

Testimony on
An Apology By The United States
To
Native Americans
Submitted by
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Greetings from Alaska! My name is Edward K. Thomas. I am the elected President of the Central Council of the Tlingit and Haida Indian Tribes of Alaska, a federally recognized Indian tribe of more than 26,000 tribal citizens. Southeast Alaska is the ancestral homeland of the Tlingit and Haida people. I have been the President of my tribe since 1984. I have been managing federal program contracts and grants since 1975.

First, let me thank this very distinguished committee for holding this hearing on an apology to Native Americans by the United States.

Secondly, thank you for the invitation to express my views on this effort.

An Apology

Webster's College Dictionary defines *apology* as: 1) an expression of regret for having committed an error or rudeness.

In order to appreciate this definition we need to look at what *regret* means: 1) to feel sorrow or remorse for an act.

In the instance of this apology it is clear that some in the United States government are sorry and remorseful for the errors and rudeness of past years toward Native Americans while others are not.

Action Speaks Louder Than Words

I have concluded that the majority of federal officials are not really sorry or remorseful in the deeds of the United States toward Native Americans. If there was indeed widespread sorrow and remorsefulness in the federal government on the wrong-doing to Native Americans then:

- The Congress and the President would have stepped forward and adopted apology legislation at the first suggestion of an apology.
- The constant erosion of Tribal sovereign rights and powers in favor of states' rights and powers would have been stopped.
- The "Third-World" conditions that exist in Indian Country would have been eradicated by now through meaningful increases in appropriations in Indian programs.
- The advice of tribal leaders would be taken seriously. "Tribal Consultation" is a meaningless process when words are spoken but no positive action is taken.

A Very Challenged Relationship

There are a number of serious problems that continue in the relationship between our people and the United States. An apology to us while ignoring the Third-World conditions of so many of our people somehow just doesn't seem genuine.

- We have to sue the United States time and again over indirect cost moneys that laws mandate that the government give to us automatically to run federal programs.
- United States courts rule in favor of states' rights at the expense of Native American rights much of the time even though the doctrine of tribal rights and powers have supposedly been settled decades ago by earlier court rulings that were favorable to tribes.
- Study after study shows that federal funding to our people is less than the funding to the rest of the population on a per capita basis, yet it makes no difference to those who allocate funding for our needs.
- Federal prisoners get more healthcare dollars per capita than Native Americans.
- There is absolutely no reason why the federal tax laws can't be amended to make it ultimately clear that all federally recognized tribes have the same status as states.
- I don't see appropriations bills introduced to provide full funding to indirect costs notwithstanding findings in our favor in the Cherokee Case.
- Tribal leaders asked the President and the Congress not to take valuable federal program money appropriated to address serious social and economic problems in Indian Country to fix the Trust Management problems it created for itself through mismanagement, yet tribal programs have been taxed to pay for Bureau of Indian Affairs (BIA) Trust Management reform and reorganization.
- There are no promises that there will be total appropriations for any settlement of the Cobell Case. If there is a court settlement or a legislative settlement much of the money to settle will most likely come out of existing Indian programs just like what is happening in the funding of the Office of the Special Trustee.
- All of Indian Country gets a bad grade from the appropriators based entirely on the management weaknesses in the Department of the Interior – BIA. Even now the Office of Management and Budget (OMB) is scoring their Program Assessment Rating Tool (PART), relying entirely on BIA Central Office abilities to generate reports and statistics that accurately reflect program value in Indian Country. Absolutely no value is given to how well or poorly tribal governments are doing relative to the scoring criteria.
- Needless to say I can go on and on but you get the picture.

Political Ramifications of this Effort

While I applaud your personal interest and commitment to making things right on this topic I must say that I have difficulty with spending so much time, precious government resources, and political cards on such extensive talk on an apology. There are so many other

important issues in Indian Country that do not get proper consideration due to limited time.

There are so many other important challenges facing my people that I truly wish there was more time to talk to you and the whole Congress about these issues in a forum similar to this. As this nation faces some very challenging times due to federal budget deficits we don't talk enough about the impact of this reality on this nation's first peoples. I am not suggesting that benefits to Native Americans increased in times of surplus because they don't what I am saying it that history shows that problems in our poverty stricken Indian communities increase during times of federal budget deficits and reduced domestic spending. It appears to me that the efforts of trying to secure an apology from the United States is dreadfully distracting from our important issues instead of drawing more focused attention to the gravity of human problems in Indian Country.

Impact of an Apology

The best thing that could possibly come out of an apology is the United States improving its treatment and strengthening its relationship with Native Americans as a result of the apology. I fear, however, that if an apology does come it will be perceived by many federal officials that this is a closure to the federal responsibilities to our people. I worry that uninformed, well-meaning law makers will respond to our future requests for help in addressing the problems of our needy as though these requests are above and beyond reasonability; saying, "We already apologized for helping create those deplorable situations, what more do they want?"

This happens even now. Some feel that because there is a BIA that all of the needs of our people are being addressed. Most are not aware that funding to the BIA has lost ground to inflation for over 25 years while the cost of doing business in Indian Country has gone up at the same rate.

Accepting an Apology

If this nation apologizes to Native Americans for past decades and centuries of wrongdoing to Native Americans will I accept it on behalf of our people? Out of respect to you and others in Congress who are sincere: Yes!

Do I feel good that things will be good after an apology and our relations will improve? No. The only way this could happen is if there was language in an apology legislation making it ultimately clear that an action plan would be put in place immediately to effectively eradicate the social and economic problems in Indian Country and then federal programs would be put in place and appropriated based on real need and not just comparing new efforts to the past performance of the BIA.

Please read the attached article by D. Bambi Kraus on an apology by former Assistant Secretary Gover.

In Conclusion

I apologize if I have offended anybody in my comments. I do not intend to paint a sensationalized negative picture of the federal relationship to Indian Country but, rather, I am attempting to reincorporate a degree of realism in our thinking when it comes to an apology. I am very concerned that these efforts draw so much precious time away from the real problems in Indian Country and there is indeed great need to spend more time talking about our important issues. I am grateful for things that the United States has done for our people in the past but, working together, more can and should be done to improve conditions in Indian Country.

Thank you for the opportunity to share my thoughts with you today.

Gunalcheesh! Howa!