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ANNUAL REPORT  
OF THE  
MINNESOTA INDIAN  
AFFAIRS COUNCIL



November 15, 1984

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November 15, 1984

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State of Minnesota

## INDIAN AFFAIRS COUNCIL

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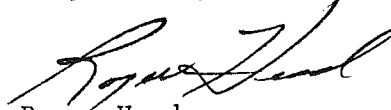
November 15, 1984

To the Governor and the Legislature  
of the State of Minnesota

It is my pleasure to submit to you the 1984 annual report of the Indian  
Affairs Council.

This report is due on November 15 of each year in compliance with  
M.S. 3.922, Subdivision 9, and copies are available to state agencies,  
tribal governments, institutions of higher learning and other interested  
parties.

Respectfully submitted,



Roger Head  
Executive Director

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## Section I

### Background Information and Year in Review

#### Membership of the Minnesota Indian Affairs Council

##### Voting Members

Roger A. Jourdain, Red Lake Reservation  
 William Houle, Fond du Lac Reservation  
 Norman M. Crooks, Shakopee-Mdewakanton Reservation  
 Allene E. Burnette, Brooklyn Park, At-Large

Chairman  
 Vice-Chairman  
 Secretary  
 Treasurer

Donald Hackey, Bois Forte (Nett Lake) Reservation  
 Hartley White, Leech Lake Reservation  
 Arthur Gahbow, Mille Lacs Reservation  
 Darrell "Chip" Wadena, White Earth Reservation

James Hendrickson, Grand Portage Reservation  
 Michael Prescott, Lower Sioux Reservation  
 Irene Howell, Upper Sioux Reservation  
 Vine Wells, Prairie Island Sioux Reservation  
 Roderick High Elk, White Earth, At-Large

##### Ex-Officio Members

##### Designee

Senator Florian Chmielewski, Sturgeon Lake  
 Senator Robert J. Schmitz, Jordan  
 Senator Donald A. Storm, Edina  
 Representative Charles H. Dimler, Chanhassen  
 Representative Robert Neuenschwander, International Falls  
 Representative Paul A. Ogren, Aitkin

Rudy Perpich, Governor  
 Orville B. Pung, Commissioner  
     Department of Corrections  
 Ruth E. Randall, Commissioner  
     Department of Education  
 Mark Dayton, Commissioner  
     Department of Energy and Economic Development  
 Sister Mary Madonna Ashton, Commissioner  
     Department of Health  
 Leonard W. Levine, Commissioner  
     Department of Human Services

David Cook  
 Lurline Baker-Kent  
 David Beaulieu  
 John Herrera  
 Judith Ball  
 Francis Moriarty

Ex-Officio Members (Continued)

James J. Solem, Executive Director  
 Housing Finance Agency  
 Joseph A. Alexander, Commissioner  
 Department of Natural Resources  
 Gary A. Lamppa, Commissioner  
 Iron Range Resources and Rehabilitation  
 Dr. Linda C. Johnson, Commissioner  
 Department of Human Rights

Designee

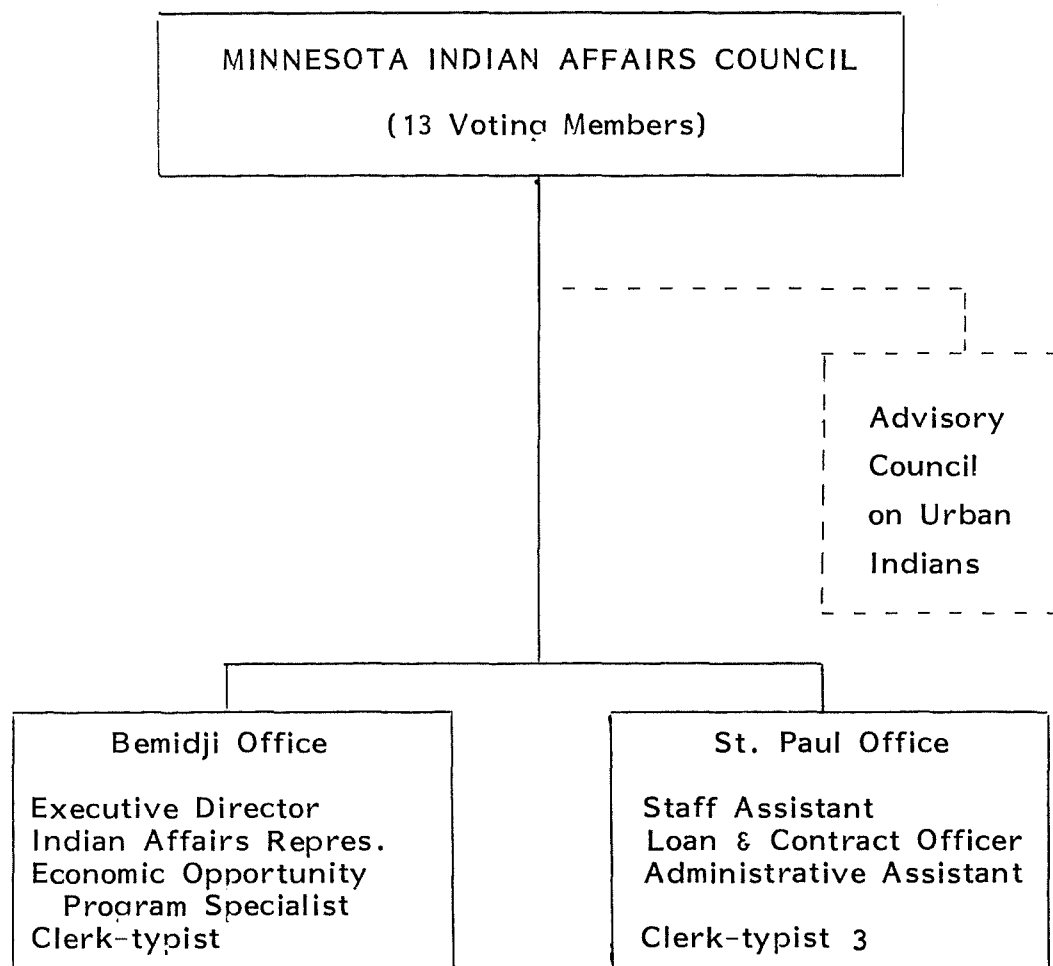
Marcie McIntire  
 Joseph Day  
 Brian Hiti  
 John Greco

Membership of the Advisory Council on Urban IndiansTerm Expires

Sharon Romano, Minneapolis (Term Expired)	
Nancy Stanaway, St. Paul (Term Expired)	
Michael Himango, Duluth (Term Expired)	
Bonnie Wallace, Minneapolis	December 1986
Elsie Fairbanks, St. Paul	December 1986
Michael Bongo, Minneapolis	December 1988
Mary Ann Walt, Duluth	December 1988

Financial Report For Fiscal Year 1984

<u>Original Appropriation</u>	<u>Amount</u>
Per Laws 1983, Chap. 301, Section 38	\$205,100.00
Transfer In - Salary Supplement	10,352.00
Transfer In - Additional Salary Supplement	5,300.00
Transfer In - Salary, Supplies and Expense (Indian Business Loan Program)	32,791.94
 TOTAL RECEIPTS	 253,543.94
 <u>Expenditures</u>	
Salaries	197,166.52
Supplies and Expense	28,914.30
Council Members Expense	9,770.59
Indian Burial Grounds	8,053.18
 TOTAL EXPENDITURES	 243,904.59
Cancellations	9,639.35

Organizational Chart

The Advisory Council on Urban Indians is responsible for advising the Indian Affairs Council on the needs and concerns of Indians living in the Duluth, Minneapolis and St. Paul urban areas.

The Bemidji office is responsible for providing service to the Red Lake reservation and the six reservations of the Minnesota Chippewa Tribe (White Earth, Leech Lake, Mille Lacs, Fond du Lac, Grand Portage and Bois Forte). It also serves the Duluth Indian community.

The St. Paul office is responsible for providing service to the four Minnesota Sioux reservations (Upper Sioux, Lower Sioux, Shakopee-Mdewankanton and Prairie Island). It is also responsible for serving Indians living in the Minneapolis and St. Paul metropolitan area.

### History of the Council

In 1963 Minnesota became the first state in the nation to establish a special state agency to deal exclusively with Indian governments. Since then the evolution and growth of the Minnesota Indian Affairs Council (IAC) has served as a model for developing an effective partnership between state and tribal governments. Creation of the original Minnesota Indian Affairs Commission was a forward-looking effort to involve the elected Indian leadership in the decision-making process of state government. It recognized American Indians in Minnesota as members of various political entities endowed with autonomous governments traceable to tribal councils that existed long before Minnesota became a state of the union.

In other states that have sizeable Indian populations, governmental officials have been impressed with the Minnesota model for Indian Affairs, and particularly with the extensive cooperation between state government and the various tribal governments. The cooperative relationship between tribal representatives and state officials provides an effective forum for discussion and debate of issues relating to the interests and needs of Indian people and the state's responsibility for its Indian citizens. Many states with large Indian populations have not developed an effective pattern for involving tribal leaders and representatives in the legislative and administrative decision-making process, and the officials of these states have more than once expressed keen interest in the apparent success of the Minnesota model.

When the agency was first established in 1963 it was composed of two senators who were appointed by the Senate Committee on Committees,



two House members appointed by the Speaker of the House, and three Indian people appointed by the Governor to represent the Red Lake Band of Chippewa Indians, the Minnesota Chippewa Tribe (the confederation of White Earth, Leech Lake, Mille Lacs, Fond du Lac, Grand Portage and Bois Forte Reservations), and the four Minnesota Sioux Reservations.

In 1965, the Indian Affairs law was amended to transfer the power to appoint the Indian members from the Governor to the tribal councils of the three tribal entities. Membership was expanded when the amendment provided that the Governor name three at-large members. Two years later, the law was changed again and the Governor lost his power to appoint members. The change increased the Indian membership. This was accomplished by providing two additional seats for the Minnesota Chippewa Tribe and by acknowledging urban Indians through the creation of seats for Indians living in St. Paul, Minneapolis and Duluth.

For the next nine years the law remained unchanged except for an amendment which designated the agency as a "Board" instead of a "Commission". But in 1976, the statute was again amended creating significant changes in the structure of the agency and spelling out and simplifying its duties.

The 1983 Legislature again amended M.S. 3.922 and changed the name of the agency to the Minnesota Indian Affairs Council. It also extended the life of the agency to a new sunset date of June 30, 1988.

Currently the voting membership consists of the duly-elected Chairman of each of the eleven reservation governments in the State, and two at-large members elected from their own ranks by Minnesota

Indians enrolled in federally-recognized tribes outside the borders of the state. The council structure also includes an Advisory Council on Urban Indians whose members are appointed by the IAC. Additional non-voting members are the ex-officio members which include the Governor and Commissioners of various departments which administer Indian programs and three members of the Senate and three members of the House of Representatives.

The IAC maintains one office in Bemidji and a second office in St. Paul. The staff of the Bemidji office consists of the Executive Director, an Indian Affairs Representative, an Economic Opportunity Program Specialist, and a Clerk Typist. The Bemidji office provides service to the Red Lake Band of Chippewa Indians and the six reservations (White Earth, Leech Lake, Mille Lacs, Fond du Lac, Grand Portage, and Bois Forte) of the Minnesota Chippewa Tribe.

The staff complement of the St. Paul office consists of a Staff Assistant, a Loan and Contract Officer, an Administrative Assistant, and a Clerk Typist 3. The St. Paul office is responsible for providing service to the four Minnesota Sioux Communities (Upper Sioux, Lower Sioux, Shakopee-Mdewakanton, and Prairie Island), and the urban Indian population.

Year in Review

The twenty-first year of the IAC began with the loss of a long-time employee and friend. Robert G. Dodor, Staff Assistant and Sioux Representative, passed away on May 6, 1984. Bob was also Coordinator for the Advisory Council on Urban Indians, a strong advocate for Indian chemical dependency programs, and a member of the U.S. Civil Rights Commission.

Roger Jourdain, Red Lake, was re-elected Chairman of the Council. William Houle, Fond du Lac, replaced James Hendrickson, Grand Portage, as Vice Chairman. Norman Crooks, Shakopee-Mdewakanton Sioux, was re-elected Secretary. Allene E. Burnette, at-large member, was re-elected Treasurer.

Raymond A. Skinaway, an enrolled member of the White Earth Reservation, was hired to fill the staff vacancy created by the death of Robert Dodor. Mr. Skinaway assumed the duties of Staff Assistant, Sioux Representative and Coordinator of the Advisory Council on Urban Indians.

The 1984 legislative efforts of Minnesota Indians were very successful. Indian housing programs received an appropriation of \$2,500,000 for reservation and urban revolving loan programs. Indian chemical dependency programs received an appropriation of \$400,000 (Mash-Ka-Wisen received \$200,000, Indian Women's Resource Center received \$100,000, and statewide prevention programs received \$100,000). The Council also received an appropriation of \$40,000 for the purchase of a 20-acre tract of land near Red Wing, Minnesota, which contains more than 60 authenticated Indian burials. This land will also be

used to reinter Indian remains which are unearthed by construction or by erosion.

The Legislature passed a bill designed to assist the efforts of the White Earth Reservation Business Committee in settling their land claims against the federal government. The Legislature appropriated \$500,000 for a computerized printout of heirs to assist in probate. Ten thousand acres of land was also designated by the Legislature for addition to any proposed legislation enacted by the federal government. However, these efforts of the Legislature and the White Earth Reservation will become null and void because Congress failed to pass a White Earth land claims bill during this session and Minnesota's legislation lapses at the end of 1984.

The State Legislature defeated a proposed Indian Child Welfare Bill that would have brought Minnesota into line with the federal Indian Child Welfare Act of 1978. The Council will re-introduce a revised proposal this session.

In 1984 the Council resumed participation in the Governor's Interstate Indian Council. In 1947, Governor Luther Youngdahl of Minnesota founded this organization to enhance understanding of the relationship between Indian tribal governments and state government. Due to budgetary restraints Minnesota has not participated in this organization during the past eight years. This year Governor Perpich assigned a staff member to attend and participate in the annual conference and renewed Minnesota's membership in the organization. This year's conference was held in Bismarck, North Dakota, and was attended by the Council's Executive Director.

In early 1984, Governor Perpich established a State/Indian Government Relations Task Force to review state government's relationship with Indian reservation governments, to determine appropriate governmental roles and develop and recommend optional processes for resolution of issues. The IAC Executive Director served on this Task Force and provided leadership for the development of the recommendations that were forwarded to the Governor.

## Section II

## Major Program Activities

Advisory Council on Urban Indians

The Advisory Council on Urban Indians was created in 1976 to advise the IAC on the unique problems and concerns of Minnesota Indians who reside in urban areas of the state. The membership of the Council consists of five Indians who reside in the vicinity of Minneapolis, St. Paul and Duluth; all of whom are appointed by the IAC.

During fiscal year 1984 a series of public hearings were held in Minneapolis, St. Paul and Duluth to obtain information about the needs and goals of urban Indians. This information is to be used to develop new strategies for meeting the needs of urban Indians, and it is anticipated that some of the information will be incorporated in proposals to be developed for presentation to appropriate state agencies and the state legislature.

During the year many of the activities of the Advisory Council centered around the urban Indian housing program that is administered by the Minnesota Housing Finance Agency. Members of the Advisory Council spent a considerable amount of time attempting to facilitate dialogue between the Minneapolis Community Development Agency and the Minnesota Housing Finance Agency to re-examine its position on several issues re-

lating to housing for urban Indians in Minneapolis. This agency had previously appeared to be complacent with regard to the way the Minneapolis Community Development Agency was handling the program, but now it is taking a much stronger position by involving the Ramsey County District Court. The Advisory Council will continue to offer advice on Indian housing programs and will formulate recommendations for future developments in this area.

#### Indian Burial Program

The IAC and the State Archaeologist share responsibility for protecting Indian burial sites as provided in Minnesota Statutes, section 307.08.

In fiscal year 1984 the IAC developed a solid network of cooperation with state and federal agencies to carry out this responsibility. On the state level the Minnesota Historical Society or the State Archaeologist is often notified that previously unknown burial sites have been located. This information is conveyed to the IAC. If the IAC determines that the remains are of Indian origin, a recommendation is made to assure that the remains are removed or otherwise protected.

The IAC is also active in assuring that burial remains are properly handled. Negotiations are currently proceeding with the Department of Natural Resources to use a small parcel of state-owned land to rebury some remains now in storage. These remains will be reinterred in the geographic area of their removal.

In the past year the IAC staff members have worked on approxi-

mately forty cases involving Indian burials. Five reburial ceremonies have been conducted and several more are planned in the next few months.

The IAC staff have developed policies and guidelines for construction projects which take place near burial sites. During this fiscal year staff members have monitored several sites after permission was granted for construction near known burial sites. Preservation of the sites was therefore effectively maintained.

Federal agencies have also been cooperating with the IAC. Staff members monitor requests from the U.S. Army Corps of Engineers to do work along Minnesota waterways. In addition the IAC submitted comments on proposed rules published in the Federal Register so that federal laws and regulations will be consistent with Minnesota law.

Finally, the IAC is in the process of buying a burial ground located in the city limits of Red Wing so that it will be preserved. Further, the IAC is preparing to propose legislation to give tax breaks to landowners with native cemeteries on their property.

#### Economic Opportunity Program

This program is administered by the IAC through an inter-agency agreement with the Minnesota Department of Economic Security which provides funding for an Economic Opportunity Program Specialist employed by the IAC. Through this program the IAC administers the Community Services Block Grant, the Minnesota Economic Opportunity Grant, Energy Crisis Intervention Program (ECIP), and the Emergency Food and Shelter Programs that are funded by the Federal Emergency



Management Agency with funds transferred to the Community Services Block Grant from the Low-Income Home Energy Assistance Block Grant.

The major responsibility of the Economic Opportunity Specialist is to provide technical assistance, coordination, training, planning and developmental services to the eleven tribal governments located in Minnesota. Staff activities during fiscal year 1984 included on-going review of grantee files and records, assessment of periodic progress reports and invoices, and technical assistance to grantees on the provisions and reporting requirements of their respective grant programs.

Due to high rates of unemployment, inadequate housing, and other problems associated with poverty the existing funding levels are inadequate because they are based solely on reservation census counts. IAC staff members are currently exploring possibilities for increasing the funding levels, and will continue to study the possible need for new state legislation in this area.

#### Indian Business Loan Program

Legislation establishing the Indian Business Loan Program was enacted in 1973 under Minnesota Statutes, section 116J.64. It provides Minnesota Indians with the opportunity to establish or expand business enterprises and also provides technical assistance service and resources for program management.

Funds for this program come from a tax of \$.25 per acre that is levied on severed mineral interests owned by individuals, corporations or other organizations in Minnesota. Tax payments are

collected by county auditors and remitted to the Office of the State Treasurer no later than December 15 of each year. Twenty percent of the funds derived from these tax payments, which is equal to \$.05 per acre, go into a special revolving loan fund designated as the 'Indian Business Loan Account'. These funds are administered by the IAC, although the individual tribal councils have responsibility for approving loan applications for their respective reservations.

Until August, 1983, when this program was officially transferred to the IAC it was administered by the Department of Economic Development (now known as the Department of Energy and Economic Development). The Department of Economic Development established two accounts for this program. The Reservation Loan Account was allocated 38.0 percent of these tax receipts for the support of reservation-based business enterprises, and the Non-Reservation Loan Account was allocated the remaining 62.0 percent for the support of business enterprises located in off-reservation areas.

Major activities of the Indian Business Loan Program include a review of each application for completeness to ensure that tribal councils have all the documentation needed to approve or disapprove it. When the application is approved the IAC staff person does all the necessary paperwork such as drafting the necessary contracts, amortization schedule, mortgage, promissory note, financing statement, security agreement, etc. These documents are then sent to the applicant for proper execution. The applicant returns the completed documents to the IAC for another review and completion of the final steps in the process. This includes filing

the pertinent legal documents in the Office of the Secretary of State, and sending the various contract forms to appropriate state agencies for the necessary endorsements. The IAC then requests the Department of Finance to disburse the loan funds. Appropriate accounts are set up for the applicant for all parties involved in the administration of the loan. Upon approval and disbursement of the loan funds the appropriate tribal council can request an amount equal to 10.0 percent of the loan for administrative purposes.

Through the efforts of the IAC and the tribal councils, new legislation was enacted in August 1981, to combine all receipts derived from the severed mineral interests tax into one account called the "Indian Business Loan Account." This legislation also gave tribal councils final authority for approving or disapproving all loan applications. However, administration of the program remained with the Department of Economic Development which according to the new law required tribal councils to submit a business loan plan to it for approval or disapproval. This provision of the law and other administrative difficulties led the tribal councils to advocate for transferring the program to the IAC so that it could operate without the infringements imposed by the Department of Economic Development. In response to these efforts the Indian Business Loan Program was transferred from the auspices of the Department of Economic Development to the IAC at the beginning of fiscal year 1984. According to the provisions of Reorganization Order No. 129, the transfer was made to "... increase the effectiveness of the program in providing financial support and assistance

to emerging Indian-owned business ventures. The transfer will encourage a closer working relationship between the lending authority and the recipients of the loans". (See Reorganization Order No. 129, dated August 18, 1984).

#### Mental Health

Minnesota's special Indian Mental Health Program was initiated in 1983 as the result of a grant from the McKnight Foundation and passage of new special state legislation. The McKnight Foundation provided a two year \$103,000 demonstration grant that included funds for both a State Indian Mental Health Advisory Committee and for direct community service grants. Special state legislation was also passed that authorized the Minnesota Department of Human Services to set aside funds for Indian community mental health services. These two sources of funds were then combined to make grants to Indian organizations for special community mental health services.

The purpose of the Mental Health Advisory Committee is to advise both the State Department of Human Services and the IAC on matters related to Indian mental health services. This includes the review and making of grant recommendations for community service project applications and to advise the state agencies on Indian mental health service needs. Committee membership includes representation from each of the 11 reservation communities and the urban populations living in Duluth, Minneapolis and St. Paul.

During this past year the Advisory Committee has also been actively involved in the development of mental health information and education workshops for the reservation communities. Workshops

have now been held for Prairie Island Sioux, Shakopee Mdewakanton Sioux, Lower Sioux and the Bois Forte Communities. Eventually workshops will be conducted for all the reservation communities.

Five community projects received grants this year totaling \$123,600. These are located at: Bois Forte, serving both the Nett Lake and Vermilion Communities; Fond du Lac; Leech Lake; Upper Sioux Community, and a Minnesota Sioux Tribe, Inc., project serving both the Shakopee Mdewakanton and Prairie Island Sioux Communities. All of these projects are being funded again and will continue for the new year beginning October 1, 1984. In addition, the Mille Lacs Reservation Community has indicated a need for services as soon as additional funds are available.

Recognition of the need for specialized mental health services for Indian people is a recent development. As yet, only limited funds and services are available and a great deal of work needs to be done. Most important is the need for leadership at both the state and community levels, which will result in development of additional funding.

In response to a resolution adopted by the IAC supporting the need for state funding of special Indian community mental health services, the Commissioner of Human Services has included in the 1986-87 biennial budget of the Department of Human Services funding for a substantial expansion of project service grants and for the continued operation of a state Indian mental health advisory committee. The proposed means for increasing Indian mental health funds is a request to raise the present "set aside" of federal Mental

Health Block Grant funds to 12.0 percent from the current level of five percent. The Commissioner has requested IAC support for this change.

### Housing

In 1976 the Minnesota Legislature created housing opportunities for the state's American Indian population. Initial appropriations were first earmarked for those Indians living on reservations; later money was added for the benefit of Indians living in urban areas.

These programs, known as the Tribal Housing Program and Urban Indian Housing Program, are administered by the Minnesota Housing Finance Agency. The Agency enters into contracts with the Minnesota Chippewa Tribe, Red Lake Housing Finance Corporation, Minnesota Dakota Indian Housing Authority, and community-based housing corporations in the cities of Minneapolis, St. Paul and Duluth. Under contract, these programs develop housing ownership and rental properties in their respective areas. Principal beneficiaries are Indian families and individuals.

At this time the reservation-based housing programs clearly are utilizing their resources to gain maximum opportunities for their constituents. A brief analysis of building activities shows the number and cost of the units built during fiscal year 1984.

Red Lake Housing Finance Corporation:	18 Units, Cost \$680,221
Minnesota Chippewa Tribe:	51 new Units, Cost \$1,833,343
Minnesota Chippewa Tribe:	3 rehab Units, Cost \$37,000
Minnesota Dakota Indian Housing Authority:	5 Units, Cost \$206,609

The Urban Indian Housing Program has also had success in the twin city suburban area and in the cities of St. Paul and Duluth. During fiscal year 1984, the community-based housing program in St. Paul developed nine housing units at a total cost of \$245,104 while Duluth managed to develop eight units at a cost of \$115,808. Metropolitan area suburbs are considered to be a part of the Urban Indian Housing Program, and the contract for housing development was awarded to the Twin City Suburban Indian Housing Corporation. This program developed eight housing units at a total cost of \$245,104.

The housing program in Minneapolis has not achieved the same level of success as programs in other areas and its effectiveness in providing adequate housing opportunities for the Minneapolis Indian population has not been firmly established. Since 1979 the housing contract for Minneapolis has been awarded to and administered by the Minneapolis Community Development Agency, which is a unit of city government. Analysis of preliminary housing data for the Minneapolis program indicates that the Minneapolis Community Development Agency has used faulty procedures in its handling of the program. The specific details regarding this issue remain unclear due to personnel changes, inadequate recordkeeping and audit reports which have made a complicated situation even more ambiguous. Nonetheless the Minnesota Housing Finance Agency, which is the state agency responsible for the program, has recently begun to unravel complications associated with the Minneapolis program. The most recent tactic used by the Minnesota Housing Finance Agency was a formal petition to the Ramsey County District Court to carry out a thorough examination of the Minneapolis

Indian Housing Program. This tactic has not resolved the major issues connected with the way the Minneapolis Program has been administered by governmental agencies responsible for implementing the program. Shortly after the end of fiscal year 1984, on October 24, the Ramsey County District Court ruled "... that the city and state should negotiate a settlement, and that in the meantime the city should establish an account for the money from any future house sales." (Minneapolis Star and Tribune, November 5, 1984). While this court decision may force the governmental agencies to make a stronger effort to resolve the housing problems in Minneapolis, we anticipate that the IAC will need to be involved in this situation for another two or three years.

#### Chemical Dependency

The Office of American Indian Programs, Chemical Dependency Division in the Department of Human Services was created by Minnesota Statutes, section 254A.03 in March, 1974, for the purpose of providing administrative direction to the Chemical Dependency Division in the administration of American Indian Chemical Dependency Programs. The Office of American Indian Programs has major responsibility in the following areas:

- a. Proposal development and review;
- b. Administration of funds designated for Indian Programs;
- c. Development and implementation of long-range chemical dependency programs for statewide services;
- d. Establishment of policies and procedures for Indian chemical dependency programs with the advice of the American Indian Chemical Dependency Advisory Council; and
- e. Liaison communication with public governmental agencies,



Indian tribes and Indian organizations.

Twenty-seven American Indian programs were funded through the Chemical Dependency Division during fiscal year 1984. These programs operate on the 11 Indian reservations and in three central urban areas (Duluth, Minneapolis, St. Paul). All chemical dependency programs are governed and operated by American Indian people. The annual budget for these programs during the past fiscal year was \$1.7 million.

Two major legislative changes were made regarding chemical dependency last year. They were: 1) a change in the name and responsibility of the American Indian Chemical Dependency Advisory Council (formerly the American Indian Chemical Dependency Advisory Board); and 2) the increased appropriation of \$400,000 for Indian chemical dependency programs. This increased state appropriation provided \$200,000 for the Mash-Ka-Wisen Treatment Center, \$100,000 for the initiation of the Minnesota Indian Women's Resource Center, and \$100,000 for increased financial support for eight Indian chemical dependency prevention programs.

The IAC provided a written resolution of support for the increased state appropriation and offered testimony on the needs of chemically dependent Indians at the hearings conducted by committees of the state legislature.

#### Affirmative Action

During the summer of 1984 the IAC Executive Director served on a task force of the Governor's Council on Affirmative Action that was charged with examining the state's responsibility in the area of

affirmative action and making recommendations for implementing relevant state policies. The Task Force reviewed the recruitment and classification procedures used by the Minnesota Department of Employee Relations and identified a number of barriers to the employment of persons protected by the Minnesota Human Rights Act.

The Task Force report (entitled Governor's Council on Affirmative Action Report) clearly speaks to concerns expressed by tribal leaders regarding the process used to select and appoint tribal members to staff and board positions within state government. The report also contains a number of recommendations for preserving the essential elements of the existing state merit system while at the same time providing more equitable opportunities for members of protected classes to qualify for appointments in state government. IAC staff members are currently attempting to facilitate implementation of these recommendations and will continue to provide technical assistance and advice to the Department of Employee Relations.

#### Corrections

During fiscal year 1984 members of the IAC expressed strong concern about the disproportionately high number of Indians incarcerated in state correctional facilities. Preliminary analysis of data furnished by the Minnesota Sentencing Guidelines Commission shows that this over-representation of Indians is partially attributable to disparities in the way the guidelines are used for Indians as compared with non-Indians convicted of similar felonies.

Staff members of the IAC discussed these problems with personnel of the Minnesota Department of Corrections and offered to

provide advice and technical assistance on the implementation of departmental policies and new legislation now being proposed by the Commissioner of Corrections. Staff members also participated in a conference of state probation and parole agents to increase their knowledge and awareness of tribal customs and behavioral patterns. In all of these activities staff members discussed and recommended that alternatives to incarceration be developed and implemented in facilities located on or near reservations.

#### Education

Members of the IAC staff continue to be involved with education programs administered by the State Department of Education. Staff members provide input on policy matters affecting the activities and program of the Indian Education Section of the Department of Education. The Staff Assistant is a member of the Advisory Task Force of the Minnesota Indian Scholarship Program that is administered by the Department of Education.

Members of the IAC staff also provided technical assistance and advice to the Advisory Task Force of the Minnesota Indian Scholarship Program on the development of a new program designed to help more Indian students complete their secondary education and prepare them for higher education. This program is relatively new and it is still too early to assess its impact on the number of American Indian high school students who meet the college admission requirements.

#### Indian Child Welfare

The Indian Child Welfare Act is a federal law passed by

Congress in 1978 to protect Indian families from the loss of their children. The Act was passed because Congress found that many Indian children were being taken from their families by courts and welfare departments and placed in non-Indian homes and institutions. A major purpose of the Act is to encourage state courts and welfare departments to respect the culture of Indian people and the need for Indian children to grow up within their own cultures.

Many features of the Act and the regulations subsequently promulgated by the Bureau of Indian Affairs have been severely criticized by lawyers and experts working in the field of child welfare. In particular, the BIA regulations have been criticized because regulations relating to state jurisdictions and courts were published as "guidelines" rather than as compulsory mandates. The interpretation applied to the Act by the BIA was " ... The Act does not delegate to the Interior Department the authority to mandate procedures for state or tribal courts."

Recognizing the need for stronger, more specific legislation at the state level, the IAC supported an Indian child welfare act proposal that was introduced in the last session of the Minnesota state legislature. Since this proposal was not passed during the last legislative session the IAC plans to have a new version of the bill introduced in the legislative session that will begin in January, 1985.

### Section III

#### Projected Program Activities

##### On-going Program Activities

Examination of relevant legislative documents shows that the IAC is responsible for a number of on-going programs. These programs have been delegated to it through various laws enacted by state government since 1963 when the original IAC was first established. For example, the Indian Burial Program, the Economic Opportunity Program, and the Indian Business Loan Program evolved from state legislation that made the IAC administratively responsible for them.

The Indian Mental Health Program is a more recent development and it is still in the process of change. In a recent letter to the IAC Executive Director the Human Services Commissioner indicates that the status of the Indian Mental Health Program regarding the specific role of the Department of Human Services is not clear and that new legislation may help to make the Indian Mental Health Program a permanent part of the Indian Affairs Council. Such new legislation would also help clarify the specific responsibilities of the Department of Human Services for services intended to meet the mental health needs of the Minnesota Indian population.

The Department of Human Services is planning to develop a new legislative proposal that would clarify and strengthen the

role of the IAC in the area of Indian mental health services.

As in the case of the Indian Business Loan Program and the Economic Opportunity Program, any new statutory responsibilities are likely to require additional staff to handle the new work assignments. For this reason the IAC plans to monitor and participate more fully in the legislative process. This approach will give greater assurance that when new responsibilities are added to the workload of the IAC it will also be given additional staff and funding resources to carry out the new responsibilities.

Discretionary Responsibilities - In addition to the more specifically defined statutory responsibilities referred to in the preceding section the IAC also exercises a number of more flexible responsibilities under the list of duties specified in the 1976 legislation that reorganized the composition of the old Minnesota Indian Affairs Intertribal Board. Examination of this list of duties shows that it mandates the IAC to engage in a number of on-going activities designed to help the agency serve as an effective voice in governmental efforts to eliminate the disparities between Indian and non-Indian citizens of Minnesota. Some of these duties are listed below.

- - Clarifying the nature of tribal governments and their relationship to the Indian people of the State.
- - Developing and issuing recommendations for new legislation designed to benefit the statewide Indian community.
- - Providing an effective conduit for programs, proposals and projects submitted by tribal governments, organizations, committees, groups

or individuals.

- - Engaging in a dialogue with tribal leaders and representatives to enhance their knowledge of the various functions and roles of state government.
- - Assisting in defining what groups, organizations, committees, councils, or individuals are eligible for services from various state agencies.
- - Assisting in the provision of resources for the delivery of services to the statewide Indian community.
- - Serving as a liaison between local, state and national units of government in the delivery of services to Minnesota Indians.
- - Providing a liaison between state agencies and elected tribal governments and officials.

These duties describe the agency's service functions but do not set any limits on the kind of situations to which these functions are applicable. The single most important requirement is that services specified in the list of duties be made available to tribes, governmental agencies, and other organizations engaged in efforts to improve the status of the Minnesota Indian population. Services provided by the IAC during fiscal year 1984 in the areas of corrections, housing, chemical dependency, education, and affirmative action are indicative of the many diverse functional areas in which the IAC staff must operate.

The mandate to enhance the status of Indians is clear, but the IAC does not have enough staff to cover all problem areas. It is therefore required to prioritize needs and problems and focus its attention on the most urgent and crucial issues affecting the lives of

Indian people. The IAC is aware of the need to increase the size of its staff complement and plans to develop a strategy for documenting this need. In the meantime the agency will continue to provide services in problem areas that impact most heavily and adversely on the lives of Indians in Minnesota.

#### State/Government Indian Relations

The recent report prepared by the State Planning Agency for the state legislature entitled, State/Indian Government Relations, again shows the shocking disparities that exist between the Indian and non-Indian citizens of Minnesota. The report also identifies a number of major issues that can be resolved through more direct administrative or legislative action. Included in these issues are the following:

The unique status of Indian governmental authorities is not consistently recognized by the State and its agencies as governmental entities.

The patterns of communications and working relationships between state agencies and Indian governments range from inconsistent to non-existent.

The Minnesota Indian Affairs Council is underutilized by state agencies.

Non-Indian state employees need training to improve their knowledge and understanding of Indian government, policy, law and culture.

Astounding disparities exist between Indian and non-Indian citizens in the areas of education, employment, economic development, income, health, housing and criminal justice.

When Indians fully participate in a process or program to meet a need the results are significantly more successful than when they do not.

Gross inaccuracies and gaps exist in the information



and data base relating to the social and economic condition of the Minnesota Indian population.

Indian governments in Minnesota are dedicated and working to improve the economic, health, education and social status of the Indian people, and to eliminating disparities that currently exist between Indian and non-Indian citizens. They recognize that the development of an effective strategy for improving the status of Indian citizens requires the resolution of issues such as those listed above. Continued neglect of these issues will increase the plight of Indian citizens and deny them equal access to opportunities for economic, health, social and educational enrichment. The mandate for action is clear: state government working cooperatively with Indian governments must begin to develop a realistic and workable strategy for resolving crucial issues and developing programs that will better utilize the combined resources of the State and the Indian governments. The key to such action is the Indian Affairs Council, which is the unit of state government that carries major responsibility for Indian affairs. Resolution of the issues cited in the State/Indian Government Relations report will represent an important first step in this effort.

The State/Indian Government Relations report is the product of a special committee that was charged with reviewing state governments' relationships with Indian reservations; determining appropriate governmental roles; developing and recommending optional processes for resolution of issues. The establishment and work of this committee signifies the concern of state government for the health and well-being

of its Indian citizens, and expresses the commitment of the Governor and members of his executive staff to undertake such actions as may be necessary to resolve issues which currently stand as obstacles and barriers to the development of closer, more effective working relationships between state and Indian governments.

The State/Indian Government Relations report contains eighteen (18) recommendations for developing more effective cooperative relations between the Indian governments and the state government; all of these are part of an overall effort to strengthen tribal economies and improve the conditions under which Indian citizens live in the state of Minnesota. The IAC plans to use these recommendations as guidelines for directing the work of its staff during the remaining part of this biennium. As these recommendations are implemented, new and perhaps more crucial issues will become evident and they will present new problems for the State and Indian governments. The emergence of such new problems will challenge state and Indian governments to develop newer strategies and cooperative approaches for the development and utilization of scarce governmental resources. The IAC is committed to resolving the crucial issues outlined in the State/Indian Government Relations report, and to serving as the planning unit for coordinating the efforts of state government to make more effective use of its available resources. The long-range goal of this commitment is to eliminate the shocking disparities that currently exist between Indian and non-Indian citizens of this state.