools in the U. S. Navajos have probably visited a thousand or two of them. None of them, however, had curricular programs which were more than tokenly responsive to some of the critical concerns of the Navajo; none of them was deeply interested in the growth and development of the Navajo society.

The public school systems involved with educating Navajos are regulated by three different states (Arizona, New Mexico and Utah). All of these states have been members of the country for over fifty years. None of the three states can be described as "backward" or "underdeveloped." New Mexico, perhaps the most impoverished of the three, has within its boundaries the White Sands Missile Range, the Los Alamos Laboratories and the Sandia Corporation; these organizations contain brain power and technology which are the envy of all other states in the U. S.

In recent years the BIA has attempted to shift its Indian education responsibility to state governments. This effort is understandable; in recent years Navajo children have forsaken BIA schools (only 35%, compared to 90% about ten years ago, currently chose to attend BIA schools) for other forms of education.

The three states which should be most interested in Navajo education have long exclaimed their inability to fund such a tremendous responsibility. This was most recently revealed on a national basis when the key professional organization of the state superintendents of public instruction, the Council of Chief State School Officers, released the results of a project; the thirteen page Arizona section of the report mentions Arizona's Indian population in one brief, three-sentence paragraph; the sixteen page New Mexico section makes one "left-handed" statement related in an incidental way to Navajo children; the twenty-six page Utah section makes no mention whatsoever of a state department interest or concession for any Indians.¹¹ Admittedly, these state departments could say that the federal government was responsible for the education of Indians living within the boundaries of their states. They can say the same for federal highways, airports, water sheds, forests, defense plants and national parks. It must be challenged,

in the case of human beings, however. What human compassion has been shown by the state education agencies of Arizona, New Mexico and Utah for Navajo children?

A more recent publication of the Institute for Chief State School Officers never even mentions Indians, not even once!¹² If the two latest major reports of state superintendents of public instruction give so little attention to even writing about Indian education, how can the Navajos look forward to the three state agencies involved within its geographical area to unifying Navajo education?

The goal of BIA (to shift the expense of Navajo education to Arizona, New Mexico and Utah) will never be fulfilled. Likewise, it can now be reported that the ability of these three states to join together in meeting the needs of the Navajos has been "nil." After more than fifty years of statehood, not one of the states can identify a major elementary or secondary educational program, jointly supported by the three states, which has been a program highly supportive of Navajo education. As is well-known, the attitude is, "Let the federal government do it; the Indians are their problem."

It appears quite certain that control of Navajo education by three state departments of education will only continue to lead to three separate systems of education for one group of people. The possibility of obtaining a unified educational program for Indian youth appears impossible, at least for the current generation, under the sponsorship of the states. These three states obviously don't want to assume the added expense of educating 40,000 Navajo children, especially since most of these children live in remote, isolated areas generally not served by modern highways.

ALTERNATE #3: UNIFICATION OF EDUCATION BY THE NAVAJO TRIBE

The Navajo Nation is a distinct cultural, social and geographic entity separate from any other. A common bond of language unites the people. Their social system reflects this uniqueness. These people, "Diné," have established life patterns which are different from other American city dwellers and farmers.

Students starting school on the Navajo Nation generally speak little if any English. A home visit

¹¹Education in the States: Historical Development and Outlook; Ed. Jim B. Pearson and Edgar Fuller, NEA, 1969.

¹²The Governance of "State Education Systems: Pressure Problems and Options"; Ed. Kenneth H. Hansen, Institute Director, 1972.

from a non-Navajo teacher is impossible without a translator and a pick-up truck or four-wheel drive vehicle. At the family camp, the teacher cannot expect to sit for a friendly chat, sip tea, discuss the child and leave; he (or she) must try to develop an understanding between himself and the parent about why the child only got a "B" in European geography.

There is a uniqueness about the Navajo Nation which cannot be duplicated anywhere else. As different as Red Rock is from Phoenix, Red Rock is also different from Rock Point. These individual variations must also be considered in establishing educational programs.

When the American school pattern first developed, its base was the community it served. Thus, a person who could work in the three "R's" might assume the role of master (teacher) for several hours per week. Schools were built later as teachers became available. Usually the teachers were those who attended one of the early colleges of Yale, William and Mary or Harvard. The earliest teachers were first trained as preachers and only secondarily as teachers. Normal schools, or teachers colleges, evolved only later.

The need for uniformity was realized. It first came from universities wishing to establish minimum entrance criteria or persons. The results were the development of standards and criteria, issuing certificates, and diplomas, usually along the lines established by state legislatures.

Education took on a true national complexion when the landgrant colleges were established. The teaching of agricultural subjects became the basis for funding one type of university and not another. Different types of schools evolved and these later grew into universities and large university systems.

Yet this evolution had a common thread; the students were predominantly from English speaking homes, usually from the more affluent as only they could afford such luxury, both in time and money. As immigrants and their children became acculturated, they too could enter college if resources were available.

Universal education became the standard. Only recently did this lead to a desire for equal educational opportunity for all regardless of race or cultural background. It was recognized that some groups had unique languages or cultures that needed to be taken into account. To accommodate these people, bilingual-bicultural education was established; for example, Spanish speaking students have finally gained an edge in their educational careers.

Instead of only hearing standard English from members of other races than their own, they also began to hear Spanish from a Chicano.

The Navajo still shares some of the same problems in many unique ways. The Navajo Nation was settled in the Southwest long before the first immigrants came. Their members were identifiable by a common language and culture and the lands they settled were, as a result, easily definable. The Navajo Nation as it exists today, is larger than at least eight states within the United States of America.

The common language, common culture and common destiny bonds the Navajo people into an able body to assume their civil responsibilities.

The Navajo people at present continue to depend on outside groups for defining and controlling the quality and quantity of education offered to their children. But now, parents are becoming active and increasingly participate in their schools, not only the public schools, but also the community controlled and the mission schools. Parents are also becoming more active in other community functions.

One major obstacle to genuine and full local involvement in Navajo education is that while the Navajo Nation is clearly definable by its geographic boundaries, these boundaries cross the artificial divisions created by imposed state lines. Three states (Arizona, Utah, and New Mexico) and the federal government (BIA) have a hand in the operation of Navajo schools.

Policies which are established by these states, out of necessity, cover the general problems of each entire state. The public schools are bound legally and financially to abide by the policies set up in their respective state capitals. In the case of New Mexico, a decision by the State Board of Education affects every child in an Albuquerque public school, the children in the public schools of the Pueblo Indians, as well as the children in Navajo attending public schools. These rulings, however, extend only to the state line and exclude the children in the New Mexico located Bureau of Indian Affairs schools.

A similar situation exists in each of the other three states, creating for the Navajos a series of educational programs often guided by confusing variation in policies and regulations. To strengthen education for Navajo youth, a unifying force is needed.

This is the third alternative. It is the only viable method for really strengthening Navajo ed-

ucation, and hence Navajo socioeconomic growth and development. The establishment of a Navajo Tribal Education Agency is now proposed, an Agency to work cooperatively with the states in unifying their educational requirements and support programs intended for Navajo youth, to establish Navajo related programs and curriculum, to elicit from Navajo people educational standards for Navajo youth, to unify the extensive efforts of existing non-public educational institutions, and to be the direct link between the Navajo Nation and federal agencies concerned with education.

The purpose of establishing Navajo control over these schools needs to be clarified. It is not being proposed that the Navajo Tribe should operate these schools. It is strongly felt that in order to accommodate the individual differences of communities, local schools should be run by people from the local communities. The Navajo Tribal Education Agency would be primarily in a position to set guidelines for teacher standards, subject standards, program standards and support (e.g. facilities) standards. Some local schools, due to their size, might depend on the Tribal system to provide basic support services (e.g. central financial management, cooperative purchasing combines, and multi-community teacher training programs.)

These services would be in support of local schools, allowing the schools to develop curriculum along the guidelines established by the Navajo Tribal Education Agency. Tribal standards would start with a statement of goals followed by individual objectives. There would be an emphasis on Navajo language and culture, and a developmental program whereby English would enter the classroom in a manner best adapted to Navajo students. Provisions for certification of teachers would clearly reflect the needs of the Navajo people.

The most important service the Navajo Tribal Education Agency might provide is technical assistance. Resources of materials and manpower could be made available to schools which are not financially able to employ these services. This includes development of new programs and grant proposals and the support of these functions.

SCOPE AND NATURE OF THE

RESPONSIBILITIES OF THE PROPOSED

TRIBAL EDUCATION AGENCY

Three optional responsibility levels are obvious. The Tribal Educational Agency could play a review and advisory role, a selective general manage-

ment role, or a full management role. The fundamental advantages and disadvantages of each of these roles, leaves one with an easy decision, the only role which will meet Navajo needs is that of full management.

TRIBAL REVIEW OF POLICY AND FINANCE. This alternative to the current status of education on the reservation is that of establishing a mechanism whereby a Navajo Tribal Education Agency would function in a review capacity in matters concerning educational policy and finance.

This alternative would involve the establishment of agreements between the Navajo Tribe and the State Departments of Education of Arizona, Utah, and New Mexico, and between the Navajo Tribe and the Bureau of Indian Affairs. The agreements would enable the Tribe to review the educational and financial policies of the respective agencies.

While this alternative seems to be viable, its greatest drawback lies in the implicit passivity of the Tribe in the role of review agent. A simple review capacity would not enable the Navajo people to participate in the initial formulation of educational policies, or in the initial discussions regarding the assignment of financial expenditure priorities.

The present trend of greater parental and community involvement in local schools indicates a desire of the Navajo people to be actively and directly involved in all phases of the development of qualitative and relevant educational services for Navajo youth. A more passive role or function in educational affairs would not satisfy this desire of the Navajo people.

SELECTIVE GENERAL MANAGEMENT. There remains the possibility of selecting certain educational functions for management by the Navajo Tribe. This selective management would include the Navajo Tribe setting some education policy and educational standards; the community controlled schools might be the first group to participate in this selective management program of the Navajo Tribal Educational Agency. There is the possibility of negotiating with the Navajo public school boards to get their cooperation in complying with Navajo educational standards and policy. These are steps that the Navajo Tribe might take in a selective take-over of Navajo education.

This process, however, does not sufficiently address Navajo education problems (such as overlapping jurisdiction of education agencies, duplication of education effort, lack of relevant curriculum, use of standardized and non-Navajo testing

materials), and most important of all, it lacks in providing a mechanism that would provide for meaningful educational input from Indian communities.

A FULL MANAGEMENT ROLE. Navajo Tribal responsibility for all of its education is an alternative that is not commonly discussed. It should be. The Tribe could assume a full management role. This could occur with the Navajo Tribe negotiating contracts with each of the state education agencies responsible for education in Arizona, New Mexico, Utah and the Bureau of Indian Affairs. The conditions of these contracts would be dependent upon the kind of funding each agency was willing to provide. The level of funding would have to be given full consideration especially in relationship to whether or not it would be possible for the Navajo Tribe to supplement or provide funding if full funding for education was not provided by the states and the federal government. This process, regardless of the funding level obtainable, poses a number of critical issues. The process of contracting annually for funds would not alleviate many of the education problems mentioned in this monograph. It would place the Navajo Tribe annually at the discretion of the contracting agencies. The Navajo Tribe's education department would become accountable to the existing education agencies and would not be a free agent. There exists the possibility that unless the three states and the BIA could come to some common agreement about policy and standards, the Navajo Tribe would end up operating four distinct and different, educational programs; this would be very similar to the existing situation.

All of the foreseeable alternatives, except a full management approach, have been tried, and tried, and tried. None have met the Navajo needs. The full management alternative is the only effort which has not yet been attempted. It now seems to be a reasonable time to operationalize this concept. It seems to offer the only futuristic approach to a national education problem that will otherwise continue to deprive 130,000 citizens of educational opportunity on a basis reasonably equal to that of other U. S. citizens.

The desire to increase Navajo responsibility for Navajo education is a growing concern on the Navajo Nation. This concern was most pertinently verbalized by Howard Gorman, Chairman of the advisory board to Project Hope's Navajo health service programs, Navajo Tribal Councilman, and member of the governing board of Navajo Community College. The speech, "Bilingual Education: Its History and Its Challenges" was addressed to Navajos attending the January 17, 1973 conference

of *Diné Bólta'*, the Navajo educational association. The full text of speech follows:

"Mr. Chairman, ladies and gentlemen.

It makes me very happy to have this opportunity to talk to you about bilingual education. During my life I have seen many changes in Navajo education. These have been good changes.

I am not only talking about more children in school.

I am not only talking about more and better schools.

I am not only talking about more and better teachers.

I am talking about greater Navajo control and greater involvement of Navajos in Navajo education.

Originally, Navajo education was something forced upon us. It was something that divided parents from children. It was something that had as its major objective the destruction of Navajo language and Navajo culture. It was Navajo in name only. Many of our people went through such an educational experience. Many of our people lost their culture and language in the process of getting an education. We were told there is no other way: there is no better way. This kind of education existed on the Navajo reservation and still exists in some places and in some schools.

The 1950's saw the beginning of a change. In the 1950's real Navajo education was born. Dillon Platevo became the Chairman of the Navajo Education Committee. Under his leadership the conferences on Navajo education began. Under his leadership Navajos began to get involved. They began to realize that Navajo education belonged to the Navajo and not to people in Washington or Phoenix or Santa Fe.

Later, Allen D. Yazzie became the Chairman of the Navajo Education Committee and Navajo involvement continued and expanded.

In 1965 the Navajo Tribe wanted to try an experiment in Navajo Education! They wanted to see if Navajo people could truly control a Navajo school. Out of this desire was born the Rough Rock Demonstration School. Rough Rock clearly showed that Navajo people, even

those with little or any formal education, could control and direct their own school — and do it better than anyone else.

Out of this small and humble beginning we are witnessing many other successes in Navajo education: Navajo Community College is an outstanding example. This fall the College had an enrollment in all of its programs of over 670 students. Construction contracts totaling over \$10 million have been awarded and soon a new campus will be ready at Tsaile.

Borrogo Pass is another example, so is Ramah, Rock Point and there are others and there will be many many more.

Why do I say that there will be more schools like Rough Rock, Navajo Community College, Borrogo Pass and so forth? Because one can not and one should not stop the movement of Navajo education toward the goal of Navajo control.

Those individuals and those schools which do not support Navajo control must as surely disappear as the snow disappears in the Spring time. Nothing, absolutely nothing can prevent Navajo people from controlling Navajo education.

There are at least two reasons why Navajo control is not only inevitable but also desirable. First, the principle of a democracy demands that schools serving a community or an area be controlled by the people they serve and second, the curriculum must reflect what the people and community served want and not what someone else thinks is necessary.

What do Navajo people want in their schools? I think they want schools that teach in a positive manner Navajo language and culture. I think they want Navajo history taught from Navajo textbooks. I think they want their children to learn in a climate in which the children are respected as well as their homes and parents. I think Navajo people want quality education contained in a system that allows for individual differences and interests.

Do we have this kind of education yet? The answer is only in a few places. In most schools we find administrators and teachers unable or unwilling to adopt the schools into what Navajo people want.

Too often we hear the excuse: 'The schools

are to teach the whiteman's way. The home is the place to teach the Navajo way.'

This excuse is heard throughout the reservation. I've heard school administrators say it from Fort Defiance, Ganado, Chinle and Kayenta. So have you!

We must not tolerate this kind of an excuse. Education is the way whereby a people carry on their culture. If our schools do not teach our culture, our culture will die! It's that simple. It's that tragic! You do not see American history teaching being limited to the home. You do not see the English language being limited to being taught in the home. You do not see English literature being limited to being taught in the home.

Yet you hear school administrators telling us that anything Navajo should not be taught at school but rather at home. This is wrong!

Another excuse heard frequently is: "We would like to add Navajo language or Navajo history to the curriculum but we can't find qualified and certified teachers." Too often when we hear this excuse we back off and accept the excuse. This is wrong!

Either the statement (excuse) is true or it is false. If it is true then we have two choices — change the rule or change the system. When I say change the system I am talking about establishing a total and complete system of Navajo education. No longer would we have public schools or BIA schools but rather we would have Navajo schools as a part of a Navajo system of education.

If the statement is false then we should ignore the excuse. To me it is one of the most dangerous and vicious excuses.

I have done some limited research into the matter. I have asked certain people at Navajo Community College to do some research for me. And I believe the statement is false: If Navajo people stand united for Navajo history, culture and language to be taught in all schools enrolling Navajos, I believe this can be done and I believe this should be done.

There is another area of Navajo education that has received attention lately. These are programs in which the language of instruction is Navajo.

Why are there so few of these bilingual programs? Research has shown that learning is

more rapid and more complete when the learner's own language is used as the language of instruction. Research has also shown that after learning in one's own language one can more easily and more successfully learn another language. Yet bilingual programs are the exception rather than the rule. Why?

The answer lies in the fact we, the Navajo, do not yet control our own education. Also we must remember those few Navajos who believe all things Navajo are bad and who fight any effort to bring Navajo into the classrooms.

Let me make something very very clear. I am talking about Navajo control: I am not talking about Navajo isolation or segregation. We live in a world that is changing. We are also changing. It would be foolish as well as impossible to try to isolate the Navajo — eliminate all Anglos and bring back the buffalo. I would not want to even if it were possible.

In Navajo stories we all are one people. There must be respect, cooperation, understanding and love between all people.

Our hearts must be full of love. Our hearts must be full of faith. Mankind must learn to live together — associate with each other. On the Navajo reservation we have an opportunity for whites, blacks, browns and reds to work together and play together.

Armed with knowledge and pride in our culture and heritage we extend the hand of fellowship to those of other races and religion. Together we walk, together we march to brighter tomorrow!"

By late 1960's and early 1970's the Navajo people had developed a strong nationalistic spirit which continues to grow each year. An indication of this rise of Navajo pride is seen in the establishment of a Navajo flag, a bill of rights, written Navajo history, the incorporation of 1968 centennial as a "nation" and the recognition of the Navajo Tribe as the Navajo Nation. The ten year plan now being pursued by the Navajo people asserts that the Navajo living standard will be upgraded through Navajo self-determination and autonomy. Navajo managed agencies include colleges, utility companies, private businesses and federal programs. These are multi-million dollar operations.

The concluding chapter of this monograph assumes that the Navajos have adequately demonstrated their ability to manage Tribal affairs, that Navajo education is in a horrible state because present arrangements restrict adequate Navajo managerial involvement and that a Navajo Tribal Education Agency should be established and made responsible by the Tribe for improving Navajo education. The organization, goals and functions of this agency are the topic of the next and concluding chapter in this monograph.



4 THE TRIBAL EDUCATION
AGENCY



THE EDUCATIONAL PROBLEM

The educational programs currently administered for Navajos do not begin to prepare Navajo youth to acquire the basic socioeconomic knowledge and skills needed by the Navajos. The reasons are numerous: program content is unresponsive of the continued growth and development of the Navajo culture; only token bilingualism is practiced; elementary and secondary education efforts are disjointed, governed by a variety of non-Navajo groups and not coordinated by any agency; Navajo involvement in guiding and controlling their education is spotty and generally not genuine, nor in-depth; perhaps most important of all, Navajo children find it difficult to respect parents who cannot do simple things like managing local schools and protecting their children from having the Navajo culture downgraded in school classrooms. If children cannot respect their parents, can parents have self-respect?

To maximize the benefits which can be secured from education, to do what other school districts and their communities have done throughout the country, to do what the U. S. State Department and the World Bank are helping other peoples to achieve in developing countries throughout the world, the Navajos need to create an educational system which is congruent with their basic philosophy. Navajos need to be sure that a sufficient number of the educational requirements placed upon their children directly relate to the maintenance and the upgrading of the Navajo culture; this includes the teaching of values, history and tradition, language, arts, and all other important aspects of Navajo life.

Adult Navajos need to have the experiences associated with seeking to be elected to school boards, to campaigning for elections and to managing local schools; the adults need school-community experiences to foster their development, learning activities which they can carry over into other community affairs. Naturally, schools are more for children than adults, but it should not be overlooked that those adults who do get involved with the operation and management of the schools are often having about the only institutionally based learning experience available in their remotely located communities.

Essentially then, this is the Navajo educational problem. The existing series of programs is insufficiently supportive of Navajo culture, they do not begin to maximally develop children nor adults, they interfere with development of individual and community self-respect, and they depend upon

sporadic, often ineffective, leadership of a variety of unrelated, basically non-Navajo agencies. It is asserted that socioeconomic development has been unreasonably stifled as a result of this failure to intimately involve Navajos with the planning, implementation and evaluation of their own education.

THE NEED TO ESTABLISH A TRIBAL EDUCATION AGENCY

By having the Navajo Tribe designated a Tribal Education Agency, on an institutional level commensurate with and supplemental to state departments of education, the Navajo people can influence the education granted to their children in more positive and long-lasting ways than by any previously used process. This designation will enable the Navajos to secure more adequate funding without a continuous array of special appeals, rules, interpretations, and legislation; it will permit one agency to better coordinate Navajo Nation educational programs, to influence the establishment of pertinent Tribal policy and state legislation, and to promote improvements in Indian education through state, regional, and national agencies.

The designation of the Navajo Tribe as a Tribal Educational Agency will, for the first time, provide the people, *Diné*, with a systematic process for affecting the educational programs of the mission schools, the BIA schools, and the public schools of Arizona, New Mexico, and Utah. Finally, the Navajos should be able to reach into all of the schools trying to educate their children. The proposed agency will be able to influence groups governing education, including state departments of education and state boards of education, to more carefully consider the setting of policy which also includes the concerns of Navajo children whenever policies are set for the common good of all students of a state. (Too often, Navajo students have been deprived of educational opportunities because they were inadvertently grouped into the common-good categories, e.g., all pupils must function only in English, all pupils must spend the same number of hours in school regardless of age and travel time, and all Indian children are to be tested on non-Indian constructed, standardized tests.)

The representatives of state departments, public school districts, and other educational agencies are learning that the United States is increasingly governed by the multi-agency concept. Social agencies are no longer able to function in isolation. City school systems learn to work with ghetto organiza-

tions if they want to materially improve ghetto conditions; and, governmental agencies in developing countries are finding they must work with organizations of the poor, if they wish to uplift in-country social and economic conditions. Religious missions, states, and the BIA must likewise work with the Tribe if Navajo education is to be strengthened. Believing that off-reservation controlled educational agencies need opportunities to react more in-depth with the Navajo people, the Navajo Division of Education is proposing the creation of a Tribal Education Agency with the hope that it will gain immediate and wide-spread recognition. It would be a highly qualified organization capable of functioning, in effect, at the level of the three state departments of education governing Navajo education. Thus, the Navajo Tribal Education Agency, if one is so designated, would work with the three State Departments of Education, with the U. S. Office of Education, with the Commission of the States, with the Regional Educational Laboratories, with foundations, and so forth, in continuous and repeated efforts to influence the improvement of state educational requirements, to raise funding levels, and to bring the best research and planning to bear on the educational problems of the Navajos. In essence, doing many things which state departments already do for their Anglo children, but find virtually impossible to do for Navajo children.

For the states, supporting this Navajo movement provides a means for demonstrating their faith in the Navajo people; the same way the Federal Government demonstrates its faith in the state educational agencies. For the Navajo people it allows the parallel growth and development of the Navajo school and the Navajo child, with the ultimate goal of the best education for the best possible life.

The parents of Navajo children clearly desire to have the option to have their children attend a particular school, a school of the parents own choosing. Thus, Navajos will continue to support all of the schools existing on the reservation. As the states allow and promote different types of schools under their jurisdiction, so would the Tribal Education Agency.

The role of a state may vary in this new context. It might choose to turn its responsibility over to the Tribal Education Agency, or it might choose to work in cooperative harmony with the Tribal Education Agency.

In the first instance, the state would still meet its obligations of support to students within each

state, but might choose to meet the basis of support for public education while delegating all other responsibilities to the Tribal Education Agency. In the second instance, the state might recognize the Tribe as being supreme in its arena of education (in its geographic/cultural realm), and seek to work hand-in-hand with the Tribal Education Agency to develop the best possible schools for all children. There would not be overlapping responsibilities, rather there would be policy guidance from the Navajo people and legislated support from the state boards of education.

Federal schools, subject to the programs of the Tribal Education Agency, would secure policy from the Agency's parent organization, the Tribal Council, in program development and implementation. Thus, the Agency which is to serve the Navajo people would seek guidance from the Navajo people, through its elected representatives, in working out the progress of Navajo education.

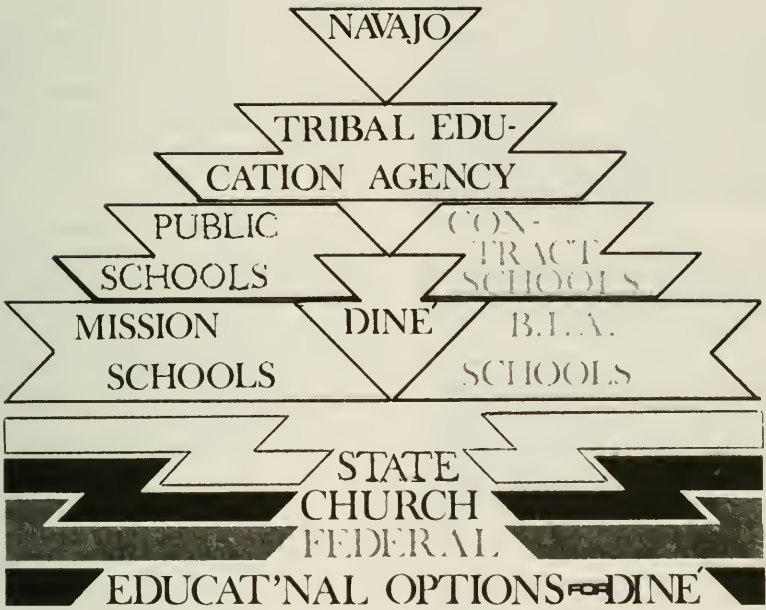
Deciding on boarding schools versus day schools would now be in the hands of the people who are affected. Mission schools, private schools, and contract schools would be subject to the Tribal Education Agency, in the same way that similar schools in New York or California are subject to state departments of education. There would still be personnel, curriculum and welfare standards to facilitate a student completing his education.

The ultimate source of authority would be the Tribal Council. The Tribal Council would be vested with the responsibility of setting reservation-wide educational policy and delegating the execution of the policy to the Tribal Education Agency. The Tribal Education Agency would set standards for the professional staff, the curriculum, the number of years of education, and the assistance requested by local communities.

ORGANIZATIONAL PLAN FOR THE TRIBAL EDUCATION AGENCY

If USOE designated the Navajo Tribe as a Tribal Education Agency, and the three concerned states of Arizona, New Mexico and Utah agreed to the designation, the Tribe would probably assign the related responsibilities to the Tribe's Division of Education. The organization chart in Chapter 1 depicts the component parts of the Division of Education. The four key units are:

- 1) The Office of the Commissioner;
- 2) The Office of Educational Planning and Development;



- 3) The Office of Educational Services; and
- 4) The Office of Evaluation and Review.

The major functions to be performed by each of these subunits of the Tribal Education Agency are discussed below in more detail than depicted in the chart.

OFFICE OF THE COMMISSIONER. This office would be responsible for the overall coordination of education on the Navajo Nation. The legislation of the Tribal Council would provide the policy to be implemented by the Division of Education for the Tribal Education Agency. The Commissioner would be responsible for maintaining an emphasis on educational leadership, program planning, program implementation, and program evaluation. He would accomplish these functions through the efforts of local people, the staff of the Agency, consultants and task forces. The Commissioner would be the general manager of the Division and responsible for Tribal Education Agency tasks.

EDUCATIONAL PLANNING AND DEVELOPMENT. The establishment of this organizational unit in the Division of Education springs from the belief that inability to plan and inability to implement are two of the weaknesses which are often the downfall of educational agencies. The Tribal Education Agency intends to overcome this perennial problem by creating and staffing a strong department of planning and development within the Division of Education. The staff will be highly qualified and experienced in planning and in implementing educational endeavors with developing peoples.

This branch has the overall responsibility to continuously examine the present, and to periodically project plans for future development. It should develop meaningful plans to increase Navajo control over Navajo education.

This branch will have the responsibility of identifying alternatives, considering possible consequences of its activities, and to develop and recommend courses of action. This branch is not an operational division in that it develops plans and programs which, if operationalized, become the responsibility of the Education Services branch; and why they are to be evaluated and checked, become the responsibility of the Evaluation and Review branch.

The following four functions are foundational to the Educational Planning and Development branch:

- 1) *Financial and Fiscal Affairs.* A major

concern of the Navajo Tribe should always be funding and fiscal accountability. The Tribe must not be placed in the position that increased self-determination activity in Navajo education means reduced federal or state support. Money, its sources, and its limitations, must constantly be researched.

- 2) *Educational Requirements.* A cornerstone of any increased Tribal concern and involvement in education is the development of educational requirements which are felt by the Navajo people and Tribal Council to be necessary to assure the highest quality of Navajo education. This includes teacher and administrator certification and accreditation requirements. It is reiterated that this is not an effort to develop a single type of school for the entire reservation. Rather, the proposal is about developing a series of basic requirements which will be used by every school operating on the Navajo reservation, regardless of sponsor. These requirements will not replace the BIA or public school requirements, but will be an addition; for example, the Navajo Tribe might require that every school enrolling Navajo children teach a unit at every grade level on Navajo history and culture.

- 3) *Navajo School System.* As stated before, there are a number of schools which are neither BIA nor public schools, such as Rough Rock, Borrego Pass, Rock Point, and Ramah; these schools do not have the capacity for extended and in-depth planning and development. These are community controlled schools (BIA contract schools). There may be other communities and schools interested in learning more about this educational movement. Therefore, it is imperative that there exist the planning and assistance ability to systematically meet the technical assistance needs of such groups.

- 4) *Unification Concepts.* The Navajo should have the capacity and ability to examine all possible educational alternatives, including the possibility in the future of a series of unified school systems. Once again, alternatives and consequences must be studied carefully.

The time to plan and prepare for the future is now, before problems become more acute.

EDUCATIONAL SERVICES. This is the second major branch of the Division of Education. Basically, it is the operational entity of the Agency. Initially, its major interests and programs will be in the areas of higher education and special education.

As the need increases and as the kinds and the numbers of schools increase, the Educational Services branch will expand. In the future, pre-school, elementary, and high school concerns will be a part of the responsibility of Educational Services. In addition, the distribution and utilization of the Navajo-oriented curriculum materials will be a responsibility of Educational Services. (The development of those materials will be the function of the Educational Planning and Development branch; the testing of the effectiveness of the materials will be the responsibility of the Evaluation and Review branch.)

EVALUATION AND REVIEW. The third and final branch of the Division of Education is Evaluation and Review. Its major function is to provide a mechanism to see that the programs, courses, requirements, etc., developed by the Educational Planning and Development branch are indeed researched and achieved in a proper and prescribed manner. Further, this branch shall, on a continuous basis, monitor and develop in-depth studies related to Navajo education.

This branch will be responsible to assure the quality of Navajo education required by the Navajo Tribal Council. Once again, the concern is across the board, not just for one type of school. In other words, the Navajo Tribe has the responsibility to be certain that all schools which enroll Navajo students, regardless of type of school, adhere to requirements approved by the Navajo Tribal Council. Just as the State of Arizona has the responsibility to monitor all schools which Arizona residents attend, so does the Navajo Tribe have an equal responsibility to its children.

CONCLUSION

This monograph asserts that the focus of Navajo education should be on the growth and development of Navajo children and the advancement of Navajo communities. It states that the present system regrettably develops negative, anti-school feelings in many Navajo adults and children. Change and improvement are urged.

The document leaves much to the imagination. In an effort to be brief and to the point, effort was not spent, for example, detailing Navajo school board needs, teacher certification problems, teacher-training inadequacies, special education needs, funding sources and requirements, accreditation, pupil personnel services, and numerous other significant Navajo concerns.

Instead, it was assumed that the persons concerned with Navajo education decision-making would have firsthand Navajo educational experiences and they would conduct the necessary research. To this end, a brief bibliography has been included in the monograph.

In essence, the Navajos propose taking another step — the establishment of a Tribal Education Agency — their research revealed no other significant alternative to the systems being applied today, systems which are failing to meet many important educational and developmental needs of the Navajo. Primarily, these needs relate to the maintenance, growth, and happiness of the Navajo people as they function both on the reservation and in the greater American society.

The monograph devotes little effort to respond to an often raised question: Do the Navajos have enough educated members to staff the proposed Tribal Education Agency? The answer is an unqualified "Yes!" Still, to remove any doubts, one set of data is cited:

"Six years ago the number of Navajos attending the University of New Mexico and Colleges on or adjacent to the Navajo Nation was thirty; today, it is over one thousand — and, about sixty percent of these students are studying education.

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NOTE: Also serving as a resource source in the preparation of this monograph were a number of unpublished memos, speeches, papers, and other documents of Dillon Platero and other members of the Navajo Tribe.

APPENDICES

Included in the Appendices are a number of documents not referenced in the monograph, but which are pertinently informative to the intent of this document.

APPENDIX A

Subject Matter: Education — Committee on Navajo
 Page: January 1938 Meeting: 161
 Discussed: 58 - 60
 Passed: January 18, 1938
 Vote: Page 60 (54 for - 1 against)

RESOLUTION

BE IT RESOLVED BY THE NAVAJO TRIBAL COUNCIL in Council assembled on this 18th day of January, 1938, at Window Rock, Arizona, that the Chairman be and he is hereby authorized to appoint a Committee on Education, which shall consist of five members from the Council.

BE IT FURTHER RESOLVED that the Committee on Education as appointed by the Chairman shall have power to act as adviser for the Tribe on all matters of education affecting the Navajo Tribe and members thereof.

BE IT FURTHER RESOLVED that any meeting of the Committee on Education shall be called by written notice issued at least ten days in advance by the Superintendent of the Navajo Agency.

I hereby certify that the foregoing resolution was considered and duly approved by a majority vote of the Navajo Tribal Council, on the 18th of January, 1938, at a regularly called meeting at which a quorum was present.

(Sgd)
 Henry Tallman, Chairman
 Navajo Tribal Council

APPENDIX B

CJN-68-71

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

APPROVING THE NAVAJO TRIBAL BUDGET, FISCAL YEAR 1972

WHEREAS:

1. Section 7 of the Act of April 19, 1950 (Public Law 474, 81st Congress) provides that

"Notwithstanding any other provisions of existing law, the Tribal funds now on deposit or hereafter placed to the credit of the Navajo Tribe of Indians in the United States Treasury shall be available for such purposes as may be designated by the Navajo Tribal Council and approved by the Secretary of the Interior," and

2. The Navajo Tribe requires a certain amount of its funds to operate its Tribal Budget and for other purposes during Fiscal Year 1972, and

3. The Navajo Tribe has a duly elected Tribal Council, a duly constituted Advisory Committee of the Navajo Tribal Council, and bonded officers.

NOW THEREFORE BE IT RESOLVED THAT:

1. The attached Navajo Tribal Budget for the Fiscal Year 1972 (July 1, 1971 to June 30, 1972) in the amount of \$18,131,360.00 is hereby approved by the Navajo Tribal Council and submitted through the Area Director, Navajo Area Office for approval by the officials of the Bureau of Indian Affairs in accordance with the Act of April 19, 1950 (Public Law 474, 81st Congress) and delegations of authority contained in Order Number 2508 as amended and Order Number 551 (Section 330).

2. All of the funds requested shall be subject to advance to the Navajo Tribe for purposes for which requested with exception of those items included in the Fiscal Year 1972 Budget which shall be designated as payable through the Regional Disbursing Officer from appropriated Tribal funds.

3. All unobligated balances in the Fiscal Year 1971 Budget shall lapse on June 30, 1971, with the exception of those funds designated to be carried over to the Fiscal Year 1972 pursuant to appropriate resolutions. At the close of the fiscal year, June 30, 1971, the budget accounts shall be closed and financial statements prepared by the Controller as soon as practicable. Copies of these reports shall be furnished the Area Director — Navajo Area Office, the Commissioner of Indian Affairs, and the Secretary of the Interior.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 52 in favor and 4 opposed, this 17th day of June, 1971.

(Sgd)
Chairman
Navajo Tribal Council

APPENDIX C

RESOLUTION OF THE
NAVAJO TRIBAL COUNCILAUTHORITY TO THE NAVAJO TRIBAL CHAIRMAN TO INCREASE
THE MEMBERSHIP OF THE EDUCATION AND HEALTH
COMMITTEES TO MEET PRESENT NEEDS

WHEREAS:

1. The great growth of the Navajo Tribe in recent years has greatly increased the responsibility and workload in many desired and necessary services now performed by the Navajo Tribal Council committees for its people. This is particularly true as it applies to the new and extended programs presently undertaken by the Education and Health Committees.

2. To enable these committees to adequately carry out the many phases of their program and properly serve all of the people throughout the Navajo Reservation, it is imperative that the membership of these two committees be increased from three to five members. This will eventually enable both of these committees to have one representative serving his people within each of the five presently existing Navajo subagencies.

3. The Advisory Committee of the Navajo Tribal Council by Resolution No. ACJ-45-57 adopted July 11, 1957, recommended to the Tribal Council and its Chairman the increase in membership of the Education Committee from three to five. After careful consideration of the matter, the Advisory Committee felt that if its people are to benefit fully from the program of the Education Committee, they must have proper representation throughout the Navajo Reservation.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Chairman of the Navajo Tribal Council is hereby authorized to increase the membership of the Education and Health Committees to five members each. The appointment of these additional members now and in the future shall be made in such a way that every subagency on the Navajo Reservation will eventually be represented by at least one member of these two committees. Members presently on the Education and Health Committees shall remain in office, notwithstanding the fact that presently more than one member comes from a single subagency.

2. The Navajo Tribal Budget for Fiscal Year 1958, Division 583, Section A, entitled "Community Services," Item 1, Personal Services and Item 17, Travel and Per Diem are hereby amended to include a sum totaling \$11,912.00 to provide compensation for the members added to these two committees.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present, and that same was approved by a vote of 46 in favor and 16 opposed, this 31st day of July, 1957.

(Sgd)
Paul Jones, Chairman
Navajo Tribal Council

APPENDIX D

A. SCHOOLS SERVING THE NAVAJO NATION

The following lists exemplify the diversity of educational institutions operative for the benefit of Navajo students. Some of the data are pertinent to graphics presented in the main body of this monograph.

MISSION SCHOOLS

- | | |
|---|--|
| 1. Berean Mission School
Bloomfield, New Mexico | 12. Rock Springs Navajo Mission
School
Rock Springs, Arizona |
| 2. Bible Baptist Shepherd School
Farmington, New Mexico | 13. Sacred Heart Cathedral School
Farmington, New Mexico |
| 3. Brethren-In-Christ Mission
School
Bloomfield, New Mexico | 14. Seventh-Day-Adventist Mission
School
Holbrook, Arizona |
| 4. Brethren Navajo Mission School
Counselors, New Mexico | 15. Southwest Indian Mission School
Glendale, Arizona |
| 5. Cathedral Elementary School
Gallup, New Mexico | 16. St. Francis School
Gallup, New Mexico |
| 6. Immanuel Mission School
Teec Nos Pos, Arizona | 17. Twin Wells Indian School
Holbrook, Arizona |
| 7. La Vida Mission School
Farmington, New Mexico | 18. St. Michaels
Window Rock, Arizona |
| 8. Montezuma School | 19. Zuni
Zuni, New Mexico |
| 9. Navajo Bible Academy School
Oraibi, Arizona | 20. Lake Valley
New Mexico |
| 10. Rehoboth Mission School
Rehoboth, New Mexico | 21. Navajo Methodist Mission
Farmington, New Mexico |
| 11. Rock Point Mission School
Rock Point, Arizona | 22. Immanuel Mission
Sweetwater, Arizona |

FEDERAL-BIA SCHOOLS

- | | | |
|--------------------|------------------|----------------|
| 1. Navajo Mountain | 7. Beclabito | 13. Lukachukai |
| 2. Aneth | 8. Shiprock | 14. Cove |
| 3. Red Mesa | 9. Nenahnezad | 15. Red Rock |
| 4. Kayenta | 10. Kaibito | 16. Sanostee |
| 5. Tees Nos Pos | 11. Shonto | 17. Red Lake |
| 6. Denne Hotso | 12. Chilchinbito | 18. Many Farms |

- | | | |
|------------------|--------------------|----------------------|
| 19. Chinle | 31. Tohatchi | 43. Leupp |
| 20. Toadlena | 32. Standing Rock | 44. Seba Dalkai |
| 21. Huerfano | 33. Pueblo Pintaso | 45. Dilcon |
| 22. Tuba City | 34. Torreon | 46. Wide Ruins |
| 23. Rocky Ridge | 35. Greasewood | 47. Jones Ranch |
| 24. Pinion | 36. Toyei | 48. Bread Springs |
| 25. Low Mountain | 37. Pine Springs | 49. Chee Chil Geetho |
| 26. Cottonwood | 38. Hunters Point | 50. Ft. Wingate |
| 27. Crystal | 39. Gallup | 51. Baca |
| 28. Lake Valley | 40. Crownpoint | 52. Winslow |
| 29. Ono Encino | 41. Mariano Lake | 53. Holbrook |
| 30. Nazlini | 42. Whitehorse | |

At the above locations are located the following types of schools: boarding schools (49); peripheral dormitories (8); reservation dormitories (1); and day schools (11).

PUBLIC SCHOOLS

- | | | |
|----------------|--------------------|----------------|
| 1. Page | 11. Many Farms | 21. Tohatchi |
| 2. Kayenta | 12. Chinle | 22. Crownpoint |
| 3. Red Mesa | 13. Blanco | 23. Flagstaff |
| 4. Shiprock | 14. Lybrooks | 24. Leupp |
| 5. Kirtland | 15. Keams Canyon | 25. Winslow |
| 6. Farmington | 16. Navajo Station | 26. Holbrook |
| 7. Aztec | 17. Ganado | 27. Sanders |
| 8. Bloomfield | 18. Navajo | 28. Gallup |
| 9. Tuba City | 19. Ft. Defiance | 29. Zuni |
| 10. Round Rock | 20. Window Rock | 30. Thoreau |

COMMUNITY CONTROLLED (CONTRACT) SCHOOLS

- | | | | |
|-----------------|---------------|---------------|----------|
| 1. Borrego Pass | 2. Rough Rock | 3. Rock Point | 4. Ramah |
|-----------------|---------------|---------------|----------|

TRIBAL (HEADSTART AND HOMESTART PROGRAMS)

1. Headstart: There are 102 Headstart school sites on the Navajo Nation.
2. Homestart: Tuba City Agency
Eastern Agency

**B. ENROLLMENTS OF SCHOOLS SERVING THE
NAVAJO NATION**

TYPE OF SCHOOL SYSTEM	TOTAL ENROLLMENT
Mission ^a	1,000
Federal-BIA ^b	24,248
Public ^b	29,404
Community Controlled ^a	946
Tribal (Headstart and Homestart) ^c	2,431
Special Education ^a	414
Total:	58,443

^aNavajo Division of Education, 1973.

^bU. S. Department of the Interior, "Statistics Concerning Indian Education"

^cOffice of Navajo Economic Opportunity, 1973.

Exhibit No. 62

CO-67-73

Class "C" Resolution
No BIA Action Required.RESOLUTION OF THE
NAVAJO TRIBAL COUNCILAuthority of Local Community School Boards

WHEREAS:

1. Local Community School Boards have been established pursuant to Title 10, Section 50, et. seq., of the Navajo Tribal Code (Resolution CAU-87-69, August 8, 1969) for the purpose of advancing Navajo involvement in education of the Navajo children, and

2. Such involvement may be promoted by the exercise by such School Boards of the authority to direct Bureau of Indian Affairs employees pursuant to the Act of June 30, 1834, Stat. 737, 25 U.S.C. §48, which allows Tribal direction of Bureau employees, and

3. The Rock Point Community School Board has been organized pursuant to Tribal Code, Title 10, Section 50, et. seq., and

4. The Navajo Tribal Council has heretofore granted authority to contract for the operation of the BIA programs at the Borrego Pass and the Rock Point schools to the Local Community School Boards of those communities.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Rock Point Community School Board is hereby authorized to exercise the power to direct Bureau of Indian Affairs employees subject to Terms and Conditions specified in agreement between the Bureau of Indian Affairs and the Rock Point Community School Board, subject to the approval of the Navajo Division of Education.

2. This authority is hereby vested in the School Boards authorized by the Navajo Tribal Council to operate contract schools, including but not limited to Borrego Pass, Ramah Navajo High School and Rough Rock Demonstration School, pursuant to conditions set forth above.

3. Any Local Community School Board of the Navajo Nation may exercise this authority by requesting from the

Navajo Tribal Council (subject to provisions of Bureau of Indian Affairs Manual 20 BIAM, Section 6.10 "Conditions that must be observed" or any subsequent provisions or amendments applicable to such contracts).

4. Any Local Community School Boards utilizing this authority granted by the Navajo Tribal Council will cooperate, in the development of their plans, with the Navajo Division of Education. The Director, Navajo Division of Education, or his delegated representative, will monitor the activities of the Local Community School Boards in their direction of Bureau of Indian Affairs employees, and the Director shall report to the Navajo Tribal Council, once each year, on the progress of such direction.

5. Authority to approve exceptions to professional personnel certification requirements, when necessary, is hereby delegated to the Director of the Navajo Division of Education or his authorized representative.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 40 in favor and 0 opposed, this 24th day of October, 1973.



Vice Chairman
Navajo Tribal Council

Class "C" Resolution
No BIA Action Required.

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Requesting the Bureau of Indian Affairs
to Contract the Johnson O'Malley Funds for
Navajo Children in Public Schools in the
States of Arizona, New Mexico, and Utah to
the Navajo Tribe

WHEREAS:

1. The authority and intent of the Johnson O'Malley Act (April 1934, C. 146, #1, 48 Stat. 596, and amendment thereto June 1936, C. 490, 49 Stat. 1458) is to provide supportive, educational funds for Indian children in public schools, and

2. The Navajo Tribal Council created the Division of Education by Navajo Tribal Council Resolution CJN-68-71 which became effective July 1, 1971, to coordinate all education programs on or near the Navajo Reservation where Navajo children are attending schools, and

3. The Navajo communities and leaders have expressed their intent to have the administrative and accountability responsibilities of the Johnson O'Malley funds and programs in the public schools in the States of Arizona and New Mexico, and

4. The public school districts in the States of Arizona and New Mexico which receive Johnson O'Malley funds for Navajo children are:

Arizona	- Chinle, District	#24	\$ 716,485.96
	Ganado, District	#19	322,278.80
	Puerco, District	#18	62,106.06
	Window Rock, District	# 8	681,265.76
	Tuba City, District	#15	382,159.68
	Kayenta, District	#25	122,898.75
	Tuba City H.S.		171,800.77
	Monument Valley H.S.		275,341.14
New Mexico	- Gallup-McKinley County, District	# 1	1,220,871.00
	Central Consolidated, District	# 5	407,444.00
	Farmington, District	# 5	58,147.00
	Bloomfield, District	# 6	93,307.00
	Cuba, District	#20	117,617.00
	Jemez Mountain, District	#53	20,835.00
	Magdalena, District	#12	1,500.00

5. The seven (7) Navajo Johnson O'Malley school districts receive approximately \$2,000,000.00 in funds for Johnson O'Malley programs in the State of New Mexico and the eight (8) Navajo Johnson O'Malley school districts receive approximately \$2,700,000.00 in funds for Johnson O'Malley programs in the State of Arizona and for the fifteen (15) school districts receive approximately a total of \$4,700,000.00 for the States of New Mexico and Arizona, and

6. The Division of Education, Navajo Tribe, contracted for Johnson O'Malley program monitoring this past fiscal year with the State of New Mexico, and

7. The Division of Education, Navajo Tribe, desires to contract with the Bureau of Indian Affairs for the Johnson O'Malley programs, monitoring and funds for Navajo children in public schools in the States of New Mexico and Arizona.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council endorses and supports a contract with the Bureau of Indian Affairs for the Johnson O'Malley programs, monitoring and funds for Navajo children in public schools in the States of New Mexico, Arizona, and Utah.

2. The Navajo Tribal Council directs the Chairman, Navajo Tribal Council, to take immediate steps to contract with the Bureau of Indian Affairs, the Johnson O'Malley programs, monitoring and funds in the States of New Mexico, Arizona, and Utah.

3. The Navajo Tribal Council directs the Chairman, Navajo Tribal Council, to have the Division of Education contract with the Bureau of Indian Affairs, the monitoring responsibilities of the Johnson O'Malley programs in the States of New Mexico, Arizona, and Utah.

4. An annual report about the monitoring and use of Johnson O'Malley funds shall be made to the Navajo Tribal Council.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 38 in favor and 0 opposed, this 23rd day of October, 1973.

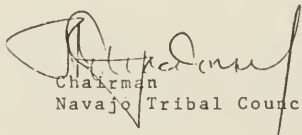

Chairman
Navajo Tribal Council

Exhibit No. 63

RESOLUTION OF THE ST. MICHAEL INDIAN SCHOOL BOARD

Requesting Funding for St. Michael's Indian School

WHEREAS:

1. It is the right of parents to send their children to the school of their choice, whether federal, public or private; and
2. St. Michael's Indian School, a private school, two miles from Window Rock, supported by Indian parents, private foundations and corporate funds, and governed by our policy-making Board of parents and community leaders, has made through the years an outstanding record of achievement in educating and developing Indian leadership and self-determination and is the school of our choice; and
3. The St. Michael Indian School Board has made application for funds on June 6, 1973, under Title IV, Pub. L. No. 92-318 Sections A and B of the Indian Education Act for educational improvement and expansion of school programs K - 12 for approximately 400 Reservation children and was denied needed funds, even though the proposal submitted was highly praised in the U.S.O.E. and recommended for funding; and
4. The continued expansion and future development of St. Michael Indian School is a vital link in the strengthening of educational opportunities for the Navajo children; and
5. The parents and students of St. Michael's Indian School, as well as the Board, are now requesting fair and equitable

treatment when a new proposal is submitted to share funds during 1974-75 under Title IV.

NOW THEREFORE BE IT RESOLVED THAT:

1. The St. Michael Indian School Board strongly urges the members of the U. S. Commission on Civil Rights to intervene before the new guidelines, rules and regulations for Title IV, Pub. L. No. 92-318 (1974-75) are published November 1, 1973, in order to obtain funding for St. Michael's School. Specifically, we recommend that the U. S. Commissioner of Education, Dr. John Ottina, be contacted personally by the Vice Chairman, Dr. Stephen Horn, in this regard.

2. The School Board further requests that a broader interpretation be given to Section 303 B of Pub. L. No. 92-318 Title IV (non LEA) so that private and/or community schools, whose boards are in process of incorporation, such as our board, would not be eliminated from funding because of narrow interpretation due to bias, prejudice or for whatever reason.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the St. Michael Indian School Board, at a duly called meeting at St. Michaels, Arizona, at which a quorum was present and that same was passed by a vote of 5 in favor and 0 opposed this 21st day of October 1973.



Dr. Samuel Billison, Chairman
St. Michael Indian School Board

Exhibit No. 64

GREETING

MR. MASTER OF CEREMONIES,
HONORED PLATFORM GUESTS,
MY FELLOW PEOPLE,
REPRESENTATIVES OF THE BUREAU OF INDIAN AFFAIRS,
STATE DEPARTMENTS OF EDUCATION,
LOCAL SCHOOLS,
MEMBERS OF THE TRIBAL COUNCIL,

I WELCOME YOU TO A MOST HISTORIC SESSION. A SESSION IN WHICH WE WILL WORK TOGETHER TO UNDERSTAND THE GOALS OF NAVAJO EDUCATION AND FIND WAYS TO AVERT THE PENDING CRISIS IN OUR CLASSROOMS.

SOME OF YOU HAVE COME A LONG WAY TO BE WITH US. I WISH YOU TO HOLD THIS IN MIND AS I DISCUSS OUR GOALS, AND HOPE YOU WILL BE OUR GUESTS FOR THIS EXCHANGE OF IDEAS.

IN DISCUSSING NAVAJO EDUCATION ONE MUST LOOK FIRST AT WHO ARE SERVING AND SECOND THE WAYS WE CAN BEST SERVE THEM. I SPEAK OF THE NAVAJO CHILD; A CHILD WHO COULD BE FROM THE MOST REMOTE PART OF BLACK MESA, OR THE MORE POPULATED AREAS OF TUBA CITY, FORT DEFIANCE OR SHIPROCK. LET US NOT EXCLUDE THE CHILDREN WHO RESIDE IN GALLUP, FLAGSTAFF, BLANDING OR OTHER CITIES.

IT IS THE NAVAJO CHILD THAT THE BUREAU OF INDIAN AFFAIRS OR PUBLIC SCHOOLS RECEIVES MONEY FOR IN ORDER TO OPERATE THEIR SCHOOLS ON THIS RESERVATION. CURRICULUMS WERE DEVELOPED MANY TIMES WASTEFUL, AS IT WAS PREPARED FOR A LIFE ALIEN TO OUR PEOPLE. SCHOOLS HAVE BEEN BUILT AWAY FROM THE FIRST RESOURCE OF THE CHILD-- HIS PARENTS.

THE AGENCIES, FEDERAL, STATE, LOCAL WERE NOT ESTABLISHED IN AND OF THEMSELVES. RATHER, THEY WERE ESTABLISHED FOR THE ULTIMATE PURPOSE OF SERVING THE CHILD. FOR US, THE CHILD IS NAVAJO A CHILD WITH THE PROUD HERITAGE OF LIVING IN HARMONY, A CHILD WITH THE HOPES OF REAPING THE FULL BENEFITS OF HIS WORLD AND THE WORLD AROUND HIM.

IT IS WITH THIS IN MIND THAT OUR FATHERS ENTERED INTO TREATY WITH THE UNITED STATES GOVERNMENT IN 1868. IT IS THIS TREATY WHICH ADMITS: (QUOTE) "THE NECESSITY OF EDUCATION." (UNQUOTE)

SCHOOLS WERE ESTABLISHED AND THE SACRED AGREEMENT OF ONE TEACHER FOR EACH THIRTY CHILDREN WAS WRITTEN DOWN; BUT MANY TIMES THIS HAS NOT BEEN FOLLOWED. MISSIONARIES ENTERED THE LAND OF THE NAVAJO. SCHOOLS WERE ESTABLISHED TO SPREAD THE WORD OF GOD AND TO INCORPORATE THE TEACHINGS OF THEIR RELIGION INTO THE CURRICULUM.

LATER, WITH THE ESTABLISHMENT OF THE JOHNSON O'MALLEY ACT OF 1934, PUBLIC SCHOOLS SET FOOT ON THE RESERVATION TO EDUCATE THE NAVAJO CHILD.

LOCAL COMMUNITIES TOOK A MAJOR STEP TOWARDS SELF-DETERMINATION. RAMAH, ROUGH ROCK, ROCK POINT AND BORREGO PASS SCHOOLS NOW OPERATE WITH THE INTEREST OF THE NAVAJO CHILD IN MIND: THESE SCHOOLS HAVE DISPROVED THE IDEA THAT ONLY THOSE WITH SIXTEEN YEARS OF FORMAL EDUCATION KNOW WHAT IS BEST FOR THE CHILD.

AT PRESENT WHAT EXISTS IS A MIXTURE OF AGENCIES PROVIDING EDUCATIONAL SERVICES.

THE MOST SIGNIFICANT IMPLICATION IS THE LACK OF AN INTEGRATED EDUCATIONAL SYSTEM WITH COMMON GOALS AND RESPONSIBILITIES FOR PROVIDING QUALITY EDUCATIONAL SERVICES TO NAVAJO CHILDREN. EACH EDUCATIONAL PROGRAM ON THE RESERVATION HAS ITS OWN HIERARCHICAL STRUCTURE, LEVELS OF RESPONSIBILITY, LINES OF AUTHORITY, RULES, REGULATIONS, PROCEDURES, AND STANDARDS. EACH PROGRAM THEN DIRECTLY AFFECTS THE NAVAJO PEOPLE AND THEIR CHILDREN, AND YET EACH IS RESPONSIBLE TO ITS OWN ORGANIZATIONAL STRUCTURE AND NOT A SERIES OF FRAGMENTED EDUCATIONAL EFFORTS WITH NO COMMON FRAMEWORK ORIENTED TO, OR DIRECTLY RESPONSIBLE TO THE EDUCATIONAL NEEDS OF THE NAVAJO PEOPLE.

A SECOND IMPLICATION TO CONSIDER IS THAT OF NOT CONTROLLING ONE'S OWN EDUCATIONAL DESTINY. AN ANALOGY WHICH CAN BE DRAWN IS SIMPLE: HERE IS MY HOGAN, AND HERE ARE THE HOGANS OF MY NEIGHBORS: MR. PRIVATE SCHOOL, MR. NORTH CENTRAL ACCREDITING ASSOCIATION, MR. SHOFSTALL, MR. DELAYO, MR. TALBOT, MR. LINCOLN, MR. PACIFIC COAST ACCREDITING ASSOCIATION. YOU MANAGE YOUR OWN AFFAIRS, AND YOU MANAGE MINE. YOU DO NOT CONSULT ME, YOU JUST GO AHEAD AND CHANGE MY HOUSEHOLD. YOU DO NOT ALLOW ME TO DIRECTLY CONTROL MATTERS CRITICAL TO MY CONTINUED GROWTH AND FUTURE DEVELOPMENT; YOU ARE NOT A MEMBER OF MY FAMILY; YOU ARE A GUEST IN MY HOGAN. TO BRING THIS INTO PERSPECTIVE, EACH AGENCY HAS ITS OWN REQUIREMENTS AND EACH IS A LITTLE DIFFERENT. EACH TELLS US WHAT TO DO.

THE THIRD IMPLICATION OF HAVING SEVERAL AGENCIES RESPONSIBLE FOR THE EDUCATION OF THE NAVAJO CHILD IS THAT OF NON-NAVAJO AGENCIES PROVIDING IRRELEVANT EDUCATION. ALL THESE AGENCIES TELL THIS HOUSEHOLD WHAT MUST BE DONE WHEN THEY REALLY DON'T UNDERSTAND THE BASIC FOUNDATION OF MY HOUSE. EDUCATION RELEVANT TO THE NEEDS OF THE NAVAJO CHILD MUST MEET THE SPECIFIC LINGUISTIC, SOCIAL, CULTURAL AND ECONOMIC NEEDS OF OUR PEOPLE; THIS IS OF PARAMOUNT CONCERN. DO THE NAVAJOS HAVE ANY LESS RIGHT TO UNEQUAL EDUCATIONAL OPPORTUNITY THAN ANY OTHER MAN?

THE NAVAJO PEOPLE HAVE MADE A VIGOROUS INVESTIGATION OF EDUCATION. THIS INVESTIGATION HAS LEAD US TO THE ESTABLISHMENT OF GOALS AND OBJECTIVES WHICH WE NOW SET FORWARD.

TO ADEQUATELY PROVIDE FOR THE SPECIFIC NEEDS OF THE NAVAJO CHILD, THE NAVAJO TRIBE MUST STAND ON THE SAME FIRM FOUNDATION THAT OUR NEIGHBORING HOUSEHOLDS HAVE. THIS WOULD NECESSITATE ESTABLISHMENT OF THE NAVAJO TRIBE AS A TRIBAL EDUCATIONAL AGENCY (TEA) EQUAL TO ANY STATE EDUCATIONAL AGENCY (SEA). THE GOALS OF THIS TRIBAL EDUCATIONAL AGENCY WILL BE TO FORMULATE THE EDUCATIONAL POLICY THAT WILL AFFECT OUR CHILDREN. INSOFAR AS EDUCATION IS RELATED TO ALL THE SOCIAL AND ECONOMIC CONCERNS OF NAVAJO PEOPLE, IT BECOMES ESSENTIAL THAT THE NAVAJO TRIBE BE ABLE TO FUNCTION IN THE CAPACITY THAT WILL ALLOW IT THE MAXIMUM FREEDOM AND INVOLVEMENT IN THE DECISION MAKING POLICY.

BY HAVING THE NAVAJO TRIBE DESIGNATED A TRIBAL EDUCATION AGENCY, ON AN INSTITUTIONAL LEVEL COMMENSURATE WITH, AND SUPPLEMENTAL TO STATE DEPARTMENTS OF EDUCATION, THE NAVAJO PEOPLE CAN INFLUENCE THE EDUCATION GRANTED TO THEIR CHILDREN IN MORE POSITIVE AND LONG-LASTING WAYS THAN BY ANY PREVIOUSLY USED PROCESS. THIS DESIGNATION WILL ENABLE THE NAVAJOS TO SECURE MORE ADEQUATE FUNDING WITHOUT A CONTINUOUS ARRAY OF SPECIAL APPEALS, RULES, INTERPRETATIONS, AND

LEGISLATION; IT WILL PERMIT ONE AGENCY TO BETTER COORDINATE NAVAJO NATION EDUCATIONAL PROGRAMS, TO INFLUENCE THE ESTABLISHMENT OF PERTINENT TRIBAL POLICY AND STATE LEGISLATION, AND TO PROMOTE IMPROVEMENTS IN INDIAN EDUCATION THROUGH STATE, REGIONAL AND NATIONAL.

THE DESIGNATION OF THE NAVAJO TRIBE AS A TRIBAL EDUCATION AGENCY WILL, FOR THE FIRST TIME, PROVIDE THE PEOPLE, DINE, WITH A SYSTEMATIC PROCESS FOR AFFECTING THE EDUCATIONAL PROGRAMS OF THE MISSION, THE DIA SCHOOLS, AND THE PUBLIC SCHOOLS OF ARIZONA, NEW MEXICO, AND UTAH. FINALLY, THE NAVAJOS SHOULD BE ABLE TO REACH INTO ALL OF THE SCHOOLS TRYING TO EDUCATE THEIR CHILDREN. THE PROPOSED AGENCY WOULD BE ABLE TO INFLUENCE GROUPS GOVERNING EDUCATION, INCLUDING STATE DEPARTMENTS OF EDUCATION AND STATE BOARDS OF EDUCATION, TO MORE CAREFULLY CONSIDER THE SETTING OF POLICY WHICH ALSO INCLUDES THE CONCERNS OF NAVAJO CHILDREN WHENEVER POLICIES ARE SET FOR THE COMMON GOOD OF ALL STUDENTS OF A STATE.

THE REPRESENTATIVES OF STATE DEPARTMENTS, PUBLIC SCHOOL DISTRICTS, AND OTHER EDUCATIONAL AGENCIES ARE LEARNING THAT THE UNITED STATES IS INCREASINGLY GOVERNED BY THE MULTI-AGENCY CONCEPT. SOCIAL AGENCIES ARE NO LONGER ABLE TO FUNCTION IN ISOLATION. CITY SCHOOL SYSTEMS LEARN TO WORK WITH GHETTO ORGANIZATIONS IF THEY WANT TO MATERIALLY IMPROVE GHETTO CONDITIONS; AND, GOVERNMENTAL AGENCIES IN DEVELOPING COUNTRIES ARE FINDING THEY MUST WORK WITH ORGANIZATIONS OF THE POOR, IF THEY WISH TO ALTER THAT COUNTRY'S SOCIAL AND ECONOMIC CONDITIONS. RELIGIOUS MISSIONS, STATES, AND THE DIA MUST LIKEWISE WORK DIRECTLY WITH THE TRIBE IF NAVAJO EDUCATION IS TO BE STRENGTHENED.

BELIEVING THAT OFF-RESERVATION CONTROLLED EDUCATIONAL AGENCIES NEED OPPORTUNITIES TO INTERACT FULLY WITH THE NAVAJO PEOPLE, I AM PROPOSING THE CREATION OF A TRIBAL EDUCATION AGENCY THROUGH

THE NAVAJO DIVISION OF EDUCATION WITH THE HOPE THAT IT WILL GAIN IMMEDIATE AND WIDE-SPREAD RECOGNITION. IT WOULD BE A HIGHLY QUALIFIED ORGANIZATION CAPABLE OF FUNCTIONING, IN EFFECT, AT THE LEVEL OF THE THREE STATE DEPARTMENTS OF EDUCATION GOVERNING NAVAJO EDUCATION. THUS, THE NAVAJO TRIBAL EDUCATION AGENCY, IF ONE IS SO DESIGNATED, WOULD WORK WITH THE THREE STATE DEPARTMENTS OF EDUCATION, WITH THE U. S. OFFICE OF EDUCATION, WITH THE COMMISSION OF THE STATES, WITH THE REGIONAL EDUCATIONAL LABORATORIES, WITH FOUNDATIONS, AND SO FORTH, IN CONTINUOUS AND REPEATED EFFORTS TO INFLUENCE THE IMPROVEMENT OF STATE EDUCATIONAL REQUIREMENTS, TO RAISE FUNDING LEVELS, AND TO BRING THE BEST RESEARCH AND PLANNING TO BEAR ON THE EDUCATIONAL PROBLEMS OF THE NAVAJOS. IN ESSENCE, DOING MANY THINGS WHICH STATE DEPARTMENTS ALREADY DO FOR THEIR ANGL0 CHILDREN, BUT FIND VIRTUALLY IMPOSSIBLE TO DO FOR NAVAJO CHILDREN:

FOR THE STATES, SUPPORTING THIS NAVAJO MOVEMENT PROVIDES A MEANS FOR DEMONSTRATING THEIR FAITH IN THE NAVAJO PEOPLE; THE SAME WAY THE FEDERAL GOVERNMENT DEMONSTRATES ITS FAITH IN THE STATE EDUCATIONAL AGENCIES. FOR THE NAVAJO PEOPLE IT ALLOWS THE PARALLEL GROWTH AND DEVELOPMENT OF THE NAVAJO SCHOOL AND THE NAVAJO CHILD, WITH THE ULTIMATE GOAL, OF THE BEST EDUCATION FOR THE BEST POSSIBLE LIFE.

THE PARENTS OF NAVAJO CHILDREN CLEARLY DESIRE TO HAVE THE OPTION TO HAVE THEIR CHILDREN ATTEND A PARTICULAR SCHOOL, A SCHOOL OF THE PARENTS OWN CHOOSING. THUS, NAVAJOS WILL CONTINUE TO SUPPORT ALL OF THE SCHOOLS EXISTING ON THE RESERVATION. AS THE STATES ALLOW AND PROMOTE DIFFERENT TYPES OF SCHOOLS UNDER THEIR JURISDICTION, SO WOULD THE TRIBAL EDUCATION AGENCY.

THE ROLE OF A STATE MAY VARY IN THIS NEW CONTEXT. IT MIGHT CHOOSE TO TURN ITS RESPONSIBILITY OVER TO THE TRIBAL EDUCATION AGENCY, OR IT MIGHT CHOOSE TO WORK IN COOPERATIVE HARMONY WITH

THE TRIBAL EDUCATION AGENCY.

IN THE FIRST INSTANCE, THE STATE WOULD STILL MEET ITS OBLIGATIONS OF SUPPORT TO STUDENTS WITHIN EACH STATE, BUT MIGHT CHOOSE TO MEET THE BASIS OF SUPPORT FOR PUBLIC EDUCATION WHILE DELEGATING ALL OTHER RESPONSIBILITIES TO THE TRIBAL EDUCATION AGENCY. IN THE SECOND INSTANCE, THE STATE MIGHT RECOGNIZE THE TRIBE AS BEING SUPREME IN ITS ARENA OF EDUCATION (IN ITS GEOGRAPHIC CULTURAL REALM), AND SEEK TO WORK HAND-IN-HAND WITH THE TRIBAL EDUCATION AGENCY TO DEVELOP THE BEST POSSIBLE SCHOOLS FOR ALL CHILDREN. THERE WOULD NOT BE OVERLAPPING RESPONSIBILITIES, RATHER THERE WOULD BE POLICY GUIDANCE FROM THE NAVAJO PEOPLE AND LEGISLATED SUPPORT FROM THE STATE BOARDS OF EDUCATION.

FEDERAL SCHOOLS, SUBJECT TO THE PROGRAMS OF THE TRIBAL EDUCATION AGENCY, WOULD SECURE POLICY FROM THE TRIBAL EDUCATION AGENCY AND ITS PARENT ORGANIZATION, THE TRIBAL COUNCIL, IN PROGRAM DEVELOPMENT AND IMPLEMENTATION. THUS, THE AGENCY WHICH IS TO SERVE THE NAVAJO PEOPLE WOULD SEEK GUIDANCE FROM THE NAVAJO PEOPLE, THROUGH ITS ELECTED REPRESENTATIVES, IN WORKING OUT THE PROGRESS OF NAVAJO EDUCATION.

DECIDING ON BOARDING SCHOOLS VERSUS DAY SCHOOLS WOULD NOW BE IN THE HANDS OF THE PEOPLE WHO ARE AFFECTED. MISSION SCHOOLS, PRIVATE SCHOOLS, AND CONTRACT SCHOOLS WOULD BE SUBJECT TO THE TRIBAL EDUCATION AGENCY, IN THE SAME WAY THAT SIMILAR SCHOOLS IN NEW YORK OR CALIFORNIA ARE SUBJECT TO THEIR STATE DEPARTMENTS OF EDUCATION. THERE WOULD STILL BE PERSONNEL, CURRICULUM AND WELFARE STANDARDS TO FACILITATE A STUDENT COMPLETING HIS EDUCATION.

THE ULTIMATE SOURCE OF AUTHORITY WOULD BE THE TRIBAL COUNCIL. THE TRIBAL COUNCIL WOULD BE VESTED WITH THE RESPONSIBILITY OF SETTING RESERVATION-WIDE EDUCATION POLICY AND DELEGATING

THE EXECUTION OF THE POLICY TO THE TRIBAL EDUCATION AGENCY. THE TRIBAL EDUCATION AGENCY WOULD SET STANDARDS FOR THE PROFESSIONAL STAFF, THE CURRICULUM, THE NUMBER OF YEARS OF EDUCATION, AND THE ASSISTANCE REQUESTED BY LOCAL COMMUNITIES.

IF THE UNITED STATES OFFICE OF EDUCATION DESIGNATED THE NAVAJO TRIBE AS A TRIBAL EDUCATION AGENCY, AND THE THREE CONCERNED STATES OF ARIZONA, NEW MEXICO AND UTAH AGREED TO THE DESIGNATION, THE TRIBE WOULD PROBABLY ASSIGN THE RELATED RESPONSIBILITIES TO THE TRIBE'S DIVISION OF EDUCATION.

THE PRIMARY THRUST WILL BE TO ESTABLISH EDUCATIONAL REQUIREMENTS TO MEET THE UNIQUE STATURE OF THE NAVAJO CHILD. THE EDUCATIONAL REQUIREMENTS MUST REFLECT THE BILINGUAL-BICULTURAL EDUCATIONAL ASSET OF THE NAVAJO AND NON-NAVAJO WORLD.

A LONG RANGE OBJECTIVE WILL BE THE ESTABLISHMENT OF THE NAVAJO SCHOOL SYSTEM. EACH COMMUNITY MUST INVESTIGATE ITS OWN EDUCATIONAL REQUIREMENTS AND ESTABLISH A SCHOOL--WHETHER PUBLIC, PRIVATE, BIA OR TRIBAL--WHICH REFLECTS ITS AMBITION AND ITS WISHES FOR THE CHILD'S WELL BEING.

WE HAVE ALL SEEN THE ROOTS OF THIS NAVAJO SCHOOL SYSTEM DEVELOP THROUGH THE INDIVIDUAL EFFORTS OF THE COMMUNITIES OF RAMAH, ROCK POINT, ROUGH ROCK, BORREGO PASS AND THE NAVAJO COMMUNITY COLLEGE, WHICH REPRESENTS THE ENTIRE NAVAJO NATION. THEIR SCHOOLS ARE ALL PROVIDING AN EDUCATION WITH THE SPECIFIC GOALS OF THE NAVAJO COMMUNITIES IN MIND. WE NOW SEE THE NAVAJO DIVISION OF EDUCATION CLOSELY WORKING WITH THOSE SCHOOLS AND THESE INSTITUTIONS COOPERATING IN THE DEVELOPMENT OF UNIFIED PROGRAMS.

THE NAVAJO COMMUNITY COLLEGE REPRESENTS A FINE EXAMPLE OF THE DEVELOPMENT OF NAVAJO HIGHER EDUCATION. WHAT NAVAJO COMMUNITY COLLEGE HAS DONE HAS YET TO BE DUPLICATED BY ANY

JUNIOR COLLEGE OR UNIVERSITY IN THE UNITED STATES; BOLD AND DYNAMIC PROGRAMS GEARED TO MEET THE NEEDS OF EACH STUDENT.

WHAT IS IT WE NOW ASK OF THE BUREAU OF INDIAN AFFAIRS, THE STATES, AND OTHER AGENCIES: WE ASK FOR THEIR ASSISTANCE SO WE MAY ACHIEVE OUR GOALS. WE DO NOT ASK TO BE ISOLATED FROM YOU, WE ASK THAT YOU WORK WITH US IN DEVELOPING THE GOALS WHICH I HAVE DISCUSSED AND ALSO TO HELP US ACHIEVE THE IMMEDIATE OBJECTIVES WHOSE IMPLEMENTATION I HAVE DELEGATED TO THE NAVAJO DIVISION OF EDUCATION.

WE SEE TODAY LESS THAN 6% OF ALL TEACHERS IN NAVAJO SCHOOLS ARE NAVAJOS, WITHIN FIVE (5) YEARS I AM ASKING FOR 1,000 OR MORE NAVAJO TEACHERS TO BE TRAINED AND PLACED IN THE CLASSROOM OF THE FOUR ADJACENT STATES: ARIZONA, NEW MEXICO, COLORADO AND UTAH. THIS WILL BE A JOINT VENTURE WITH BIA, CONTRACT, PUBLIC AND PRIVATE SCHOOLS, UNIVERSITIES AND COLLEGES, DEDICATED TO THE GOAL: MORE NAVAJO TEACHERS FOR NAVAJO STUDENTS.

TO ASSIST IN THE ACHIEVEMENT OF THESE GOALS, AND TO DRAW IN THE REMOTE, INACCESSIBLE AREAS OF THE NAVAJO NATION, EDUCATIONAL TV CAN PROVIDE THE CRUCIAL LINKS BETWEEN THE TEACHER AT THE NAVAJO COMMUNITY COLLEGE AND THE CHILD IN THE REMOTE CLASSROOMS. I HAVE CHALLENGED THE DIVISION OF EDUCATION, BIA, PRIVATE AND PUBLIC SCHOOLS TO WORK TO ACHIEVE THIS GOAL IN TWO (2) YEARS.

TO DEVELOP THE LEADERSHIP NECESSARY TO ACHIEVE THESE GOALS WE MUST IMPLEMENT A CONTINUING PROCESS TO CULTIVATE THE EXPERTISE OF THE LOCAL SCHOOL BOARDS AND COMMUNITY CHAPTER LEADERS WHETHER THEY ARE ASSOCIATED WITH TRIBAL, BIA, PUBLIC OR PRIVATE OPERATIONS. THE NAVAJO DIVISION OF EDUCATION IS NOW CHARGED WITH THE COORDINATION OF CURRICULUM DEVELOPMENT TAKING PLACE IN ALL AREAS OF THE NAVAJO NATION. WE SEE MANY FINE EXAMPLES OF CURRICULUM WHICH CAN BENEFIT ALL NAVAJO SCHOOLS. IT IS CURRICULUM THAT WE USE AS A VEHICLE FOR EFFECTING THE EDUCATIONAL DESTINY OF THE NAVAJO CHILD. THIS CURRI-

CULUM MUST REFLECT THE UNIQUE ASPECT OF NAVAJO LIFE, IN PARTICULAR NAVAJO LANGUAGE AND NAVAJO CULTURE. THE DEVELOPMENT OF AN EDUCATIONAL COOPERATIVE WHICH CAN ACT AS A REPOSITORY, PRODUCER, AND DISSEMINATOR OF THE MATERIAL WILL BE FORMED BY NAVAJO DIVISION OF EDUCATION. THIS WILL FOSTER THE DEVELOPMENT OF CURRICULUM MATERIAL ON A LOCAL LEVEL WHICH ALL SCHOOLS WOULD SHARE, FOR ALL NAVAJO CHILDREN.

WE FIND MANY HISTORICAL REASONS FOR SCHOOL YEARS RUNNING FROM SEPTEMBER TO MAY. IN THIS DECADE WE FIND THAT THESE HISTORICAL REASONS DO NOT NECESSARILY REFLECT THE TRADITIONAL PATTERNS OF NAVAJO LIFE NOR THE EXISTING FUEL CRISIS. A DIFFERENT SCHOOL CALENDAR CAN BE ADOPTED WHICH ARE FAR MORE EFFECTIVE THAN THOSE TRADITIONALLY UTILIZED. SCHOOLS HAVE SUCCESSFULLY EXPERIENCED WITH ALTERNATIVES SUCH AS THE TRIMESTER OR QUARTER SYSTEM ON A TWELVE (12) MONTH BASIS.

WE CAN SEE HOW ELEMENTARY SCHOOLS CAN READILY ADOPT A SCHOOL YEAR STARTING IN MARCH AND ENDING IN DECEMBER WHICH ACCOMMODATES TRADITIONAL NEEDS AND CONTEMPORARY STANDARDS.

A RECENT SURVEY IN THIS STATE SHOWS A DECLINE IN MINORITY PERSONNEL IN ANY ADMINISTRATIVE POSITION, IN STATE FINANCED SCHOOLS. IN AN ERA WHERE GREATER NUMBERS OF MINORITY PEOPLE ARE OBTAINING HIGHER LEVEL OF EDUCATION, THIS SHOULD NOT BE THE CASE.

WHEN WE DISCUSS EDUCATION WE MUST RECOGNIZE NAVAJO LEADERSHIP IN THESE PUBLIC AND PRIVATE SCHOOLS AS BEING THE CORNER STONE TO THE NAVAJO EDUCATIONAL DEVELOPMENT. THIS IS WHERE THE STATES AND FEDERAL GOVERNMENT MUST WORK JOINTLY WITH THE NAVAJO PEOPLE IN ASSISTING THE SELF-DETERMINATION OF LOCAL SCHOOLS.

ONE COMMON THREAD BOUNDS EACH GOAL WITH THE NEXT. THIS BOND CONSISTS OF MAXIMUM INVOLVEMENT TO STRENGTHEN NAVAJO EDUCATION THROUGH THE NAVAJO DIVISION OF EDUCATION. MAXIMUM INVOLVEMENT

MEANS JOINT EFFORTS BY THE BIA, STATE OF ARIZONA, STATE OF NEW MEXICO, STATE OF UTAH, COLLEGES, PUBLIC SCHOOLS, PRIVATE SCHOOLS, THE NAVAJO TRIBAL COUNCIL, THE EDUCATION COMMITTEE OF THE NAVAJO TRIBAL COUNCIL, AND MOST IMPORTANT THE NAVAJO PEOPLE TO ACT TOGETHER TO PROVIDE THE STRONGEST BASE FOR NAVAJO EDUCATION.

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Exhibit No. 65

EDUCATIONAL PROGRAMS

FOR THE

NAVAJO NATION

This preliminary document contains a brief description of the eleven major educational programs which are being considered for performance on the Navajo Nation to substantially reduce or eliminate the more serious educational problems facing Dine'. The conditions creating the problems were discussed thoroughly in our recent publication, "Strengthening Navajo Education." In addition, a more complete statement describing the eleven programs will be available for release in a period of 30 to 60 days.

Dillon Platero, Director
Navajo Division of Education
Navajo Tribe
August 10, 1973

FORWARD

The material contained in this preliminary statement was drafted by many members of the Navajo Division of Education with the assistance of Richard F. Tonigan, Educational Consultant, Albuquerque, New Mexico. The statement is a logical step to follow the development of: (1) the publication, "Strengthening Navajo Education" (June, 1973), and (2) the "Linear Action Plan for Expanding and Developing Education on the Navajo Nation" (August, 1973). This present statement is being prepared to guide the development of the subsequent document in this series, a document which will describe in detail each of the eleven major programs to be acted upon by the Navajo Division of Education during 1972-1973. These programs will consume a major portion of the Division's efforts for many years to come.

One of the eleven programs, developing teacher-administrator education, is already in progress, and others are almost ready for launching in partial form. Therefore, the reader will find, in this preliminary statement, that the teacher-administrator educational program is discussed more extensively than the other ten programs.

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PROGRAM 1: Establish a Tribal Education Agency; unify educational systems presently in operation on the Navajo Nation.

Scope and Nature of the Problem

For decades the Navajos have tried to function as one socio-economic unit while, at the same time, operating under the rules, regulations and legislation of three different states. During all this time, there has not been a specific Navajo organization to provide the continuity and leadership that is necessary to deal consistently and effectively with: (1) improving and expanding Navajo educational programs, and (2) relating the educational needs of the Navajos to the goals and efforts of three state departments of education, each of which govern in different ways and in varying degrees. Likewise, the Navajo Tribe has not had a strong administrative organization to provide the guidance necessary to adequately influence the programs operated by the various school systems now serving the educational needs of Navajo youths and adults.

Local public school districts are part of the state-wide public school systems, and church-sponsored schools are considered to be under the influence of individual sponsors in determining their methods of operation. On the other hand, BIA-controlled schools operate according to specific BIA guidelines, and emerging independent schools are operationally influenced by their communities, even though the BIA still controls the funding.

Proposed Solutions to the Problem

It is proposed that many of the major problems that relate to the development of an adequate Navajo educational program would be alleviated if the Navajo Tribe was permitted to oversee the growth and development of its educational program--meanwhile providing a more comprehensive and effective educational program. Designating the Navajo Nation as a Tribal Education Agency (T.E.A.), with the equivalent status of a state education agency, would provide the Tribe with a proper foundation for this undertaking.

Objectives

This T.E.A. designation by the U. S. Government, with the cooperative assistance of the New Mexico, Arizona and Utah State Departments of Education, would enable the Navajo people:

1. To assume greater direct responsibility for the development and provision of educational services to Navajo people.
2. To have equal access to direct funding sources without the present array of special appeals, rules, interpretations and legislation.
3. To formulate pertinent educational policies for the Navajo Nation.
4. To have more direct influence on the formulation of state and national policies regarding the education of Navajo children.
5. To administer more educational support services to schools operating on the Navajo Nation.
6. To assist with the development of cooperative efforts designed to unify and strengthen the educational goals and programs of the several different elementary, secondary and collegiate organizations which have been, and should continue, serving the Navajo Nation.

Implementation Plan

This goal--the establishment of the Navajo Nation as a T.E.A. -- is among those programmatic efforts which must be implemented as soon as possible. This means all the educational programs described in this monograph hinge upon the Navajo Nation being designated a T.E.A. by the U. S. Government.

If the Navajo Nation is designated a T.E.A. , the Navajo Tribe's Division of Education will be given the responsibility of performing the administrative work of the T.E.A. The T.E.A. will not directly administer any schools; instead, the schools will continue to operate, with natural evolution, under present administrative control. The T.E.A.'s main concern will be to deliver educational services to all of these schools concerning such items as: school community planning, technical assistance to local faculty and community groups, curriculum design and revision guidance, materials and media selection assistance, teacher and administrator education (both on and off the reservation), and other services comparable to those presently rendered by state departments of education.

Evaluation

The TEA will use a continuous method of evaluation which will provide independent information, as well as internal and external audits of program needs and finances.

PROGRAM 2: Assess Educational Needs of Schools and Communities.

Scope and Nature of the Problem

Assessment will be required at two levels in this program, possibly a third. First, assessment of educational needs at the local school community level should be examined; secondly, a summative assessment should be executed to provide an overview of the entire needs of the Navajo Nation. If the third-level assessment is employed, the area surrounding the Navajo Nation will have to be considered in terms of the affects Navajo beliefs and concerns directly effect the educational assessment program. In order to effectively evaluate this third-level assessment, it will be essential to establish and maintain a cooperative effort among the three state departments of education to unify the diversified interests existing among these institutions.

The existing problem is that no assessment has been completed to provide current and comprehensive information for evaluative purposes. These fragmentary efforts account for such actions as wasteful duplication, needless omission of facts, and contrasting objectives. Baseline data is not available and, therefore, highly-relevant statistical areas are unable to be assessed in terms of planning and implementation needs.

Proposed Solutions to the Problem

A school community needs assessment program will be established by the Navajo Division of Education (N.D.O.E.) to supply a continuous

updated system of evaluation by which needs can be carefully assessed and subsequent changes made on the basis of those needs.

Description of the Program

The school community needs assessment program will secure its input data from local school community groups, regional surveys and Navajo Nation studies. Selected student-record data, census information, on-site observation, interview data, and especially, community generated opinions will be sources of input data. When feasible, and perhaps early in the development of this program, data storage and retrieval portions of the program will be computerized. The output data will be used to guide decision-making processes in a number of areas where data are varied--or in television programming, teacher training, and youth program development.

An input system will be designed to insure the periodic collection of a wide spectrum of selected data. A continuous process of evaluation and feedback efforts will be an integral portion of the system to aid in the routine collection of valid and reliable data. Some of the data will be collected through existing data sources, e.g., The Office of Coordination and Community Relations, schools, the state departments of education and the Bureau of Indian Affairs.

A major portion of the educational needs assessment program will be the dissemination of pertinent educational information to the people, to educational agencies, to the Tribal Council and to funding agencies. Navajo school board members will be especially eager to receive this data.

Objectives

The primary objectives of the program are:

1. To continuously secure educational needs assessment data for youth and adults from Dine', the people.
2. To make pertinent data available to educational planners, programmers, teachers, educational administrators and community decision-makers.
3. To provide supportive liaison among the Navajo Division of Education and Navajo communities and servicing agencies.

Implementation of the Program

Work commenced soon after Mr. Dillon Platero was appointed Director of N. D. O. E. for the purpose of initiating a preliminary needs assessment effort. The N. D. O. E. staff has been oriented to the general, overall purpose of a needs assessment program; a position paper was then prepared. The Office of Coordination and Community Relations is operating under a BIA contract with a director, five agency field coordinators and a secretary. This group is now attempting to collect portions of data from N. D. O. E., chapter groups, school boards, and similar local groups. Agency coordinators are currently assisting in disseminating information related to emerging teacher-training programs, canvassing for scholarship applications and informing chapters of the need for improved educational opportunities; this feedback is then reported to the N. D. O. E. in Window Rock.

PROGRAM 3: Provide Technical Assistance To Schools and CommunitiesScope and Nature of the Problem

For a century it has been a common practice to send Navajo children to boarding schools. They have not been able to live at home and attend schools in their communities. The difficulties encountered by the children under these conditions were quite often intolerable, and the resulting repercussions experienced by their families were severe. Subsequently, about a decade ago, regionally located schools were developed on the Navajo Nation; these schools require long busing routes. These long rides are quite tiring on the children who must spend from one to three hours a day riding in pickups, vans and buses--especially, when much of the travel is on unpaved highways existing on the Reservation. Needless to say, these regional schools contribute little to the life of the local communities and, in addition, have miserable retention rates.

After many decades of this unsatisfactory school arrangement, changes have recently been implemented which make it possible for local Indian communities to establish schools within their communities. Community-based alternatives to the off-Reservation boarding school and the on-Reservation regional schools contributed to the establishment of community schools--some even within walking distance of home. These emerging community schools are administered by the public school systems, as well as non-profit private corporations.

The Solution to the Problem

Some Navajo communities are insisting on having their own community schools. Representatives have been planning and implementing the "school community concept," with considerable effort at the local level--but little other assistance. The knowledge that a school is normally not only the only institution, but the only business of any size that will exist within their communities. The fact that the new schools are managed within their communities is a motivating force to Navajo citizens fighting the establishment to gain the governing rights to operate their own schools.

The Navajo Tribe has committed itself to assisting these Navajo Nation communities. The Tribal Council has formally passed resolutions to support the community school efforts of Rough Rock, Rock Point and Borrego Pass--to name three. These schools are demonstrating the many significant ways in which locally-governed schools can contribute to the building of dignity and human growth in both children and adults alike. These Navajo students are now learning both the Navajo and the Anglo ways of life.

By providing the technical assistance necessary to make community guidance available to local groups, the Navajo Division of Education (N.D.O.E.) makes it possible for local citizens to have a clearer understanding of the opportunities and the consequences involved in developing both community schools and other educationally-related community institutions and agencies.

Provisions will be made for making monetary grants for consulting services available to communities considering the establishment of a community school. In addition, arrangements will be made for them to make visitations to other community school situations. The relationship between school and community will be researched and disseminated. Operational fund-raising efforts will be assisted, as well as providing guidance to assist in planning curriculum and other school and community developments. Managerial advice will also be made available when the need arises. These and other forms of technical assistance efforts parallel the type of assistance the U. S. is presently providing underdeveloped overseas countries. Navajo community residents, interested in developing and implementing their own community schools, need considerable assistance in this area. They generally have very low incomes and little formal education, but they know Tribal customs and have big hearts.

Objectives

The technical assistance program objectives include:

1. Making consulting services available without cost to local school and community groups.
2. Making funds available to local school community groups to assist them in selecting their own consultants, materials for purchasing, and to pay for required services.
3. Establishing a school community reference center which will bring persons together to share their common school community development interests.

Implementation of the Program

An "Indian Technical Assistance Center" (INTAC) will be established in the N.D.O.E. The several staff members who will operate INTAC will be selected for their background of expertise and their potential ability to design and implement community-oriented technical assistance programs. Consultative assistance will be available to communities, especially in the early years of their programs.

The INTAC staff will conduct onsite seminars and workshops in such topical areas as legislation, regulations, bi-culturalism, educational programming and community economics. The INTAC staff will also function as invited advisors to community groups wishing to consider alternative processes for education of their local children and adults. Likewise, the staff will attempt to link the local people located in both the off-community and off-Reservation resources, utilizing needs assessment data from Program 2. A major responsibility will be to develop alternative strategies which will assist communities in assessing their unique needs related to their individual problem areas.

Evaluation

The effectiveness of this school community technical assistance program can be evaluated by measuring the degree to which schools and communities voluntarily utilize INTAC's services, as well as which new school and community activities develop as a direct result of the inputs of INTAC.

PROGRAM 4: Improve the Sponsorship and Coordination of Federally-Funded Programs.

Scope and Nature of the Problem

Completed studies clearly reveal gross misuse of Federal monies previously appropriated for educating Indian youth. Federal guidelines have often been ineffectively written and seldom enforced. Indian community input regarding the intent of these guidelines has been minimal. Because of the language and other cultural differences between Navajos and Federal agency employees, misunderstandings have occurred--this condition still continues to exist. Recent Rough Rock financial problems clearly reveal what can happen when sponsorship efforts are not operating at an adequately supportive level.

Proposed Solution to the Problem

A program is presently being implemented in the Navajo Division of Education (N.D.O.E.) to concentrate on a reduction and subsequent elimination of this problem. The staff assigned to this particular program are responsible for making funding agents more aware of Navajo needs and concerns responsible for (improving sponsorship) and for coordinating efforts of the Federally funded programs operating on the Navajo Nation.

Objectives

The primary objectives of this program are:

1. To improve Indian education laws so that funds appropriated are used specifically for that purpose.

2. To seek to have Federal agencies improve their enforcement of legislation and rules, thus maintaining better control of regulations concerning Indian education.
3. To seek to increase the amount of money presently received for educational purposes by the Navajo Tribe.
4. To work to reduce wide-spread confusion regarding the purpose and availability of Federal education and community related development funds.
5. To assist Reservation organizations by coordinating Federal education programs on the Navajo Nation.

Implementation of the Program

An organizational unit has been established to initiate N.D.O.E.'s efforts in Program 4. The efforts presently include programs funded by: BIA, Title I, II and IV, P.L. 92.318, higher education OCCR, and Johnson O'Malley. This unit will grant authority to all the Tribe's of the Navajo Division of Education to provide administrative coordination in Federally funded programs. The unit will provide assistance in defining and developing each program's objectives, as well as procedures for implementation and evaluation of the program.

Staff members of this unit must maintain a continuous liaison activity with agencies and foundations normally funding Indian education, including USOE, BIA, Ford Foundation, Carneige Foundation and Donner Foundation (there are many others).

It should be noted that improving the sponsorship of Federally funded programs involves the production of numerous concept papers and funds development proposals. In the future, it could involve the development of a broadly-based funds development program, including the creation of a substantial endowment program.

Evaluation

It should be relatively easy to evaluate the degree to which the objectives of Program 4 are obtained. Records will be kept to delineate success and failures in improving the intent and the wording of Indian education laws--in their enforcement and in the amount of funds they produce.

PROGRAM 5: Develop Navajo Educational Policies and GuidelinesN O T E

Work is just beginning on describing Program 5.
When completed, it will cover such topics as:

Educational Philosophy of the Navajos

Code of Ethics

Organization and Structure

Professional Personnel

Accreditation Certification

Non-Certified Personnel

Pupil Personnel

Instruction

Business and Operational Procedures

School Community Relations

State and Federal Relations

PROGRAM 6: Training for Community School Boards.Scope and Nature of the Problem

Schools which have a predominantly Navajo youth enrollment should also have a governing school board whose members are predominantly Navajo. This has not been the case in the past, however, even though it is now rapidly becoming a reality. Navajos are now being elected to public school boards, to mission school boards and to BIA contract school boards. Although most of these school board members are experienced in developing and implementing most Tribal policies, they have had very little experience in developing and implementing educational policy. Furthermore, most of these men and women have limited formal education; some are linguistically functional solely in Navajo.

Proposed Solution to the Problem

After having considerable discourse with many Navajo school board members, a task force will recommend whether school board training should be considered an essential responsibility of N.D.O.E. or some other new organization--perhaps one operating as a "Navajo Nation School Board Association." In any event, it appears certain that the solution to this problem focuses on several areas--one of which is the obvious need for a continuous, going training program for school board members.

Objectives

The primary objectives of Program 6 are to train all school board members in:

1. Alternate ways of functioning.
2. Policy-making operations applicable to their programs.
3. Differentiating the role of a school board member from that of chief education officer.
4. School-community relations.
5. Intra-agency relations.
6. Bi-culturalism in the school program,

Implementation of the Program

A task force made up of Navajo school board members representing a variety of school types, e.g., the Tribal Council's Education Committee, Dine' Bi'olta' Association, the Navajo Division of Education, state departments of education and state associations of school board members. These groups will study how this training program can best be implemented. The T.E.A. will support these efforts and provide assistance as needed, both in the completion stages of the study and in implementing any recommendations of the Task Force.

Evaluation

The value of the proposed training program can be researched in a variety of ways:

1. Pre- and post-testing the trainees.
2. Periodic analyses of the minutes taken at school board meetings.

3. Observations made during visitations at school board meetings.
4. Interviews with school board members and chief educational officers.
5. Follow-up studies to assess the degree to which school board members (past or present) also became board members of other agencies and organizations.

PROGRAM 7: Guide Development of Educational Programs.Scope and Nature of the Problem

There presently exists an array of fragmented programs lacking the comprehensive and cooperative planning, technical assistance, and a systematic approach in expanding and improving Navajo education. This can be stated for both traditional academic programs and for emerging, more specialized programs such as: vocational education, special education, and bi-culturalism.

Proposed Solution to the Problem

As a T.E.A. , the Navajo Tribe will be equipped with the necessary funds to perform much of the work required to greatly reduce this problem. The N.D.O.E. will need to perform a variety of tasks which will provide the guidance essential to the redevelopment of existing programs and the development of many new educational programs* so that they can operate effectively on the Navajo Nation. Maintaining a staff whose responsibilities include--implementing specific program policies, developing course standards, suggesting course content and sources of media, providing in-service educational opportunities, coordinating selected efforts among reservation schools, and evaluating the effectiveness of ongoing educational programs--are among the more important tasks which must be accomplished by N.D.O.E. in Program 7.

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|------------------------------|------------------------------------|
| *1. Academic Programs | 5. Bi-lingual/Bi-cultural Programs |
| 2. Vocational Programs | 6. Adult Education Programs |
| 3. Higher Education Programs | 7. Teacher-Administrator Programs |
| 4. Early Childhood Programs | 8. etc. |

Objectives

The primary purposes of Program 7 include:

1. Helping the schools to deliver the best possible, most relevant and timely educational programs to the youth and adult population of Navajo Land.
2. Using all of the educational resources of the Navajo Nation as wisely and as humanly possible.
3. Analyzing and interpreting pertinent Federal legislation.

Implementation of the Program

Some N.D.O.E. staff members are already functioning in the educational program areas listed on the prior page. The activities being performed, or under consideration, in four program areas are:

special education, early childhood, higher education, and bi-lingual/bi-cultural; they are included here to provide reference for implementing other educational programs, such as:

Special Education: To provide technical assistance to schools, organizations and communities serving or desirous of providing educational services to handicapped Navajo persons, such as:

1. Assisting schools, organizations, and communities in developing plans that will identify the value and prevalence of handicapping conditions on the Navajo Reservation.
2. Identifying those agencies presently providing or responsible for providing special educational services to handicapped Navajo persons.
3. Identifying the nature and number of special education programs and services available on, or close to, the Navajo Reservation.

4. Identifying all possible funding sources that can be utilized to support the development and delivery of special education services to the Navajo people.
5. Identifying all Tribal, state and Federal agencies that can be considered "support agencies" in the development of special education services and programs for the Navajo people.
6. Assisting schools, organizations, and communities in identifying the specific types of special education services and programs that are needed on the Navajo Reservation, such as:
 - ...Education services and programs
 - ...Health related services and programs
 - ...Vocational-rehabilitation services and programs.
7. Assisting in the planning and development of the needed special education programs and services for Navajo handicapped persons.
8. Assisting schools, organizations, and communities in the maintenance of programs designed to provide special education services to the Navajo handicapped persons.
9. Assisting in the planning and development of evaluation systems that will measure program and service effectiveness.

Support the development of comprehensive special educational services by the states of Arizona, New Mexico and Utah to insure the provision of an equal educational opportunity for all handicapped Navajo persons residing in their states by:

1. Reviewing state legislation with regard to mandatory provisions for services to all handicapped persons.
2. Reviewing state guidelines, policies and procedures with regard to provisions for special education services to Navajo persons.
3. Reviewing state programs with regard to types of special education services provided and number of persons being served.

4. Establishing communication and cooperative relationships with state special education personnel to facilitate the attainment of common goals in providing comprehensive services to Navajo persons.
5. Identifying specific program need areas relevant to Navajo persons within their respective states.
6. Assisting state departments of education in the development of state-wide programs that provide for the specific special educational needs of handicapped Navajo persons.
7. Assisting in the development of guidelines to assess the effectiveness of special education programs for Navajo handicapped persons.

Early Childhood Education: To provide technical assistance to early childhood education programs by developing a comprehensive service plan for pre-school children with special needs, such as:

1. Assisting early childhood education programs in developing a plan that would identify the nature and prevalence of handicapped conditions specific to the Navajo pre-school population.
2. Assisting in identifying the specific types of special education services and programs that are needed in the early childhood programs on the Navajo Reservation.
3. Identifying all Tribal, state and Federal agencies that can be considered "support services" in the development of special education services and programs for Navajo handicapped pre-school children.
4. Assisting early childhood programs in developing a plan for the needed special education programs and services for Navajo pre-school children.
5. Assisting early childhood programs in developing a plan for teacher training that will enable early childhood teachers to meet the specific educational, social and psychological needs of handicapped pre-school children.
6. Assisting in the planning and development of evaluation systems that will measure program and service effectiveness.

Technical assistance will be provided communities in implementation of their early childhood programs for the purpose of upgrading existing pre-school facilities, such as:

1. Obtaining information from communities and early childhood educational personnel on those school facilities in need of renovation or restoration.
2. Assisting communities and early childhood personnel in identifying all possible funding sources to be utilized for pre-school facilities.
3. Assisting communities and early childhood personnel in developing proposals for submission to possible funding sources.
4. Assisting communities and early childhood personnel to effectively develop pre-school renovation plans.

Higher Education: To encourage capable and deserving Navajo students to continue their education beyond high school for the purpose of developing and increasing their employment opportunities in professional fields primarily located on the Navajo Reservation by:

1. Disseminating information pertinent to college entrance applications and procedures for financial assistance to Navajo persons who are desirous of obtaining college educations.
2. Reviewing and approving student applications for financial assistance.
3. Disseminating financial award letters and letters of denial to student applicants.
4. Sponsoring annual orientation for freshman students to acquaint them with Tribal scholarships, policy and procedures.
5. Dispatching grant monies to appropriate colleges or universities.

6. Conducting on-site visitations to students for the purpose of providing counseling and support in order to retain greater numbers of Navajo students in college.
7. Providing assistance to students in renewing their application for financial assistance for the next school year.
8. Providing internal evaluation by N.D.O.E. staff members for the purpose of continuous upgrading the scholarship program.
9. Preparing annual reports to the BIA and the Navajo Tribe.

Establish a Navajo professional retrieval system to alleviate the existing shortage of Navajo professionals employed on the Reservation by:

1. Developing a position paper in support of the need for a Navajo professional retrieval system.
2. Obtaining approval from Tribal administration and endorsement from the education committee on proceeding with plans for the development of a Navajo professional retrieval system.
3. Preparing a proposal for funding.
4. Identifying all possible funding sources and resource agencies.
5. Identifying Navajo professionals.
6. Identifying need areas.
7. Implementing the program.

Bi-lingual/Bi-cultural Programs: To attempt to:

1. Identify all schools and organizations that are developing and have on-going bi-lingual/bi-cultural programs.
2. Identify resource persons in the area of bi-lingual/bi-cultural education.

3. Disseminate information pertaining to bi-lingual/bi-cultural programs and resource persons to schools and organizations requesting assistance.
4. Co-sponsor and assist schools and organizations in conducting workshops and seminars in bi-lingual/bi-cultural education.
5. Review and analyze state and Federal legislation pertaining to Navajo bi-lingual/bi-cultural education.

Evaluation

The long-range responses of youth and adults will be the critical evaluative area. Evaluation will be concerned with periodical measures of such items as, attendance rates, dropout rates, achievement rates, twelfth-grade completion rates, college entrance percentages, etc.

PROGRAM 8: Develop a School-Community Television Program.

N O T E

Details of Program 8 are just starting to be developed. In essence, a Navajo Nation-wide television program for both school and community use will be established. The program will use the Catskill Mountains, Title I system headquartered in Stamford, N.Y., as its basic design model.

Program 8 will reinforce the establishment of a television studio, the creation of an adult/student staff, a continuous student training program, mobile taping components, a relay tower system, program development capacity, connection with the Rocky Mountain Educational Satellite, and other items necessary to make a total system --managed, operated and programmed by Navajos.

PROGRAM 9: Develop a Teacher-Administrator Educational Program.

Scope and Nature of the Problem

Economic needs of the Navajo. The economic development of any area of the country is dependent upon the various stimuli around which this economic development can be centered. In an area such as the Navajo Nation, where the impact of industrialization has not been felt to any large extent--the major business is education. Education provides the basis for several types of activities which stimulate further economic development. It is, in many smaller communities (both on and off the Reservation), one of the major sources of employment. Such employment brings cash into the community and provides for some economic stability to its employees. In addition, due to the activities which center around the educational activities--community leaders emerge, other industries can be attracted, and the youth of the community may find it possible to remain there and further develop the life of the community. Many of the areas of economic need have been cited in, "Strengthening Navajo Education" which can, in part, be met through various educational endeavors. However, for this to have a real impact, the Navajo must be able to participate as a viable member of the educational community. In the past, the Navajo has been very limited in participation due to lack of training and inability to be qualified as a teacher or administrator.

Needs of Dine' for indigenous teachers. Unless a given cultural group (the Navajos) within the majority culture (the Anglos) is willing to be absorbed into the majority culture, there are a variety of needs which can only be met through the development and utilization of teachers and others indigenous to that cultural group. This is especially true when there are major language and social differences between the two cultures. Within the Navajo Nation there are many differences: linguistic and cultural; social and family; religious and philosophical; and conceptual in terms of the place of the Navajo in the affairs of men in regard to history, politics and thought. Only those who have been indigenous to the culture are able to fully realize and grasp the significance of these differences for other members of the culture. Others, although well-intentioned and sensitive, will never be able to fully escape their own cultural heritage and the impact it has on the way they view themselves, as well as the way they view the rest of the world. Therefore, there is a great need to move toward some type of balance between the availability of the Navajo for positions within the educational endeavors--and others, from the dominant (Anglo) culture.

Need for stabilizing the educational staff. Educational programs have the limitation of being long-term endeavors, requiring continuity from year to year--if they are to provide even

minimum results. When there is not adequate stability within staffing, statistical results will indicate--lower student achievement, higher dropout rates, lower self-esteem on the part of students, and a general, overall dissatisfaction with education. These factors have been observable responses of Navajos to education in the past--and while they cannot be totally attributed to lack of staff stability--a 20 percent turnover rate per year can certainly be viewed as a major factor. Various conditions contributing to this are teachers who come from outside the Navajo Nation and do not remain on the Reservation long. On the other hand, greater staff stability could be achieved by developing local persons coming directly from within the Navajo Nation.

Emotional needs of students. There is no statement more expressive of this issue than the one made by Howard Gorman in his January 17, 1973 speech to Dine' Bi'olta', which stated:

"Originally, Navajo education was something forced upon us. It was something that divided parents from children. It was something that had as its major objective the destruction of Navajo language and Navajo culture. It was Navajo in name only. Many of our people went through such an educational experience. Many of your people lost their culture and language in the process of getting an education. We were told there is no other way: There is no better way. This kind of education existed on the Navajo Reservation and still exists in some places and in some schools..."(p. 32)

"What do Navajo people want in their schools? I think they want schools that teach in a positive manner Navajo language and culture. I think they want Navajo history taught from Navajo textbooks. I think they want their children to learn in a climate in which the children are respected as well as their homes and parents. I think Navajo people want quality education contained in a system that allows for individual differences and interests." (p. 33)

Need for integrated systems of education. The operation of five different types of school systems within the boundaries of the Navajo Nation has made it almost impossible to say what Navajo education is. "Each educational program on the Reservation has its own hierarchical structure, levels of responsibilities, lines of authority, rules, regulations, procedures and standards," ("Strengthening Navajo Education," p. 13). The impact of this on the Navajo must certainly be one of frustration and confusion. One of the problems that contributes to this is certainly a lack of availability of qualified Navajos to be a part of this educational enterprise--thus, providing some point of consistency in Navajo education.

Curriculum needs of schools. Schools are one of the major transmitters of cultural knowledge and values. The organization and content of the curriculum is what makes schools what they are. If a culture is going to be preserved in some distinct form, there are a variety of curriculum needs which must be met. In terms of the Navajo, the following are issues which apparently are not now being adequately met--either through rules, regulations or state department of education standards: Navajo language

program development; Navajo history program development; organization of the curriculum to match developmental patterns of Navajo children; introduction of learning skills as related to the needs of Navajo students; development of secondary and post-secondary technical, vocational and pre-college programs that are functional for Navajos.

Proposed Solution to the Problem

Increase the availability of Navajos to the educational systems.

As has been implied in the foregoing presentation of needs, one of the partial solutions to these needs could be provided by increasing the availability of Navajos as para-professional and professional members of the educational systems. This movement would be concurrent with the needs of economic development, because it would provide incomes for numerous Navajos as well as continue to develop leadership in communities. This might eventually result in increasing industrial developments. Providing qualified Navajos certainly makes it more possible to provide teachers who know the culture and the communities. In addition, the emotional needs of students can be more adequately met due to the fact that Navajos would not be as apt to stress the unlearning of the cultural values which the children have been learning from their families. Navajos could begin to become the unifying and integrating influence needed in view of the varied educational enterprises carried out on the Reservation.

Finally, Navajos educated to participate as educational leaders would be able to assess the effectiveness of the curriculum and, in turn, develop increasing skills which would enable them to adapt it to the needs of their own people.

Some directions are already being initiated. Of course, not all of these directions are new. The growing awareness of the past several years has already resulted in a number of developments which are giving direction to the solution of some of these problems. The colleges and universities which interact with the Navajo Nation in some depth have begun to respond to many of those needs. "Six years ago the number of Navajos attending The University of New Mexico, and other colleges on or adjacent to the Navajo Nation was thirty. Today, it is several hundred--and, about 60 percent of these students are studying Education." ("Strengthening Navajo Education," p. 40). Both the College of Ganado and the Navajo Community College now offer two-year programs in vocational, technical, and academic education. There is in operation--the Navajo Teacher Educational Development Program; it will provide, in two years, the stimuli and means for 100 Navajos to complete their four-year degree programs in Education. Bi-lingual and multi-cultural curriculum materials and media development programs are underway at the present time. The Rough Rock Navajo Materials Development Center also continues to produce very useful Navajo educational materials.

Need for a more comprehensive and total system. The need, then, is not for something to take the place of a void, but for developments which will augment what is now happening--moving in the direction of a comprehensive and total system of Navajo education. This calls for a continuing and increasing number of Navajos to be prepared to take their places as co-workers and leaders in these new developments.

Objectives

This Phase of the total Linear Action Plan proposes the following:

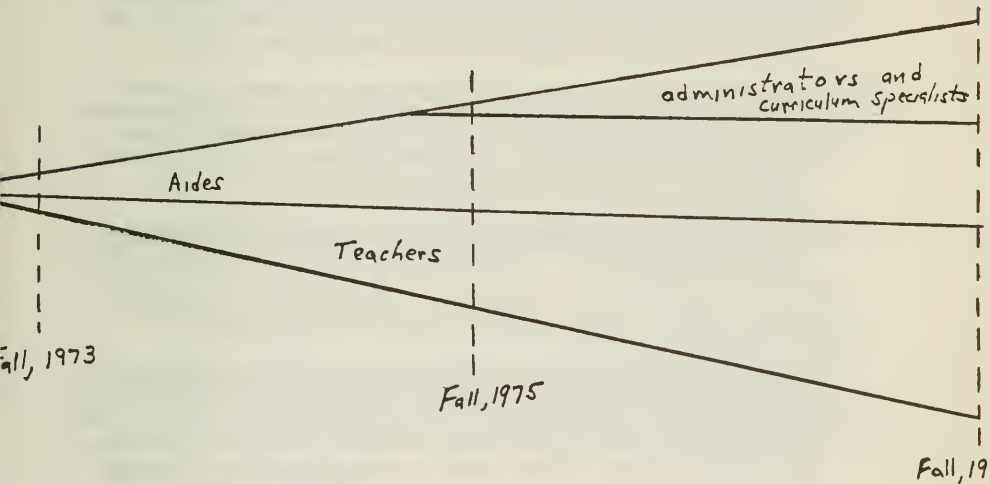
1. To provide the basis for a commitment. The detailing of this plan should be able to provide a rationale and basis for the Navajo Nation to make a commitment to continuing and intensifying a program to furnish Navajos qualified for any position in the educational systems.
2. To provide a plan of action. The development of this Phase of the Linear Action Plan will provide for a plan of action qualifying Navajos for any position in the educational systems.
3. To provide personnel options. The application of this Plan will make it possible for the educational systems on the Navajo Nation to have the option to employ qualified Navajos for positions in these systems.
4. To provide for staff stability. As Navajos who already live in the various communities become employed within the educational systems of these communities, greater staff stability will be accomplished.
5. To reinforce teacher development efforts already underway. There should be no loss of effort in the implementation of this Plan as far as those programs which are already in operation to extend the qualifications of Navajos for teacher positions.
6. To extend credit options available to participants. Credit for the various development activities should become available. This should include, in addition to regular credit for residency work on a college or university campus, credit for special courses taught in the Reservation communities and credit options for previous experience of a non-academic nature.

7. To provide financial assistance for participants. The program will identify and develop resources which will make it possible for participants to receive financial assistance for the fulfillment of educational requirements to enable them to enter and/or advance within the educational systems of the Navajo Nation.
8. To develop a Navajo college of teacher education. The pursuit of the development of one, or both, of the two colleges within the geographical boundary of the Navajo Nation into four teacher colleges will enhance the possibility for Navajos to expand educational developments.
9. To provide educational certification of participants. It is the intent of the plan to make formal educational course work available to groups of aides, teachers, curriculum development specialists and administrators so that they can become certified, or recertified, and have access to promotional opportunities within the educational systems of the Navajo Nation.

Implementing the Program

Orientation and involvement. Through the combined efforts of the Director of the Office of Training and Professional Development and the Director of the Office of Coordination and Community, the plan will be presented to the N.D.O.E., and the various Chapter Houses throughout the Navajo Nation. An Advisory Committee on Teacher-Administrator Professional Development will be formed which will include qualified Navajos who are now working in professional education, Chapter House representatives, and representatives of the school and college systems with the Navajo Nation to provide advice in regard to the development and implementation of this plan. Activities which will be carried out will include: survey of the Navajo communities to determine potential participants

among both the adults of the community and secondary and post-secondary students from the communities; a tentative identification of potential participants in this professional development plan; an analysis of the present capabilities of these participants; the establishment of the priority objectives to be pursued, depending upon the present capacities of the potential participants; and a determination made by the Advisory Committee and the N.D.O.E. as to where the more appropriate beginning points would be. The chart below is a visualization of the relationships of these various groups in terms of probable development activities and time lines:



Concept and position papers required. There will be a concept paper developed which will meet the needs of the development of each of the objectives previously listed. The concept paper will attempt:

1. To provide a basis for a commitment to the program. This paper would be based upon many of the concepts stressed in, "Strengthening Navajo Education," but specifically applying these to teacher-administrator development programs. It will detail the philosophical position of the Navajo Nation on this matter and provide the basis for making a commitment to implementation of the program.
2. To develop and extend the implications of this section. The document would develop a plan of action to provide qualified Navajos for any position existing in the educational spectrum.
3. To provide a basis for participation. A position paper, prepared in conjunction with the school systems now operating on the Navajo Nation, would provide a basis for participation in the Linear Action Plan in terms of utilization of trained Navajos.
4. To inter-relate the projected outcomes. A concept paper would be developed to inter-relate the projected outcomes of all of the present programs now existing in teacher development.
5. To specify types of financial assistance. A position paper would be developed specifying the types of financial assistance to be provided participants in all levels of the plan: University scholarships, Tribal scholarships and assistance, work-study grants, internships, and tuition waivers.
6. To establish an action plan for extension of college programs. A position paper would be developed to establish an action plan for the extension of at least one of the two college programs in operation within the geographical boundaries of the Navajo Nation into a four-year teacher education institution.
7. To establish a relationship among various state departments of education. A position paper would be developed to establish the relationships of the various state departments of education with regard to certification of aides, teachers, curriculum development specialists and administrators--and prepared under provisions of the plan.

8. To delineate the career ladder development. A concept paper would be developed to delineate the career ladder developed for the Navajos within the educational system. Special attention would be given to the utilization of credits granted for one level of training so that it related to the next level of training. Therefore, work completed for one job category would apply naturally to the next level.

Development of funding sources: There are numerous funding sources which could be utilized in the implementation of this plan. Staff members within the N.D.O.E. will be assigned to an in-depth pursuit to each of these sources so that adequate use can be made of each:

Federal funds could be available from several sources. Funds which are currently being used through the BIA for the professional development of teachers are a potential resource, as are funds designated through the BIA contract school programs. The Educational Profession Development Act provides, in conjunction with colleges or universities, another potential source of funding. Special Federal funding under Titles VII, IV and I--some of which are presently being used--provide another funding resource.

State funds are presently available through the state department of education for the purpose of upgrading the educational profession and can provide a legitimate source of assistance in this plan. In addition, state legislators are more inclined to provide earmarked funds for special programs. Indian education should most certainly be one of these. Special requests for legislative apportionments for these purposes would be an appropriate funding resource.

Navajo Tribal funds have already been earmarked for educational purposes and should continue to be a potential source of funding for the purposes identified and developed herein.

Private and organizational gifts and endowments provide a highly potential source of funding which should be explored and developed for this and other programs on the Navajo Nation.

Operating the program:

Staffing the program will be under the direction of the Office of Training and Professional Development of the N.D.O.E.

Special staff assignments will be made within this unit to deal with the various portions of this plan, such as: para-professional staff development, professional staff development, liaison with colleges and universities, the Federal programs and the state programs. This staff would be responsible for the continuing development and implementation of this plan.

Budgeting the program would be developed as each portion of the short- and long-range operationalization plans emerge. It is anticipated that funding would include the various aspects which were developed in the section of this document dealing with funds development. Budgeting would follow a program budget format with a line item identification within each program area that is to be operationalized. In this way, a comparison can be made of the effects of the various program expenditures based on results achieved through program operation.

Evaluation

The evaluation of this program will be accomplished through an assessment of achievement of each objective presented, such as:

1. Did the development of the plan lead to a commitment on the part of the Navajo Nation to furnishing qualified Navajos to positions in the educational system?
2. Was a plan of action developed?
3. Has the implementation of this plan of action led to an educational system of hiring more qualified Navajo aides, teachers, curriculum development specialists and administrators?
4. Has the stability of the staff increased as a result of these hirings?
5. Were the teacher development efforts already underway enhanced and extended?
6. Were credit options available to participants?
7. Was financial assistance developed for participants?
8. Did one of the colleges or universities qualify by offering a four-year program of teacher education?

9. Did formal educational course work become available to groups of aides, teachers, curriculum development specialists and administrators so they could become certified, or re-certified, and obtain promotional positions?

This evaluation will be carried out on a continuous basis in order to periodically determine the progress being made toward achieving these goals, as well as to provide feedback to staff members. Time lines for specific areas of accomplishment can then be reset as activity proceeds.

PROGRAM 10: Develop Administrative Support Services.Scope and Nature of the Problem

Currently most of the support services which will be needed by the Navajo Department of Education (N.D.O.E.) are available through other Tribal organizations. As the N.D.O.E. enters into the area of functioning as the Tribal Education Agency (T.E.A.), and as it expands its operations to fulfill a larger role in resolving the educational problems of the Navajo Nation--N.D.O.E. will have to enlarge its work force to handle this expansion. Before a reasonable estimate can be made regarding the scope and nature of this expansion, a number of problem areas will have to be resolved. For example, "Should some of the administrative units of the Tribe be replicated in the N.D.O.E.?" -- "Can the Tribe meet the day-to-day service needs of the N.D.O.E.?" -- and, "Which of the support services could best be acquired by contracting?"

Similarly, the exact support services which are required need to be delineated, but they cannot be until the proposed Programs (1 thru 11) are developed more completely. Some of the administrative services can, however, be identified; these include:

- | | |
|--|-------------------------|
| 1. Personnel Administration | 7. Public Relations |
| 2. Transportation | 8. Contracts and Grants |
| 3. Financial Administration | 9. Legislation |
| 4. Purchasing (Shipping, Receiving
& Warehousing) | 10. Food Service |
| 5. Duplicating | 11. Facilities |
| 6. Printing and Binding | 12. Plant Management |

Objective

The objective of this program is to provide operational personnel with the equipment and facilities that will allow them the capabilities of rendering supportive services needed: (1) on time, (2) at a reasonable, economical cost, and (3) of satisfactory quality.

Evaluation

The effectiveness of Program 10 will be judged by every employee on a daily basis, as well as by periodic internal audits. The evaluation will be primarily concerned with--how effectively and economically were all required services provided.

PROGRAM 11: Conduct a Youth ProgramScope and Nature of the Problem

The need to establish a comprehensive youth program emerges as a top-priority item for the Navajo Nation. Over 50,000 Navajo youth are enrolled in learning programs. During non-school hours, however, there are few planned activities available to them to assist them in learning to use their free time in meaningful ways. Hence, many of them use their time to drift around making few, if any, of the many significant contributions they could toward self-improvement, which would not only benefit themselves--but their Tribe. Since the average Navajo living on the Reservation is slightly less than 17 years of age, according to the 1970 U. S. Census, the Tribe is dependent upon school age children (especially high school and college age) to assist with Tribal affairs. Assuming this responsibility in early adulthood is believed to be important in preparing the youth to adjust to the roles of leadership and work that will be expected of him in life on the Reservation.

There is little doubt that the lack of well-planned youth programs could be a major contributing factor to the problems existing for Navajo youth, such as: isolation, alcoholism, unemployment, and the tendency to leave the Reservation rather than to remain and help seek solutions to unresolved problems faced by the Dine'.

The Solution to the Problem

A unit needs to be funded by the N.D.O.E. for the purpose of working with other Reservation personnel in an attempt to create

comprehensive youth programs--plans which will stimulate local community and school involvement. This unit would be established specifically for the purpose of pursuing Tribal, as well as other sources of operational funding. It is important that this be a network of dedicated Reservation personnel who will endear themselves to fulfilling the need for a youth program and, at the same time, take an active part as participant in its implementation.

Objectives

The objectives of Program 11 will attempt:

1. To provide all Navajo youth with meaningful activities to engage in during non-school hours.
2. To help Navajo youth develop their maximum physical conditions through exercise of their bodies, as well as their minds.
3. To help Navajo youth learn to make decisions on their own.
4. To help Navajo youth develop socially in their communities.
5. To provide income producing jobs for Navajo youth.
6. To provide opportunities for "work and learn" experiences.

Implementation of the Program

Among the first tasks to be performed are the following:

1. Inventory of youth programs presently in progress to determine how they can best be strengthened and their efforts coordinated to maximize resources.
2. Inquire about the basic needs schools and community personnel (including the youth themselves) believe to be most important and place these on a priority listing.

3. Inventory agency programs where sources of funds can be secured for the filing of a concept paper, a proposal or even implementing some politicizing techniques. Secure as many sources of grants as possible and begin canvassing to find people to administer the program, e.g., ONEO, the U. S. Labor Department, the U. S. Agricultural Department, the schools, the state highway departments, and the Tribe itself--these are some of the funding sources now available.
4. Draft legislation which would generate new program funds for activities which can be adequately funded by already existing programs.
5. Secure assistance from universities, state agencies, and others to provide input into this program.

Many more tasks are now under development and will be included in a manual to be released within the next few months. Any interested parties should contact the N.D.O.E.

Evaluation

The evaluation of this program can be both quantitative and qualitative. It will focus on such items as:

1. Improvement in living practices.
2. Additional income earning opportunities.
33. Increased happiness.
4. Contributions made to Tribal and Dine' for improvements.
5. Reduced problems in school and community interactions.

Exhibit No. 66

TESTIMONY OF JACK HENNESSY BEFORE THE UNITED STATES COMMISSION ON CIVIL RIGHTS, HEARINGS ON THE EDUCATIONAL SYSTEM IN SAN JUAN COUNTY, UTAH (SUPPLEMENT TO ORAL TESTIMONY SUBMITTED ON OCTOBER 23, 1973, AT WINDOW ROCK, NAVAJO NATION).

We welcome the opportunity the United States Civil Rights Commission has given us to present, in behalf of our clients, Navajo parents and their children, a statement on the quality of education afforded Navajo and other Native American students in San Juan County, Utah. As you may know, our legal services program has had a continuing interest in the educational opportunities open to Navajo children since our successful conclusion of the much heralded case of Natonabah v. Board of Education of Gallup-McKinley County School District, in McKinley County, New Mexico. Unfortunately, many of the abuses that we remedied in that case are also present in the San Juan County, Utah, school system.

San Juan County, Utah, is the second largest county, by area, in the United States. The county is situated in the South-eastern corner of Utah, extending northward to just South of Moab, Utah, bounded on the East and South by Colorado and Arizona, respectively, and bounded on the West primarily by Lake Powell, A map is appended to this statement.

San Juan County has a population of over 9,600 persons, of which approximately 49.3 per cent are Native Americans. The Southern one-third of the County lies exclusively within the boundaries of the Navajo Nation, and contains nearly all of the Native American residents of the County.

In effect, the county can be geographically divided into halves, with the Northern half containing primarily Anglos, and the Southern portion mostly Navajos.

In the North lie the two principle cities of the county Blanding, and Monticello, the County Seat. In the South are the small communities of Bluff and Mexican Hat which border on the Navajo Reservation. Communities existing within the Navajo Nation include Aneth and Montezuma Creek, Utah.

There is stark contrast between the two portions of the County. The Anglo north has all of the job opportunities, all of the State and County offices and services, and most of the wealth. The South has all of the poverty, unemployment, crime, disease, and squalor. There are two separate worlds in San Juan County, totally different in economy and culture.

To appreciate the two cultures, and the dominance the Anglo has achieved over the Navajo, one must look to the history of San Juan County. The county was first settled in 1880 by Mormon pioneers, whose stated purpose was to control and eventually dominate Navajo and Ute Indians who posed a danger to Mormon settlements further to the North. As a result, intermittent warfare existed between the two groups until as late as the 1920's. Since many of the events of this history of conflict are within the memory of senior residents of the county, it is proper to inquire as to the extent these historic attitudes continue to have an influence on the emotions governmental, and especially educational, officials have toward Indian peoples.

The historical background of the county is important. The traditionally dominate religion of the area, Mormonism, has stressed and continues to emphasize, in its religious doctrines and teachings, the inferior and dependent nature of Blacks and other non-whites.

The resultant racial bias by whites in San Juan County has had a dramatic impact on the lives of the counties Native American citizens. As mentioned, there are two worlds existing in the county which stand in stark contradiction to each other. Anglo Merchants constantly abuse Navajo consumers who must purchase basic necessities for their families, necessities which are hard to come by for those living in the vast and isolated areas of the Navajo Reservation. Discrimination is rampant in employment, housing, and health, welfare and other governmental services. No Navajo has ever been seated on a District Court jury in San Juan County, nor has a Native American ever served as a County official other than in the position of school board member.

It is not surprising the educational opportunities for Navajo children have suffered as well. The heavy enrollment of Navajo and Ute children in the San Juan County school system is a relatively new development. Yet, this is the result of encouragement by school district officials. Why? The answer may lie in the tremendous amount of federal monies now available to the district which relate specifically to the educational needs of Indian students. For instance, revenues for an estimated 1973-1974 school year budget of \$3,000,000 amount to \$375,000 from Title I funds, \$100,000 from Title VII funds, approximately

\$120,000 from Johnson O'Malley funds, nearly \$50,000 from the Utah Division of Indian Affairs, and an anticipated \$200,000 from P.L. 574 funds, although the district expectations are as high as the nearly \$600,000 received in past years.

While it may be somewhat cynical to assert that the school district encourages Indian enrollment simply to take unfair advantage of Indian education funds, the assertion does ring true, especially in light of the abuses discussed below.

But first a brief description of the San Juan County School System. There are five voting districts in the school system, each electing a school board member. Although the county is nearly 50 per cent Navajo, the voting precincts have been carefully jerrymandered to insure white domination of the district. There are two Anglo districts to the North, and two predominately Navajo districts in the South. The fifth district covers a nearly all white Blanding precinct, and a Bluff precinct, likewise heavily white in population. Navajo citizens living in the Reservation areas near Bluff are included in one of the Navajo precincts. The result of this rather slick mathematical slight of hand is that there are three Anglo school board members, and two who are Navajo (one of whom recently resigned).

As mentioned, the district is one of the largest, area-wise, in the United States. Yet despite its size, there are only 2673 students enrolled in the school system. Some 239 of these students are designated as Title I eligible. Of these, 725 are Native Americans, most of whom are of Navajo origin. Approximately 46-48 per cent of the district's students are non-white, the majority again being Navajo.

Of the district's schools, only three are located on or near the Navajo Nation. None of the three are high schools. Elementary schools, grades K-6 in Montezuma Creek; grades K-3 in Mexican Hat; and grades K-4 in Bluff; are the only facilities in the entire southern half of the county, the area with a high concentration of Navajo and Ute students. The Northern portion of the County contains one elementary school at LaSal, a small elementary school at Fry Canyon, an elementary school at Monticello, two elementary schools in Blanding, and high schools at both Monticello and Blanding, and a junior high school in Blanding. (Blanding will soon have an expensive vocational school.)

Six of the district schools are Title I and VII target schools. They are: all of the Blanding schools, and the ones at Bluff, Mexican Hat, and Montezuma Creek. At least two of these schools, Mexican Hat and Montezuma Creek, have 90 per cent or more Navajo students, San Juan High School in Blanding has nearly 50 per cent, and the other eligible schools have from 45 to 75% Navajo or other Native American students.

INEQUALITY IN THE SCHOOLS

Simply put, the school facilities in the areas of high Navajo student population are not equal to the schools in the northern-anglo areas of San Juan County. The building trend always goes from north to south. This is racial discrimination at its worst.

A look at the school buildings themselves offers the most dramatic contrast. In Blanding and Monticello, the schools

are generally new, well constructed and designed, attractive in appearance, and well stocked with accessories vital to student education.

The southern, Navajo schools offer a different picture entirely. In Mexican Hat, inspite of a new addition, the school is badly overcrowded, requiring the use of a mobile unit, and several cramped, unattractive rooms in the older section of the school. The mobile unit has no sanitary facilities, and no running water. The school's water system frequently breaks down, creating serious potential health hazards, and requiring the use of a water truck.

In Montezuma Creek, the school is seriously over-crowded, even with the addition of four mobile units, none of which have sanitary facilities. The school's "multi-purpose" room, which is supposed to be used for recess, games, physical education, and the like, has a ceiling so low that it is virtually impossible to play basketball or volleyball.

Bluff has the worst facilities in the district. Navajo students are packed into cramped, over-crowded class rooms. The school has no kitchen, and no lunchroom. The children are forced to eat at their desks barely warmed over lunches which have been trucked down all the way from Blanding. There are two mobile class room units, neither of which has sanitary facilities. The sanitary facilities for the school itself are woefully inadequate to handle the schools 60 students. Bluff's multi-purpose room has had to double as a class room, virtually eliminating its use for recreational or similar activities. The library room ~~has~~ not

enough space to accomodate more than five or six students. Hopefully, the planned addition to the Bluff school will alleviate some of these conditions.

The contrast in building facilities can hardly be underemphasized. The Northern schools are in excellent shape. Indeed, with the completion of the vocational school in Blanding, an excessive amount of class room space will be available to students attending Northern schools. Yet the overcrowding continues in the Navajo schools to the South.

Of course, inequality in school buildings and physical plants is a rather small part of the overall problem. For instance, the quality of the teaching staff presents a much more serious threat to an Indian Student's education.

In the Southern schools the teacher turnover rate is often several times that of the Northern schools. In Mexican Hat and Montezuma Creek the turnover rate from last year to this ranged between 40 and 50 per cent. Constant turnover could mean a number of things, especially in times when teaching jobs are hard to come by. Undoubtedly the inadequate facilities are a key factor. Whatever the reason, the constant turnover, and the replacement of transferring teachers with less experienced, less educated personnel, causes problems for both students and administrators.

Navajo children have special educational needs peculiar to their cultural background, needs which can be best understood and dealt with by qualified Navajo teachers. Yet in a school

district in which Navajo enrollment pushes 50 per cent, only 6.5 per cent of the certified teachers are Navajo. Are there qualified Navajo teachers? Schools in and near the New Mexico and Arizona sections of the Reservation have little difficulty attracting qualified instructors. Indeed, several excellent Navajo teachers have left the San Juan School District for more favorable educational conditions in Arizona and New Mexico.

Aside from the certified teachers, the district does have a rather substantial number of teachers-aides and tutors, many of whom are Navajo or Ute. They are the bulk of what the district calls their "bi-lingual" program, of which more will be said later. The instructional aides are used as nothing more than glorified interpreters. These "teachers helpers" do little more than translate a teacher's point in Navajo, when needed, and help maintain order in the class room. The tutors do individual teaching, generally with children who the district classifies as "slow learners". Most tutors have no specialized training in learning disabilities. There are several Anglo tutors working in schools whose Navajo student population goes as high as 96 per cent.

The classified-non teaching staff of the district consists mainly of Anglos. In the southern schools, located in areas of extremely high Navajo-unemployment, and in areas of high Navajo population, there are still Anglos found in such positions as janitors and cooks. And in schools in which there are both Navajo and Anglo staff, the Anglo staff members are usually found "supervising" the Navajo employees, i.e., an Anglo cook and a Navajo cook's "helper". All staff receive low pay and have little

in the way of employment benefits.

School curriculum is another area in which the Northern-Anglo schools stand far above the Navajo Schools to the South. For instance, the Northern schools offer well developed art and music courses. The Navajo schools have no such equivalent, although several do attempt instruction in "arts and crafts". Art and music instruction are no more than what individual instructors care to make them. And the lack of adequate supplies and equipment insures that no meaningful instruction will occur. Thus Navajo children miss out on an entire educational experience, the experience of delving into the arts.

Physical education in the district also has its inequities. The northern schools have well developed programs for nearly all grade levels. In the South, the only physical education is "recess", with an organized sport on occasion. Once again, an entire facet of education is withheld from a large number of students, again mostly Navajo.

Extra-curricular offerings are likewise unequal. There are no organized bands, choirs, or student clubs in the southern schools. Few, if any organized athletic teams are found in the south. By the seventh grade northern school students are enjoying varsity-like sports and other healthy competition. By the time they are in High School, they are far ahead of the Navajo student to the South. An additional barrier to high school athletic competition is that Navajo participats are forced to undergo the long bus rides back to the Reservation, often arriving long after dark. More will be said later about the bussing problem. Sports

and similar activities for women students are virtually non-existent. Some schools, mostly in the north, are beginning girls volleyball and basketball. Extra-curricular activities are vital to young students. Aside from offering a new and exciting educational experience, they provide an additional incentive for students to stay in school.

The northern schools, with the better resources, offer many classes and experiences not seen in the south. The best example is the Navajo Language and culture course offered at Blanding Elementary School. The course offers a Bilingual, bicultural curriculum for nearly 100 Navajo students. But curiously enough, an equivalent course is not offered in any of the southern schools with high concentration of Navajo students. Another example are the Monticello Elementary School's "mini-courses"^{which} have been instituted, in which one day during the week special small classes are offered in such non-traditional areas as bicycling, small engine repair, nursing, and Spanish. No such courses are found in the Southern schools.

It is not hard to tell which schools are in the best position to offer a comprehensive and varied curriculum, especially when one examines the available teaching equipment. In northern schools there are virtually rooms full of audio-visual aids and equipment, science lab kits, and a multitude of special equipment for other projects. The Navajo schools have few tapes or records, inadequate audio-visual equipment, and virtually no science equipment whatever. When I recently asked a southern school principal how much science equipment he had, he laughed rather ruefully and said, "It's all in one small box in that closet".

The special education curriculum offers the most tragic contrast between Anglo and Navajo schools. The district has only one special education class, located at the Blanding Elementary School. The class provides care for 8-10 students, most of whom are very young. High school age children are generally overlooked. Retardation in the class ranges from mild to severe, although it must be pointed out that the district has no adequate bi-cultural testing procedures to determine the true extent of retardation, and the extent that cultural factors may have had on a particular child's disability.

The Navajos attending the special education class are often bussed more than 50 miles one way, along with the regular students. This often creates problems. One special education student from Bluff, an eight year old Navajo child, was repeatedly harassed, knocked about, and ridiculed daily on his trip to Blanding by the "normal" students on the bus.

Until recently, the special education class was not taught by qualified personnel. Even now, the class could be better equipped, larger, and offered in the Navajo schools as well.

The few remedial courses in the Navajo schools are often poorly handled by the district. For instance, the remedial reading class at Mexican Hat was dropped this year, a dubious decision in light of the fact that 96 per cent of the students at the school are Navajo, and that the district maintains that Navajo students most lack reading and English language skills. Remedial courses throughout the Navajo schools are definitely poor in quality in comparison to the wealthier Anglo schools to the North.

TITLE I

A school district which intentionally discriminates against its Indian students can hardly be expected to use TITLE I funds lawfully. As the Commission knows, Title I funds are to be used exclusively for the benefit of educationally deprived children in certain designated "target schools". The funds are to be used only after the district's general funds have been fairly distributed throughout the school system, and only as a supplement to the general fund. In other words, District Schools must be comparable, or equal to each other (within a 5 per cent variance) before Title I funds are used. As suggested, the Navajo schools are in no way equal to the Northern Anglo schools, and this is inspite of the massive infusions of Title I and other Navajo related revenues by the district.

The schools do not meet Title I comparability standards. Indeed, the District does not claim that they do (see Exhibit A, "Criteria for Determining Comparability"). It is extremely doubtful that the schools are as close to comparability as alleged in Exhibit A. There are no separate general budgets for each school in the district, making it virtually impossible to accurately pinpoint the per pupil cost on a school by school basis. The districts figures can only be estimates at best.

Federal regulations require that the San Juan County School District submit a plan to achieve comparability in the schools. The district's current plan (see attached Exhibit B, "FY74 Projections to achieve comparability") consists of a doctored set of "Criteria For Determining Comparability" reports. No attempt it made to submit the required detailed and comprehensive plan needed to achieve comparability. The proposal merely

says, "we'll be comparable".

As mentioned, Title I funds are required by federal law to be supplemental in nature. Yet widespread "supplanting" is found throughout the Navajo schools, the Title I target schools. In other words, the district continually uses Title I money to purchase supplies and other educational materials which should only be bought with general funds. For instance, nearly all of the media and audio-visual equipment in the target schools has been purchased with Title I monies. The Anglo schools to the North have the same, and in some instances, better equipment. Sports equipment, cabinets, and even butcher-paper dispensers have been purchased by Title I funds. These items are found in abundance throughout the northern schools, the non-target schools. Librarians and music teachers are paid with Title I funds. These jobs are general fund positions, and should not be funded even in part by Title I money. Further supplanting includes expenditures of Title I monies for health care and physical education. In the north, health and physical education are paid for by general funds. In the south, these same programs are paid for by Title funds. It is unfortunate that in an area with special health problems, these funds are not used in their intended supplemental role.

Administrative costs and overstaffing are an intolerable burden on the Title I budget. A look at the current Title I budget proposal reveals that administrative costs are almost non-existent. Yet the program is inundated with "Indian Experts", whose flashy job titles include "Indian Education Specialist", "Indian Adult Education Specialist", and a "coordinator" of federal funds. There are also four "building coordinators of Title I", whose apparent responsibilities are to "administer" the Title I program

in each target school. District records are unclear as to the source of the salaries for these essentially meaningless positions. (Undoubtedly the expense is hidden somewhere in either the Title I or the Title VII budget, although the building coordinators are budgeted in the Title I program.)

The budget fails to mention the additional salaries these building coordinators receive for teaching and other activities. the use of meaningless Title I job descriptions in order to justify salary payments to personnel who would otherwise be hired under the general fund, is a blatant violation of the federal regulations against supplanting.

The problem of exorbitant administrative costs is a serious one, especially in light of the fact that the District, while gigantic in area, only has 889 students designated Title I eligible. Surely a Title I program for this relatively few students could be administered by fewer personnel.

Title I abuses are especially tragic in light of the federal requirement that Title I parents are to be the major decision making component in Title I programs. In theory this is accomplished by the use of the "Parent Advisory Committee" (PAC). The district's PAC is almost entirely made up of Native Americans. Unfortunately the committee's chairman and vice chairman are school district employees. As a result, the PAC is totally dominated by the School District.

The PAC doubles as the advisory committee for Title VII, Head Start, and other similar programs. The result is a confused blending of educational issues, without any rational attempt to

translate the issues accurately the meaningfully. Deliberate misinterpretation has been discovered on several occasions. Inadequate time is given PAC members to study and pass on major funding proposals. PAC members are told only what the school district wants them to hear, with the result that Board members are generally uninformed as the issues, and as to their own responsibilities and rights. Title I policy thus comes from the top down, instead of the other way around.

"Needs assessment" meetings are also required, and designed to provide parents and community members, indeed even students, with a means of direct participation in the formulation of the Title I program. Unfortunately, the district has seen fit to make these meetings private affairs. Select individuals receive invitations to appear and make suggestions regarding title programs. Community participation has been discouraged, outright in several cases. (see attached exhibits C and D).

TITLE VII

As mentioned, the San Juan County School District receives a substantial amount of Title VII funds, nearly \$100,000 for FY74. No accounting for these funds appear in the current general budget of the District. School officials explain this rather curious arrangement by stating that these funds come directly to the district instead of being channeled through state agencies. Regardless of the explanation, the exclusion of these funds from the general budget insures a superficial and distorted overview of school finances. This is no accident, since the district has no Title VII program.

Title VII funds are to be used exclusively in the area of bi-lingual, bi-cultural education. In a district containing a high proportion of Navajo and other Native American students, most of whom speak little English by the time they enter school, such a program is an absolute necessity. Yet inspite of the District's generous revenues from Title VII monies, only one class offering can even come close to fitting in a Title VII category. This is the Navajo language and culture class conducted at the Blanding Junior High School. Although approximately 100 students are beneficiaries of this class, its value is doubtful, since effective bilingual, bicultural education must begin the moment the Navajo student first enters school.

The district does claim to have an "English as A Second Language" program (ESL). In ESL, English is taught in the same manner as Anglo students are taught, say, French or Spanish. A good ESL program would teach English to Navajo students, while maintaining their basic educational and linguistical skills in their native tongue. The district makes no such attempt. English is taught without any effort to relate the new concepts to ones the children have acquired in Navajo.

The district also has an "Oral Language Program" (OLP). In theory, a good OLP program attempts to introduce an English vocabulary as a prelude to the ESL program, in which sentence structure and other fundamentals are taught. Unfortunatly the district again fails to tie in newly learned English words to concepts already learned in Navajo.

Neither the ESL or the OLP programs are found in every Navajo school. The programs that do exist have been recently cut

back, and in any event are not proper substitutes for a effective bilingual, bicultural education.

A good bilingual program consists of teaching all the basic concepts in a person's primary language, at least for the first two or three years. After a solid foundation is developed, English can then be introduced and learned with a minimum of difficulty. It is much easier to teach a second language to a child who can relate the new concepts to ones already learned in his primary language, concepts which relate to his own culture. Of course, throughout this teaching process, the child should never loose track of his original culture.

It is tremendously important that Navajo children have an opportunity to achieve a good bilingual, bicultural education. The district's practice of stressing only English for students who speak Navajo when entering school, and during non-school hours thereafter, insures that such students will develop a limited and rather confused vocabulary which certainly provides no basis for effective learning. This is especially true in light of the fact that a Navajo student entering school has a vocabulary of only a few hundred words, while his Anglo counterpart has nearly a 2500 word vocabulary. Using the same learning approach for both will undoubtedly leave the Navajo student farther and farther behind.

It is unfortunate that the bulk of the district's Title VII program, as mentioned, consists of teachers aides, who do nothing more than interpret for the Anglo teachers, and act as babysitters, especially when these aides could be used so effectively.

Ineffective teaching is only part of the overall problem. As with Title I funds, Title VII monies are syphoned away into salaries for "administrators", or to the curriculum center.

Most of the district's principals freely admitted to me that their schools had no real bilingual, bicultural program. They claimed that they are not provided with adequate teaching materials and resources. Which brings us to the curriculum center.

The curriculum center, funded almost entirely by Title I and VII monies, is the pride of the district. It supposedly cranks out voluminous amounts of Navajo cultural and teaching material (very little Ute material, however). Yet in the touring the district, I found little of this product available to the student consumer. This is particularly true of written materials. And much of what I did see comes from Shiprock, New Mexico, and Rough Rock, Arizona, both fairly progressive schools located in the Navajo Nation.

The district claims that the audio-visual materials are the curriculum center's main product. However doubtful it may be to assert that these materials have an exclusive educational value not found in other resources, the district fails to follow through by locating their tapes and films at the local schools. Instead, they must be reserved from the center for a particular day. Navajo students are thus not exposed to the materials on the continual basis needed for an effective bilingual, bicultural education.

The curriculum center is often insensitive to the very traditions they claim to be working so hard to present. For

instance, the center once ran their "Coyote Story" film to some local Navajo parents in Mexican Hat during the spring months, when such stories are by tradition, only presented during the winter months. Many of the parents were highly offended, and I saw many who got up and left before the film was finished. Offending Navajo traditions hardly seems a valid way to spend bicultural funds.

There are varied reasons for the district's refusal to impliment a meaningful bilingual program. Certainly incompetence plays an important role. Yet one can't help but feel that there is more to the problem than that. Certainly the predominately all-Mormon school officials would like to "Anglosize their Lamanites". Lamanite is a rather derogatory Mormon term for Native American. A major goal of the church is to "whiten" or "civilize" Native Americans, most of whom are considered backward, ignorant savages. Certainly it is much easier to convert an anglo-sized person to an Anglo-oriented religion than it would be to convert a Navajo who holds to the traditional values of his past. It follows, then, that it would make no sense whatsoever for the district to reinforce Navajo cultural values through an effective bilingual, bicultural program. So, while the district may pay lip service to the ideals of a bilingual education, the school system in fact serves the dual purpose of Anglosizer culture-destroyer.

JOHNSON-O'MALLEY FUNDS

In the study "An Even Chance", the NAACP Legal Defense and Education Fund graphically illustrated the widespead abuse

JOM funds receive at the hands of local school administrators. These funds ^{come} directly from the Bureau of Indian Affairs to be used exclusively for the needs of educationally deprived Indian children, and can go directly for such parental costs as book fees and rental fees for music and sports equipment.

FY73 was the first year San Juan School District received Johnson-O'Malley funds, approximately \$16,000. This year the funds total nearly \$120,000, and, as in the past year, are funneled to the district through the Utah Navajo Development Council. The UNDC, as it is called, is a private non-profit corporation composed mainly of Navajos, but with an Anglo director, which often receives public monies related to Navajo economic and educational development. Our office has received numerous complaints from Navajo people that UNDC funds are being mismanaged.

Although it is premature to determine whether JOM funds are being misused, one possible abuse lies in the district's utilization of JOM money for room and boarding expenditures incurred by students residing away from the reservation.

BUSSING

It is not surprising that a school district the size of San Juan County would have problems bussing its students to school. Yet the seriousness of the problem is magnified ten fold by the district's deliberate refusal to put a high school in the Southern or Navajo section of the County, and by the inadequate facilities for elementary and junior high school students.

Placing the district's two high schools in Blanding and Monticello for the convenience of the County's Anglo students, has had the result of forcing Navajo high school students to endure as much as 90 miles bus rides, lasting as long as three hours each way. Some elementary school children are bussed up to 60 miles one way.

For many of these students, the day begins around 4:30 to 5:30 a.m., when they must get up, eat, do their chores, tend the livestock and be ready to meet a school bus which, as at Oljato, arrives as early as 6:00 a.m. Many students must walk or be driven several miles to the bus stop itself. And at the end of a long school day, the students are again bussed back to the reservation, often not arriving home until 5:00 p.m. or later.

The result is often tired, hungry, and frustrated students, who have little desire for their studies. The drop-out rate is incredibly high (see Exhibit E). Those who do stay with it suffer high absenteeism, poor grades, flagging interest, and an apathetic inclination toward non-participation in school activities. Absenteeism is a major problem. Fewer students enrolled in the District this year. In one day at Mexican Hat 57 students failed to show, out of a total student last year population of 201.

Some children return to boarding schools run by the Bureau of Indian Affairs, schools which are little better than prisons, and offer nothing in the way of educational opportunities. Others find homes to live in close to school in Blanding. Usually, the only foster homes available to students are run by the Mormon Church's placement Program. The Placement Program is

designed to bring Indian students into the Mormon Church, by providing them with religious instruction while living in foster homes while they attend school. Many Navajo parents have complained to our office that the lack of school facilities close to Navajos in the Southern part of the county, as well as the resultant bussing hardships, are deliberately designed to encourage Navajo children into joining the placement program. The placement program has also caused tremendous emotional difficulties for some children, as a result of the tension created by the interaction between the two contradicting cultures.

The bussing situation virtually ensures that many Navajo students will not be able to participate in extra-curricular activities, especially sports. The district does provide an "activities bus" for students interested in sports, clubs, and other activities. Yet the bus goes only as far as Mexican Hat. Students from Oljato must go the remaining 20-30 miles on their own. The result, of course, is that many students do not participate. One student athlete recently complained to me that no bus is provided for the pre-school summer football practice seasons, and that no bus is provided for weekend basketball games. As a result he missed one game. No bus is provided to take Navajo students back after weekday night games.

The long bus rides themselves create many problems for the Navajo students. The tiring rides create tensions which often result in fighting or rowdiness. Yet personal conduct rules for the busses are often too strict in the wrong areas. Last year our office had several cases of students being suspended for gum chewing on the bus. The rule against eating on the busses is an added hardship for children who generally eat before six a.m.,

and ^{not} again until noon. No Hot Breakfast Program is offered at Blanding, as it is in Mexican Hat. Surely, the long hours between meals significantly contributes to a student's tension and fatigue, and presents a serious barrier to effective study.

The district often violates safety regulations in the operations of its busses. The most serious problem is overcrowding. Parents in Bluff have complained to us that the busses are full by the time their children are picked up. Part of the problem is due to Anglo parents in Mexican Hat who insist that their children be bussed out of their normal attendance district to avoid the poor conditions in the mostly Navajo Mexican Hat School. Children have been seen standing in the aisles or on the doorsteps. This overcrowding could be extremely dangerous. Drivers travelling these long bus routes are likely to become tired and inattentive, especially since they must be both drivers and student disciplinarians.

Last year several school buses were in poor condition. At one point last winter students from the Oljato area were forced to walk up a hill during a snow storm because their bus did not have the power to pull a full load up the incline. This year the school has contracted out for its bussing services. Although it is too early to tell, it is hoped that the new system will at least result in safer driving conditions.

In sum, bussing is a serious obstacle to Navajo education in San Juan County. Surely, the \$164,000 the district will spend this year on bussing could be used to improve school facilities throughout the county.

STUDENT RIGHTS

Although our courts have consistently taken the position that students have the same constitutional protections as any other citizen, the San Juan County School district seems to be going in the opposite direction. The most unfortunate and controversial example is that of the student dress code, which reflects the stern, puritanical outlook of the Mormon Church.

Although school officials claim to have a district-wide dress code policy, the standards vary widely from a somewhat liberal application in the mostly Anglo high school in Monticello to a very conservative application at Blanding High, which has nearly 50 per cent Navajo Students. In Monticello female students are allowed to wear pants, or short skirts, and male students can wear their hair over their collars. No such luxuries exist in Blanding. Female students are not allowed to wear pants. This is an especially serious problem for Navajo girls who must walk long distances to their bus stop, and then wait in the cold for the bus arrival. Students are often treated to the spectacle of school administrators measuring girls skirts, which can be no shorter than 7 inches above the knee.

The problem that Navajo parents have encountered in attempting to conform their children's clothing to school requirements is a serious one. One Navajo parent complained to me that he had purchased dresses for his girls, only to have them disapproved of by school officials. For many parents who must subsist on meager budgets, this disapproval amounts to a severe blow.

The restrictions on hair length for male students presents a serious problem for Navajo children who want to wear their hair in the traditional Navajo style. Hair plays an important role in the culture and religion of the Navajo people, as it does with most Native Americans. Navajos, especially those in the Utah portion of the reservation, often wear their hair long, and tied in a knot at the back, called a bitsiighéé. The hair can be worn loose, so long as it is tied back and off the shoulders. Of course to properly tie a traditional Navajo knot, the hair must first be grown very long. The district cheerfully allows Navajo students to wear their hair in a knot, but insists that no hair fall over the collar. The result of this horrendous Catch-22 is that Navajo students who wish to have a knot are not allowed to grow their hair out to where it can be properly tied back.

Navajo students suffer a great deal of abuse when they let their hair grow. One Navajo boy was repeatedly called a "pig" in front of his classmates by an Anglo teacher in Blanding. He choose to cut his hair. Others have been suspended, or refused the right to register at the beginning of the school year. All too often the victim chooses to conform to the dress code, or drop out of school entirely. The code is presently the subject of litigation, and as of this writing there are indications that parts of the code may be rewritten.

Suspensions for various disciplinary reasons, including hair, rarely comply with the basic requirements of due process, especially where Navajo students are involved. The student is usually sent home with a letter from the principal. It is then up to the parents to come in and straighten matters out. Many Navajo parents, often unskilled in the English language, are reluctant to approach school officials. The result is that

students often miss a great deal of school before their problem is resolved. The problem is compounded by the fact that students and parents are rarely informed as to the full extent of the charges against them, or of their rights and privileges within the school system.

The right to a hearing on the issues of expulsion would seem to be fundamental. Yet the district's efforts in this regard are pro forma, at best, and racially discriminatory at worst. It has been reported that a principal in one of the Blanding schools informed an attorney with this commission that there are two sets of "hearing" procedures in expulsion and disciplinary matters, one for the whites, and the other for Navajos.

Of course students are not alone when it comes to a denial of hearing rights. In October of 1972, a Navajo candidate for the San Juan County Commission was fired from his staff employment with the school district for, among other things, his criticism of school policy. No hearing was provided. Although he was eventually reinstated, the school district has yet to promulgate hearing and other procedural safeguards for its staff.

It was suggested at the outset of this testimony that the school district's encouragement of Indian enrollment was more out of a desire for the revenues gained as a result, rather than out of concern for the educational wellbeing of the students. The formula for Title I and other similar income often involves the compilation of student attendance figures, an ADA (average daily attendance), which is developed in the first 3 or 4 months of the school year. After this, the student no longer has a function in the school system. The result is a steady increase in expulsions

of Navajo students, beginning in January, with a deluge coming in the last month of the school year.

The district often encourages Navajo children to leave school. Navajo children are sent home with a note to the effect that the parents ought to consider sending their child to a vocational or BIA boarding school. Anglo students or their parents never receive such a recommendation.

Corporal punishment varies from school to school, and is often done with a wooden paddle. In one incident, several visitors to the Montezuma Creek Elementary School saw an Anglo teacher beat a small Navajo child with a large stick about the head, shoulders, and arms. (Although the incident was reported to the county sheriff, no action was taken.)

Religious discrimination often poses a serious problem for Navajo students. As mentioned, the district is totally dominated by the philosophy of the Mormon Church. Native Americans play a substantial role in church theology. They are the chosen people, descendents of the Lost Tribes of Israel, and are destined to play a superior role in the church. Until then, however, Native Americans are regarded as little more than savages, who must be "educated" into the whiteman's way. For a Navajo student, the result is an overwhelming pressure to accept Mormon beliefs. Mormon teachers openly preach in the class room, and students are pressured into signing up for "released time", in order to take Mormon religious instruction, some given for high school credit, (a blatant violation of the law.) One wonders what the school district's reaction would be to a proposal to offer released time credit to Navajo students wishing to study

under a medicine man of the traditional religion, or under a Roadman of the Native American Church.

Students often pressure other students to convert. Navajo students have complained to us that membership in clubs and other extracurricular groups are limited to white students, or Navajos who have joined the Mormon Church.

Extra incentives are given to Navajo students who fall in with the church line, and one result is that often the student will be channeled into the Church's university, Brigham Young, even though they may be qualified to go to better institutions. Many students give in to the pressure. Others resist, and end up being victimized by the school system which so loudly proclaims of taking their best interest at heart.

CONCLUSION

Education in San Juan County for Navajo children is a nightmare. And the overall living conditions of Navajo people reflect this tragedy. Poverty, unemployment, alcoholism, disease, and crime are rampant. Despair is a way of life. Our clients are hopeful that this bleak outlook will someday change for the better, and have asked that we pass along their gratitude for the Commission's understanding and commitment to solving the problems of Navajo people and to greater educational opportunities for their children.

Jack Hennessy
Jack Hennessy

Subscribed and Sworn to before me
this 11 day of January, 1974

Jennie R. Goodman
Notary Public

EXHIBIT C

STATE OF UTAH)
)
 COUNTY OF SAN JUAN)

ss

AFFIDAVIT OF
 DANNY GOODMAN

AFFIDAVIT

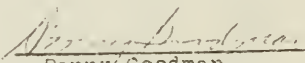
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 2 I, Danny Goodman, am a resident of San Juan County Utah
 3 and the Navajo Nation. I am 26 years old and I am the
 4 Secretary of the Mexican Hat Community. I hereby state the
 5 following:

6 On November 21, 1972, at a duly called meeting of the
 7 Mexican Hat Community, Mr. Ross Maskie, principal of the
 8 Mexican Hat Elementary School, came into the meeting.

9 Mr. John Guy asked whether the Principal wanted to say
 10 anything or if he had something to discuss with the
 11 Community. At this time Mr. Maskie brought forth a letter
 12 to the front of the room, where we were sitting, and Mr.
 13 asked whether or not the contents of the letter should be
 14 explained to the audience. Mr. Maskie stated (as I remember
 15 it), "This is not for them to know, this is just for Mr.
 16 Sam Black and John Guy and not everyone should be involved."
 17 Maskie kept the letter and apparently later showed it to
 18 Mr. Guy and Mr. Black.

19 After this Mr. Julius Denny went over to see Mr. Guy
 20 about the contents of the letter. Mr. Denny told me later
 21 that the letter was notice of a meeting to be held on
 22 December 6 at the Mexican Hat School and that the meeting
 was to deal with Title I.

I do hereby swear that the above statement is true.


 Danny Goodman

Subscribed and Sworn before me this 14th day of December,
 1972.

 NOTARY PUBLIC

My commission expires: _____.

EXHIBIT D

STATE OF UTAH)
)
 COUNTY OF SAN JUAN)

AFFADAVIT OF
 JULIUS DENNY

AFFADAVIT

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I, Julius Denny, am a resident of San Juan County Utah and the Navajo Nation. I am 52 years old and I reside in the Complex area across the San Juan River from Mexican Hat.

On November 21, 1972, after a community meeting in which Mr. Ross Haskie mentioned a letter in his possession, I had the occasion to talk to Mr. Guy at the MDTA Office. At that time Mr. Guy was in possession of a letter which was the same as that that Mr. Haskie had had. I asked Mr. Guy what was in the letter. Since Mr. Haskie had not wanted everyone at the meeting to know the contents I was curious.

Mr. Guy showed me the letter and I read it. The letter said that there would be a meeting to discuss Title I on December 6, 1972 at the Mexican Hat School. The letter also contained a list of names of people who apparently were to be invited. The list was small. I believed that the letter was addressed to the Mexican Hat School.

After reading the letter I returned to the DNA Office and told Mr. Danny Goodman what I had read. We decided to attend the meeting on the 6th.

I hereby swear that the above statement is true.

Julius Denny
 Julius Denny

Subscribed and Sworn to before me this 15th day of December, 1972.

John T. Homaney

My commission expires: July 29, 1976

EXHIBIT E

STATE OF UTAH)
COUNTY OF SAN JUAN) SS

AFFADAVIT OF
FRANK L. YAZZIE

AFFADAVIT

I, Frank D. Yazzie, do hereby testify to and swear to the following:

I am a resident of San Juan County living on the complex area near Mexican Hat, Utah. I am 17 years old and I have recently dropped out of San Juan High School in Planding, Utah. I have presently been out of school for one week.

The reason why I dropped out is that we students have to get out early in the morning to catch the bus. The bus usually comes at 7:00 a.m. and that means we have to get up at 6:00 a.m. The bus stops at Bluff then and many kids get on and for some there is no room.

When the bus comes to the complex it stops usually at the gas station which is why I miss alot of days. The bus should stop at the store in the morning which is closer to where people live.

School gets out at 3:30 p.m. and we get home at 5:00 p.m. or later. The teachers give us alot of homework to do but we are tired from the long ride. Some kids have to ride even further than us.

On the bus ride we can't even eat candy or chew gum. I am hungry on the long ride sometimes and would like to be able to eat something.

My brother, Peterson Yazzie has also dropped out.

The bus comes home slowly in the evening for some reason. Sometimes the driver stops the bus to tell someone not to chew gum or something. This makes the trip even longer.

I want to go back to school but I won't ride the bus any more.

Frank L. Yazzie

Subscribed and Sworn before me this twelveth day of December, 1972.

NOTARY PUBLIC

My commission expires: _____.

DINEBEUNA NAHILNA BE ACADITAKE
POST OFFICE BOX 161
MEXICAN HAT, UTAH 84531
TELEPHONE (602) 674-5919

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Exhibit No. 67

TO: The United States Civil Rights Commission

STATEMENT OF ANDREW KELLY, SR.

My name is Andrew Kelly, Sr. For the past 6 years or so I have been employed by the Bureau of Indian Affairs, Navajo Area, Tuba City Agency as a carpenter. I was hired as a carpenter, and still am a carpenter. I have not been promoted despite many request for promotion which I have made. I believe that the reason I have not been promoted is that I am a Navajo and have not hesitated to speak out about my right to be treated equally in employment matters with members of other races. The following is my statement of what I feel to be the discriminatory attitudes and practices of the BIA toward Indians.

As I stated above, I have not been promoted from my position as carpenter in the 6 years that I have worked for the BIA. I have applied for promotions several times, but have always been turned down for one reason or another. Twice I have been rated as qualified for the position to which I wanted to be promoted, but each time a non-Indian was promoted instead of me. Most recently when I applied for promotion to the position of Maintenance Operation General Foreman a review panel of the BIA found that I was not qualified for the position. Yet approximately 3 years earlier in December of 1970 the BIA found that I was qualified for a foreman position almost identical to the position I was applying for. Apparently the BIA feels that I have become less qualified for the position in the last 3 years despite the fact that I have worked for the Bureau during that time and have under gone various training courses. I believe that the real reason that I am not being promoted is because I

am a Navajo, and because certain anglo employees of the Bureau are discriminating against me. For your information I am attaching to this statement of various documents pertaining to my attempts to get promoted.

There are other areas in which I feel that the BIA discriminates against Indians. The BIA hires temporary employees, all of whom as far as I know, are Indians. The Bureau requires these temporary employees to use their own trucks when doing Bureau work. The temporary employees are not reimbursed for the expense of mileage or per diem. They often do skilled work but receive only laborers pay. Some of the temporary employees have worked for BIA for five or six years but are still unable to be employed by BIA as permanent employees. Instead BIA lays them off each year and rehires them as temporary employees. Another practice which the BIA uses which I feel discriminates against Indians is the practice of the BIA in appointing non-Indians to be temporary foremen and then making them permanent foremen. Since the policy of Indian Preference has supposedly been put into effect, the Bureau has not made Indians temporary foreman. Yet this seem to be the only way now that someone can become a permanent foreman. One instance in which I was harrassed and treated and what I felt to be an arbitrary and discriminatory manner was when the BIA tried to transfer me from my home in Tuba City to Gallup. They notified me of the transfer without consulting me in advance. At the time I was away from my home ^{Working @ Redoubt River.}
~~in training in Utah.~~ I was given only one week to report to my new assignment. I protested this treatment and was threatened that I would be charged with insubordination and be fired. When

I retained a lawyer who protested about my treatment and got the signatures of over 240 people living in my area who stated that they did not want me to be transferred, the Bureau gave in and did not transfer me. I believe that the whole episode was an unnecessary waste of time and money for all concerned and created personal hardship to me and my family.

To help end the kinds of discrimination that I have described I would recommend that the following steps be taken. The management of the Tuba City Agency should be put under local control and not controlled from Gallup or Washington. A qualified Navajo should be made Agency Superintendent. The post of Agency Superintendent has been vacant for over a year now although there are many qualified Navajos who have applied and who could do this job.

Respectfully submitted,


Andrew Kelly, Sr.

(Documentation accompanying this exhibit is on file at the U.S. Commission on Civil Rights.)

Statement submitted by Andrew Kelly, Sr.,
on behalf of Tuba City teacher aides.

Annual leave are always being questioned, about why we are taking leaves, although it is urgent and this is always a problem.

The teacher supervisor has denied a sick leave to an aide, when she was sick, she just came on to work, but the very same afternoon the leave was granted to the original teacher. Sick leave is a most problem among the staff. If the employee is sick, the doctor's statement is requested, especially a Friday before a holiday.

Our parent or our children sometimes comes to visit for some particular reason and this is not allow during the working hours and we don't see why.

Maternity leave are restricted among the teacher aides, but the original teachers have to stay off the job as long as 6 weeks, and we don't see why 2 weeks is required for the aides—this is after the delivery.

The supervisor says if we were to keep our appointment with the medical business at the Public Health Service, she says, she has a right to go up to the hospital and look into our medical folders. We don't think she has a right to look into our folders.

The teacher are not always looking over the children during recess, but the aides are always depend on to take a full responsibility on the children.

We were told that the school children comes first before our own natural children, this we don't like; our family are important as well as the school children.

Some teachers have just set a conversation in the teachers' lounge and don't realize that their break is over; one teacher's always carrying a pop around and this is her habit—we are against this.

The teacher aides are denied to take an educational leave and why is this not required to us aides? The linguistic workshop was held at N.A.U., Flagstaff, AZ, this past summer, and some agency sent their teacher aides to attend it, but Tuba City agency didn't send any teacher-aides on the BIA. budget, like the other agencies did. If we wanted to go, we have to pay our own way; only the certified teachers' way was paid by the BIA.

We are terminated every summer and when we come back to work, we have to go on 90 days probation. We would like our annual leaves to be carry over, so we won't have to wait 90 days to take our leave—sometimes there is emergency and we have to take leave without pay.

Some teachers put a hard pressure on the aides, make them work very hard every seconds. If the venetian blind is crooked, the teacher tells the aide to straighten it out or a cabinet door is open only a crack, the aide is told to close it, just a little thing to start something.

There is much problem among the staff that one team like teacher and aide have a personal problem between them, the teacher shouldn't go into another room and tell what has happened between her and the aide. This we face each day.

There is a program called Navajo teacher education program, and one aide was selected by the selection committee and that person was denied to take this opportunity to improve the individual or to become a teacher. A Navajo teacher is a must on the Navajo Reservation; there will be no two people in between persons when the child tries to tell his problem to the teacher, if she or he is a Navajo, and the Navajo will understand the child's culture. This is in the primary grades.

All the teacher aides are terminated for the summer and when we report back to work in late August, the teachers will say, we need this and that for the school, what have they done while, they were on duty all summer long, they should have work on this for the summer. What they do is sit and talk and talk all day long. Some put their legs and feet up on the desk and talk. Then five o'clock comes, they get up and go home.

Exhibit No. 68

ARIZONA
§ 15-201

EDUCATION

CHAPTER 2.—TEACHERS AND SCHOOL OFFICERS

ARTICLE 3. TENURE

Sec.
15-261. Preservation of tenure.

ARTICLE 1. IN GENERAL

§ 15-201. Duties of teachers

Index to Notes

In general 1
Annuities 1.5
Assault and battery 3
Corporal punishment 2
Damages 4
Instructions 5

1. In general

Even if applicable in negligence action by private school student against private school, requested instructions containing quotations from this section and § 15-305 relating to responsibility of pupils and teachers in public schools were not relevant and, therefore, failure to give such instructions was not reversible error. *Bryant v. Thunderbird Academy* (1968) 103 Ariz. 247, 439 P.2d 818, 38 A.L.R.3d 901.

A pupil-teacher relationship imposes upon teacher duty to control conduct of pupils in his class to prevent them from harming another pupil, and standard of care is that of a reasonable, prudent school teacher under circumstances. *Morris v. Ortiz* (1966) 3 Ariz.App. 399, 415 P.2d 114, vacated on other grounds 103 Ariz. 119, 437 P.2d 652, 35 A.L.R.3d 747.

1.5. Annuities

Where premium paid as part of federal tax sheltered annuity plan is a diversion of part of existing salary, exclusion allowance is determined on net salary after reduction in salary for the premium has been paid; 20 percent of net salary is 16.66 percent of existing salary, and, hence exclusion allowance when there is no past service is 16.66 percent of salary existing prior to diversion. *Op.Atty.Gen.No.61-2-14*.

2. Corporal punishment

Corporal punishment which is reasonable in degree administered by a teacher

to a pupil as a disciplinary measure is "privileged" and does not give rise to a cause of action for damages against teacher. *LaFrentz v. Gallagher* (1969) 105 Ariz. 255, 462 P.2d 804.

3. Assault and battery

Evidence of prior acts of teacher's alleged assault upon other pupils at other times and under different circumstances was not admissible for purpose of proving teacher's assault and battery upon pupil during softball class. *LaFrentz v. Gallagher* (1969) 105 Ariz. 255, 462 P.2d 804.

Evidence of alleged prior acts of teacher's assault and battery upon pupils was not admissible for purpose of showing whether or not teacher's pushing of particular pupil during softball class was a disciplinary measure or to show malice toward particular pupil. *Id.*

4. Damages

In order to recover exemplary damages, jury must first find plaintiff is entitled to actual damages. *LaFrentz v. Gallagher* (1969) 105 Ariz. 255, 462 P.2d 804.

Where jury found that pupil was not entitled to actual damages for teacher's pushing him during softball class, even if evidence of teacher's prior acts was admissible to prove exemplary damages, pupil was not prejudiced by its exclusion. *Id.*

5. Instructions

Where instructions given by court were full and complete and covered all material issues necessary for determination of whether or not teacher acted reasonably in pushing pupil during softball class, it was not error to refuse instructions requested by pupil. *LaFrentz v. Gallagher* (1969) 105 Ariz. 255, 462 P.2d 804.

§ 15-202. Conducting of public schools in English language; bilingual instruction

A. All schools shall be conducted in the English language, except special classes as provided in subsection B of this section.

B. In the first three grades of any common school district where there are pupils who have difficulty in writing, speaking or understanding the English language because they are from an environment wherein another language is spoken primarily or exclusively, the district may provide special programs of bilingual instruction to the extent deemed necessary to improve or accelerate the comprehension and speech of the English language by such pupils. As amended Laws 1969, Ch. 95, § 2.

Legislative intent:

Section 1 of Laws 1969, Ch. 95, provided: "The purpose of this act is to provide a special program for teaching the use and understanding of the Eng-

lish language, placing the supervision of the program under the state board of education and superintendent of public instruction, and making an appropriation."

TEACHER EVALUATION
CHINLE PUBLIC SCHOOL

TEACHER Mrs. Reyhner TODAY'S DATE 10/25/72

PRINCIPAL Wanda D. Price SCHOOL Chinle, S. Nav.

RATING SCALE

Outstanding - 1 Above Average - 2 Average - 3 Below Average - 4
Non-Applicable - X (cannot evaluate)

Using the above scale, please circle what you consider to be the achievement of your Teacher in the items listed below. Please add comments after each category.

I. PERSONAL AND PROFESSIONAL QUALITIES

- a. Personality (congenial, poised, courteous, energetic)..... 1 2 3 4 X
 b. General appearance (well-groomed, wears suitable clothes) ... 1 2 3 4 X
 c. Industrious (willing to work, conscientious, interested in the work) 1 2 3 4 X
 d. Seeks additional responsibility through own initiative 1 2 3 4 X
 e. Cooperation (prompt, dependable, prays by supervisory criticism) 1 2 3 4 X
 f. Works diligently toward self-improvement 1 2 3 4 X

Observer's Comments Mrs. Reyhner is quite sensitive on the topic of teaching in Navajo or teaching biculturally. She has expressed feelings that the administration is against her. How she has continually failed to realize that we are obligated within the guidelines of ARS 15-201 and cannot give her the authority to teach bi-culturally until a program is established.

II. CLASSROOM MANAGEMENT

- a. Observes classroom hygiene when possible (light, ventilation)..... 1 2 3 4 X
 b. Uses supplies, equipment, teaching aids, to advantage 1 2 3 4 X
 c. Handles routine matters efficiently 1 2 3 4 X
 d. Promptness and accuracy in reports 1 2 3 4 X
 e. Develops pupil responsibility 1 2 3 4 X
 f. Over-all ability to handle general classroom problems..... 1 2 3 4 X

Observer's Comments Class conditions and atmosphere are good. However did not use proper channels when she taught in Navajo in her class. Failed to get clearance first. Also has failed to be on time or show up for teachers meetings.

III. INSTRUCTIONAL SKILL

- a. Knows the subject matter..... 1 2 ③ 4 X
 b. Has lessons well planned 1 2 ③ 4 X
 c. Arouses pupil interest 1 2 3 ④ X
 d. Stimulates pupil thinking..... 1 2 ③ 4 X
 e. Uses good English 1 2 ③ 4 X
 f. Speaks with pleasing voice and inflections 1 2 ③ 4 X
 g. Gives clear and adequate instructions and assignments 1 2 ③ 4 X
 h. Takes sympathetic attitude toward pupils' problems..... 1 2 3 ④ X
 i. Recognizes abilities and needs of individual pupils..... 1 2 ③ 4 X
 j. Makes provision for individual differences 1 2 ③ 4 X
 k. Understands and is a guide of child development rather than a teacher of subject matter..... 1 2 ⑤ 4 X
 l. Varies techniques 1 2 ③ 4 X

Observer's Comments Over compensates towards the Navajo child. Non-Navajos in class seem to be left out and get little attention or praise.

IV. PROFESSIONAL

- a. Attitude toward work..... 1 2 3 ④ X
 b. Has high standards of professional ethics 1 2 ⑤ 4 X

Observer's Comments Desires not to teach in public schools system if not give the opportunity to teach biculturally or in Navajo. Letter to Principal 10/12/72.

V. GENERAL EVALUATION

- a. Teaching success..... 1 2 ③ 4 X

VI. A conference was held with this Teacher on 11/9/72 regarding the contents of the Evaluation. (Date)

VII. Rehire This item will be completed only after the January Evaluation and will be considered a recommendation only
 Yes No

Gyllen Kelly
Principal

M. R. Jones
Teacher

NOTE: The Teacher's signature is required only as verification of his/her having seen the Evaluation. It in no way indicates acceptance or rejection of this Evaluation.

TEACHER EVALUATIONTEACHER Reyhner Mrs. MarieDATE Nov 22 1947PRINCIPAL W. H. ...SCHOOL ...RATING SCALE

Outstanding - 1 Above Average - 2 Average - 3 Below Average - 4

Non-Applicable - X (cannot evaluate)

Using the above Scale, please circle what you consider to be the achievement of your Teacher in the items listed below. Please add comments after each category.

I. PERSONAL AND PROFESSIONAL QUALITIES

- a. Personality (congenial, poised, courteous, energetic)..... 1 2 3 4 X
 b. General appearance (well-groomed, wears suitable clothes.. 1 2 3 4 X
 c. Industrious (willing to work, conscientious, interested in the work)..... 1 2 3 4 X
 d. Seeks additional responsibility through own initiative 1 2 3 4 X
 e. Works diligently toward self-improvement..... 1 2 3 4 X
 f. Cooperation (prompt, dependable, profits by supervisory criticism 1 2 3 4 X

Observer's Comments Mrs. Reyhner has on several occasions actually taught "Navajo words" even over the objections of the school's administration.

II. CLASSROOM MANAGEMENT

- a. Observes classroom hygiene when possible (light, ventilation)..... 1 2 3 4 X
 b. Uses supplies, equipment, teaching aids, to advantage 1 2 3 4 X
 c. Handles routine matters efficiently..... 1 2 3 4 X
 d. Promptness and accuracy in reports 1 2 3 4 X
 e. Develops pupil responsibility 1 2 3 4 X
 f. Overall ability to handle general classroom problems 1 2 3 4 X

Observer's Comments Mrs. Reyhner has failed on several occasions to turn in required reports, lesson plans and informing the proper administrators of a pending absence.

III. INSTRUCTIONAL SKILL

- a. Knows the subject matter 1 2 3 4 X
 b. Has lessons well planned..... 1 2 3 4 X
 c. Arouses pupil interest 1 2 3 4 X
 d. Stimulates pupil thinking..... 1 2 3 4 X
 e. Uses good English 1 2 3 4 X
 f. Speaks with pleasing voice and inflections..... 1 2 3 4 X
 g. Gives clear and adequate instructions and assignments 1 2 3 4 X
 h. Take sympathetic attitude toward pupils' problems 1 2 3 4 X
 i. Recognizes abilities and needs of individual pupils 1 2 3 4 X
 j. Makes provision for individual differences 1 2 3 4 X
 k. Understands and is a guide of child development rather than a Teacher of subject matter..... 1 2 3 4 X
 l. Varies techniques..... 1 2 3 4 X

Observer's Comments. It is evident that the teaching of "Navajo words" is still in existence in her classroom; although, no program as requested by the school's administration has been turned in.

IV. PROFESSIONAL

- a. Attitude toward work 1 2 3 4 X
 b. Has high standards of professional ethics..... 1 2 3 4 X

Observer's Comments. Mrs. Reyhner has shown a lack of responsibility and professionalism in her handling of routine matters and in her working within the guidelines of the school's curriculum. I further recommend that she teach at a higher elementary or junior high level to gain the professional growth

V. GENERAL EVALUATION desired in teaching.

- a. Teaching success..... 1 2 3 4 X

VI. A Conference was held with this Teacher on 3/9/73 regarding the contents of the Evaluation. (Date)

VII. Rehire Yes No This item will be completed only after the January Evaluation and will be considered a recommendation.

A. J. [Signature]
Principal

Mr. H. Marie Reyhner
Teacher

NOTE: The Teacher's signature is required only as verification of his/her having seen the Evaluation. It in no way indicates acceptance or rejection of this Evaluation.

*Exhibit No. 69**

*This exhibit is on file at the U.S.
Commission on Civil Rights.

