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Notes on April 29, 1982 Oversight Hearing

Select Committee on Indian Affairs

NCAI, CERT, National Tribal Chairman's Association and the American Indian National Bank were represented. Committee members William Cohen and Mark Andrews were present.

Questions

NCAI

Andrews- What is Banking Intermediary? Will it be accepted by the tribal governments?

McLaughlin- Banking intermediary is important because little savings are being generated on reservations now, in the past they were dealing with the Federal government in a non-banking relationship, and it can begin to create financial markets in Indian country.

Also, no tribe has ever defaulted on a banking relationship yet.

Andrews- What roles can the private sector play?

Bryant- Provide expertise in development and provide capital. There are resources that the private sector doesn't recognize, like manpower, tourism and agriculture. One problem for the private sector is tribal government management. The solution is trust relationship and assistance for improved management capabilities.

Andrews- Which should come first, management capabilities or private sector involvement?

Baca- Both should work together. Development of capital first, with improvement of tribal management going with it.

Andrews- Is the Small Business Administration a good thing?

Baca- It is excellent if it is fully implemented. It hasn't been yet.

Andrews- Will the American Indian Development Corporation succeed where others have failed?

Baca- Because of a lack of financial intermediary Indians can't develop on their own. AIDC functions as an intermediary. It also can interface with the private sector.

Cohen- Does trust status create a barrier?

DeLaCruz- The problem is that businesses think that it does. Actually, it enhances investment possibilities. This attitude needs to be overcome.

Cohen- Something has to be done about the vicious circle of the trustee relationship. It causes dependency instead of self-determination, but you can't just hand out money and leave the tribe alone.

Cohen- Is sovereignty a legal obstacle?

DeLaCruz- You have to distinguish between the tribe as a government, for which sovereignty is good, and the tribe as a corporate entity.

Cohen- Would AIDC compete with American Indian National Bank?

NCAI- It would enhance it, not compete with it. AIDC is long term. AINB is a commercial bank.

Cohen- Which will come first, training or private sector involvement? You said it would be simultaneous, but it is a practical matter that the private sector won't invest until after there is management development.

NCAI- There has to be more than management development going on. It can't be done separately. There will be other inducements to get the private sector involved (possibly 1088).

CERT

Cohen- The ANA budget has been cut by 50% (stated in testimony). What is the ability of the government to support action with the private sector?

CERT- Mentioned the Laguna - ANA project

CERT- Projects are great but the revenue is lost if you don't have a strong tribal government and management.

Cohen- What protections for the private sector are there?

CERT- Federal regulations protect the private sector through lack of enforcement.

Cohen- Am I correct that S. 1298 doesn't grant new tax status but provides exemption?

CERT- That is correct.

NTCA

Cohen- Are tribal managers capable of negotiating with corporations now?

Martin- Yes, but they need financial backing and resources.

NTCA- Secretary Watt was requested by NTCA to set up a task force of tribal leaders and economists to work with tribes. Watt agreed, but no task force has been set up to date.

Cohen- There is no sense of direction in the Federal approach. It is a purely budgetary approach. The long term goal should be self-determination.

American Indian National Bank

Cohen- Has AINB had problems with tribal sovereignty, lack of tribal management, and stability of tribal government?

AINB- We have gone beyond those problems. They are worth consideration but we got around them.

Cohen- What would AIDC do that you can't.

AINB- The development bank would be a source of funds for beginning enterprises.

AINB works with established enterprises, which are already going and earning money.

AINB- wants:

- Transition between reducing funding and full economic development.
- Reinstitute the Indian Finance Act
- The ability to bank across state lines

Statement prepared,
but not delivered.

STATEMENT

BY

A. DAVID LESTER, COMMISSIONER*
ADMINISTRATION FOR NATIVE AMERICANS
OFFICE OF HUMAN DEVELOPMENT SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

~~BEFORE THE~~

~~SELECT COMMITTEE ON INDIAN AFFAIRS~~

~~UNITED STATES SENATE~~

MAY 5, 1982

*Chairman of the Intra-Departmental Council on Indian Affairs

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to discuss the activities of the Administration for Native Americans (ANA) in the area of Indian economic development.

The Administration for Native Americans is a part of the Office of Human Development Services in the Department of Health and Human Services. The program and activities conducted are authorized by the Native American Programs Act of 1974, Public Law 93-644 as amended. The Administration for Native Americans has a broad and ambitious legislated mission: to promote the goal of social and economic self-sufficiency for American Indians, Alaskan Natives, and Native Hawaiians. We define self-sufficiency as the level of development and degree to which a Native American community can provide for the needs of its community members and pursue its own social and economic goals. In pursuit of this legislative mission, three primary program goals have been adopted:

- o To develop or strengthen tribal governments, Native American institutions and Native American leadership;
- o To foster the development of stable, diversified local economies and/or economic activities which provide jobs, promote economic well-being and reduce dependency on social services; and

- o To support local access to and coordination of programs and services which safeguard the health and well-being of people and which are essential to a thriving and self-sufficient community.

The local community has primary responsibility for determining its own needs and priorities and for planning and implementing its own programs. A balanced and inter-related approach to social and economic development is the most workable and appropriate way in which self-sufficiency can truly be attained.

In the early years of this program, since 1964, many Indian tribes and Native American communities lacked the necessary administrative and managerial foundation for managing and delivering services at the local level. Funding core administration was a start-up strategy of ANA to help communities become capable of managing their own affairs. This early funding policy enabled tribes and organizations to set up shop and obtain resources to meet local needs in the areas of housing, education, employment and other related areas. As a result of past efforts, many Native American communities have become successful in mobilizing and managing Federal, State and local resources.

In FY 1982, the Administration for Native Americans implemented a new program direction that moved from the previous emphasis on core administration and filling service

gaps to a community-based social and economic development strategy. This new approach promotes self-determination through concurrent support for social, economic and governmental development of the local community. This broader focus seeks to avoid past problems: depletion of Indian land resources without concurrent social development; and dependency as a result of meeting social service needs while neglecting economic development.

We are all aware that indicators for the quality of life such as health, housing conditions, educational attainment, suicide rate and the disruption of family and cultural values portray the devastating experience of the Native American population. Unemployment remains higher among Native Americans than any other minority group. With high unemployment, there is a high degree of unskilled labor. Private sector involvement in the Native American community has been limited and tribes have few means or mechanisms to invest in themselves because there is often no established resource base for community investment and development. Many reservations lack physical infrastructures such as utilities, transportation access and other municipal type services that are necessary economic fundamentals for private sector activities on the reservation. On the other hand, there is an overall lack of awareness among the private sector of potential business opportunities on reservations.

In the past there has been no systematic effort to support Indian tribes in asserting their governmental powers to stimulate and regulate private economic development. Underdeveloped tribal economies cannot provide the jobs, the economic stability or the foundation for economic progress. Furthermore, history shows that national economic prosperity has little or no effect on Indian reservations. Indian reservations tend to be isolated from any marked improvement in the national economy. In fact, reservation economies have been consistently lower than the lowest downswing in the U.S. economy.

Traditionally, Indian communities have not had sufficient capital or incentives to encourage business development and promote community growth. The Administration for Native Americans plans to address that problem by assisting those communities which are ready to plan, develop and operate financial institutions to encourage and invest in the business and development of Indian communities. In addition, the Administration for Native Americans will be assisting tribes and community-based Native American organizations to develop and implement joint efforts with the private sector which will be supportive of social and economic self-sufficiency.

Indian tribes are an integral part of the system of government established in the United States. Indian tribes are governmental, social and cultural entities. As such, they are the foundation for long range economic and social

development on Indian reservations. American Indians are unique because of their special relationship to the Federal government.

Like other governmental entities, Indian tribes need institutional structures and mechanisms of control that will enable them to provide for both economic development and social progress. A vital ingredient in any tribal organized effort to enhance the level of socio-economic development is the ability of local government to protect the genuine interests of both consumers and creditor/investors. To do so, tribal governments must use the appropriate regulatory, adjudicatory and enforcement mechanisms necessary to interact with the private sector for economic development purposes. The key to this long term developmental process lies in a stable tribal government responsive to trade and commerce, as well as the promotion of human development.

Where there are stable Indian tribal governments, tribal enterprises have been established that are independent of Federal support, that create permanent jobs, and that hold dollars on the reservation thereby contributing to the infrastructure necessary to pursue future economic ventures. The Mississippi Choctaw tribe, for example, has creatively established two tribal enterprises: one which fabricates automotive wiring harnesses for the Packard Electric Division of General Motors and the other which hand-finishes greeting

cards for the American Greetings Corporation. This development with the private sector was accomplished without existing physical/energy resources and in an isolated location away from major transportation routes. In Montana, the Fort Peck tribe's interactions with the private sector have all been joint ventures. The tribe has made a commitment to seek out markets resulting in the operations of the Fort Peck Manufacturing Company, an endeavor between ESCO Corporation of Portland, Oregon and the tribe. In addition, Assiniboine and Sioux Industries and West Electronics are successful examples of effective marketing packaged by the Fort Peck tribe. The Blackfeet Indian Writing Company supplies pens and pencils to all U.S. Military installations. In addition to sales to Federal agencies, the tribe has successfully marketed to private industry and the public. There are other models as well.

However, even though there are successful examples, the present image of Indian tribes generally held by the private sector continues to be one in which tribal governments are portrayed as being indifferent or oftentimes unaware of the private sector and as having a poor perception of business development. With this kind of perception, the need for effective tribal management, employment practices and administrative procedures becomes urgent.

A major effort in this area has been a project to establish merit employment systems with Indian tribes. For several years ANA has been engaged in an interagency agreement with the U.S. Office of Personnel Management to identify and address the personnel and related organizational and management needs of Indian tribes. This effort has resulted in the successful development of central management systems and improved tribal policy development and operations. Additionally, this undertaking has assisted in federal-wide interagency endorsement of tribal central management systems and the coordination of Federal and tribal programs and resources. The success of this endeavor is demonstrated over and over again as evidenced by the continuity of organizational functioning when a tribal government experiences turnover of administrations. Improved tribal governing capabilities not only necessitates management changes but also the availability of trained personnel. Consequently the effectiveness of tribes and organizations in managing their own affairs is improved on a sustained basis. This is expected to have an enormous impact in the manner in which the private sector will approach tribes to stimulate business on reservations.

Effective tribal government is not only compatible with tribal economic development; it is a prerequisite. With ANA support, tribes are currently implementing a variety of activities to strengthen their planning, managerial, fiscal,

and judicial functions as units of government responsible for serving their tribal membership. Here are a few examples of the types of activities that ANA supported projects are achieving.

- o The Tribal Employment Rights Offices - referred to as TERO, is one of our most successful interagency endeavors. The TERO project initiated in 1976 has been extremely successful in helping Indian tribal governments use their authority to enforce Indian preference on the reservation and to take steps to end discrimination in public and private hiring near the reservation.

In FY 1980, ANA provided \$50,000 to establish 23 TERO's on Indian reservations. These projects were successful in placing 5,799 Indians in real jobs, primarily established by the private sector, and including the range of minimum wage paying to highly skilled positions. This generated salaries of \$6,138,845 and represents a return of approximately 122 to 1 on the ANA investment alone. Since then private sector employment of Indian people on reservations has at least doubled and in some places tripled as a result of TERO negotiations with contractors and other employers. Now there are 50 TERO's and more are being organized.

- o Another example concerning unemployment is the Pueblo of Laguna. This reservation has the world's largest open pit uranium mine which was the single largest employer for the Pueblo work force for some 25 years until the market was depleted in 1981. As a result of its closing unemployment has risen severely. Through an exemplary working relationship between private industry and the tribe, Atlantic Richfield Company has provided seed money for a reclamation project to assist in addressing this problem.

At the same time, the Pueblo is engaged in various levels of agricultural and economic activities. For example, additional land has been purchased for ranching and livestock and through private investment a shopping center in which private stores will be located, has been completed with a professional realty and shopping center management firm. This is part of the Pueblo's long range goal to develop a diversified economy.

ANA funds, in addition to the tribal contribution of about \$700,000, have helped to make it possible for the tribe to establish a depot maintenance center for high technology military equipment with the Department of Defense. Raytheon Corporation is

lending managerial and technical assistance as well. This project will provide a stablized economic environment in which the Pueblo's current economic endeavors and private development activity will flourish. In the first year alone, the next profit is projected to be \$2.3 million, and there will be 315 persons employed in the enterprise. Considering only profit and employment in the first year, this represents a return of 9 to 1 on the ANA investment.

- o In another example ANA has assisted in strengthening both the social and economic foundations of the 25 tribes that originally created the Council of Energy Resource Tribes, popularly known as CERT. CERT assists its member tribes in using their energy resources as a base for establishing stable economies, in protecting their natural and social environments, and in assisting tribal governments to better manage their energy and human resources.

The CERT member tribes now numbering 34 have the potential to contribute significantly to the energy needs of the United States in the near future, thereby enriching their own economies while at the same time, helping to reduce the Nation's dependence on foreign energy resources.

In FY 1981 ANA initiated a project to improve the management at the Federal level of Indian programs funded by the Office of Human Development Services - Aging, Head Start and Native American Programs - to address the problem of fragmentation at the local level. This effort, entitled the HDS Cooperative Management Initiative, arose out of a concern that an excessive amount of time is diverted to the administrative requirements of managing Federal grants at the tribal level rather than the actual provision of services. In addition, the fragmented nature of multiple funding sources at the Federal level makes it difficult for tribes to coordinate services locally. The initiative, supported by an Indian Advisory Group representing fifteen tribes, is expected to facilitate tribal efforts to develop centralized planning, coordinate programs and promote a more cost-effective use of limited tribal resources. Additionally, duplication of Federal activities such as grant award processing will be reduced or eliminated, thereby reducing administrative costs at the Federal level. It should be made clear that although this is a coordinating effort, each program remains separately intact.

Over the past decade, Federal public works subsidies and federally funded income maintenance programs have created a dependent economic climate on Indian reservations. The categorical fragmented funding approaches of the past have

worked to address certain needs such as housing, education and nutrition. They have not worked, however, in attaining social and economic self-sufficiency and developing Indian tribal governments. There has been an absence of a systematic focus on promoting Indian tribal government to carry-out their governmental responsibilities. There appears to be a need to focus on the process of social and economic development rather than narrow categorical projects. However there are reasons to be optimistic about the future. An example is the block grants administered by the Department of Health and Human Services (HHS). Indian tribes have been defined by law as eligible entities under five of the seven HHS block grants. The Secretary determined under these block grants that Indian tribes are in the best position to know the needs of their members and to operate the programs of services. The government-to-government relationship between the tribes and the Federal government is recognized and maintained.

Our priority is to provide assistance to Indian communities so that they can address their locally determined social and economic needs in a logical and comprehensive manner. ANA supported projects are based on local communities' priorities and are administered by local staff rather than Federal employees. These projects are designed to make improvements that are self-sustaining.

The ANA perception of Indian economic development takes a broader view than most traditional approaches. Economic development is not just energy exploration, business development or economic development projects which provide short term jobs. Rather, it is balanced social as well as economic development. It is a stable government. Strengthening tribal government means in many cases: affirmative action; revision of tribal constitutions, tribal codes and ordinances; improved management capacity; responsive social service delivery systems; and, diversified economies. The Federal role is a partnership with Indian tribes that support moving from poverty and dependency to prosperity and self-sufficiency.

I appreciate the opportunity to appear before the Committee. I will be happy to answer any questions.

Louis C. Kramp & Associates

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March 3, 1982

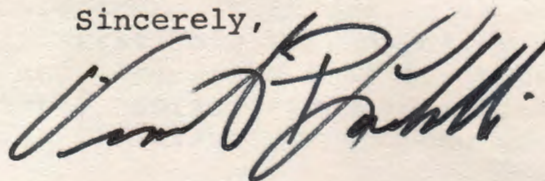
The Honorable James A. Baker, III
Chief of Staff and Assistant
to the President
The White House
Washington, D.C. 20500

Dear Mr. Baker:

Attached is a description of an approach to Native American Economic development. The proposed strategy is to work with the private sector and Indian communities to facilitate business development on reservations in order to achieve economic self-sufficiency of Indian tribes and reduction in Federal involvement.

We would look forward to your feelings and counsel on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Louis C. Kramp", written in a cursive style.

March 3, 1982

AN APPROACH TO NATIVE AMERICAN
ECONOMIC DEVELOPMENT

The greatness of America lies in the ingenuity of our people, the strengths of our institutions, in our willingness to work together to meet the Nation's needs.

The Administration seeks to build on this special heritage, to encourage still greater contributions of voluntary effort and personal involvement, and to form a strong and creative partnership between the private sector and its public servants for the economic and social progress of America.

Native American leaders share the President's concern for their peoples, whom are affected by the fundamental change now occurring in the servicing of Federal programs.

The problems which prohibit Native American peoples from attaining their primary goals of self-sufficiency are well understood and acknowledged. Their desire is entirely consistent with this Administration's stated policy of reduced Federal spending and long-range goal of decentralization. We must, therefore, assist tribes in preparing the way to self-sufficiency and diminished dependence on Federal aid.

New or amended legislation would accomplish much, simply by diminishing and removing existing barriers that have long held economic development on Indian reservations at the barest level. And it would give economic utility to the tribes treaty insured water rights and enable them finally to capitalize on the development of their natural resources.

A plan to accomplish these ends would provide special incentives for private sector investment which will encourage spin-off industry and businesses owned by Native Americans, and their retention of revenues for reinvestment to new ventures and social programs.

Ideally, this assistance would come not in the form of Federal outlays at present or even higher levels, but rather through new legislation and policies which will provide for added incentives to the private sector, further complimenting the free enterprise zones currently proposed on Indian reservations.

The following represents an attempt to provide a solution to the lack of economic and social self-sufficiency as related to Native Americans. The approach is consistent with this Administration's policy of private sector involvement in the perpetuation of this nation's economy.

Discussion of the Problem

For the last several years the American Indian has experimented with different approaches and ways and means in which to create an economic base for its future generations. With very few exceptions, these efforts have resulted in failure. These failures in great part can be attributed to culture, religious beliefs, traditional values, government and, more specifically, the differing concepts of business. But yet it is not difficult to point to many past and traditional economic accomplishments by the American Indian. These inherent accomplishments have occurred through inter-tribal relations and their own perception of business and the resulting products of those businesses.

Therefore, it must be assumed that the American Indian in his own way does possess a certain expertise which caused his traditional business and economy to thrive and succeed. How, then, does one integrate this special kind of knowledge with the more conventional and acceptable business standards and knowledge of the non-Indian business world?

Each Tribe possesses, adheres and clings to its own cultural, traditional and religious values, these values are extremely varied in context from Tribe to Tribe. The single most common value amongst all Tribes is land - as it represents the very essence of life itself, for the land and how it is used is determined by the cultural and traditional values of that Tribe. To illustrate this point, some Tribes would entertain the implementation of manufacturing facilities on their lands, but would not allow any industry which is perceived to produce war material. The above example is simple in context, yet it attempts to demonstrate the unique feelings and thoughts of a people.

Approach to the Problem

Discussion with several Tribal leaders and traditional Medicine Men have shown that if Tribal values are considered and incorporated into overall economic development activity that Indian Tribes would commit resources and would adopt Tribal legislation to provide the incentive for business development. In order to accomplish this we must:

- Identify, analyze and avoid problems that have occurred in the past and which are still prevalent today which result from very different attitudes toward business.
- Create an environment of understanding and communication between the business world and the tribal decision-makers.
- Create an air of understanding that reliance on continued public assistance is not necessary or useful.
- Through self-help, cooperative ventures and other common vehicles, establish conditions that may be more attractive, acceptable and permanent to the Indian business community and private sector.
- Develop a special emphasis on training, education and on-the-job training which will evolve into a useful and positive tool for both Indian and non-Indian business.
- Incorporate into future Indian businesses the most important attribute which is prevalent in the traditional products of the American Indian today and in the past, - i.e., pride, excellence and uniqueness in what he produces or creates.

In order to accomplish these objectives, the American Indian must be prepared to commit parts of their resources and display a willingness to compromise certain cultural and traditional positions and the non-Indian private sector must also be willing to compromise certain conventional business practices. The resulting benefit will be the creation of a business environment conducive to both Indian and non-Indian business.

Specific Recommendations

- Identify opportunities for Indian business development. Prepare studies to determine (1) industries and/or business that would contribute to a long term stable economic impact and stable growth on reservations, and (2) private business that would support these industries through their resources. Establish a Tribal resource data base through the conducting of a resource inventory containing i.e., manpower, facilities, natural resources, equipment, transportation, etc. Develop models of these industries and private business which will reflect all of the imperative financial, managerial, production, marketing, traditional and cultural elements of that particular industry or business.
- Develop a legislative package. Prepare legislation, or appropriate amendments, that will allow non-Indian private sector business to work with Indian private sector business, and further to provide unique incentives to the private sector to accomplish this. For example, amend H.R. 3824 and S. 1310 which create Free Enterprise Zones. Develop an Indian Uniform Business Code which will incorporate safeguards for Trust Responsibilities, Sovereignty, Capital and Investment and implement through local or tribal governments.
- Work with Indian tribes to demonstrate business development. Seek out and develop sources of private venture capital based upon the new relationship of (Tribal Government to Business) as would be facilitated by the Indian Uniform Business Code. Develop joint venture concepts and model projects and approach business and industry with new and improved incentives allowable under Tribal Government legislation and/or the Free Enterprise Zone incentive if approved. Develop a comprehensive educational/training program in conjunction with the private sector which will address all elements of business management, finance, marketing, public relations, personnel, etc.
- Create a plan to implement and monitor the development and continuance of business and industry. Maintain tribal awareness of long range economic development potential. Continue to survey progress, interests and attitudes with a view to maintaining active tribal interests.

This approach would clearly enhance the perception that the Federal government is actively addressing its trust responsibilities while adhering, in a clearly demonstrable manner, to the Native American's rights of tribal sovereignty. In addition it will give substantial credibility to the Administration's economic policies, showing that they can provide workable solutions to this Nation's current economic problems.

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LOUIS C. KRAMP
Partner

March 4, 1982

The Honorable James A. Baker, III
Chief of Staff and Assistant
to the President
The White House
Washington, D. C. 20500

Dear Jim:

Regretably it wasn't possible for you to join our meeting yesterday with Morton Blackwell. We enjoyed a very stimulating discussion, during which we found Mr. Blackwell to be in concurrence with our thinking to the point where he has asked us to do several things to further develop our proposed plan. I have attached a copy of my memo to Mr. Blackwell, in order to give you a view of the three things that we are intending to do for him as a result of our meeting.

We suggested to him that if the President is looking for an appropriate minority group to designate as a model for demonstrating the Administration's programs on economic self-sufficiency and self-determination, the Indian community would make an ideal group.

I appreciate so much your arranging the meeting with Morton for us, and I am particularly grateful for Kathy's help in that regard.

I look forward to the opportunity to visit with you again soon.

Best personal regards.

Sincerely,



Louis C. Kramp & Associates

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LOUIS C. KRAMP
Partner

March 4, 1982

The Honorable Morton Blackwell
Special Assistant to the President
for Public Liaison
The White House
Washington, D.C. 20500

Dear Morton:

Our meeting yesterday was thoroughly refreshing. The openness and the concurrence that we all sensed was very satisfying.

We have agreed to work with you in connection with the following three areas:

- 1) To provide you with an overview of pending or suggested changes in present legislation, proposed or recommended new legislation, with emphasis on specific recommendations we have on matters of legislation that relate to the enabling of private sector business development with Indian tribes.
- 2) To provide you with specific policy recommendations for you to factor into the Administration's development of a new policy in relationship to Indian matters.
- 3) To help you to orchestrate a meeting at the White House, with the President, during which some successful models of business and Indian cooperation can be demonstrated and represented by the business leaders and Indian leaders who are involved; and to which other Indian and business leaders will be invited, in an effort to stimulate further business development activity with native Americans. Specifically, we will provide you with some demonstrable examples of successful enterprises.

The Honorable Morton Blackwell
March 4, 1982
Page Two

We will agree to deliver the above three items
by the following dates:

- 1) 2 April 1982
- 2) 2 April 1982
- 3) 26 March 1982

Vincent P. Lachelli will be principally responsible for the handling of these matters on behalf of the Firm. We will stay in close touch, of course, but please let me know if there are other ways in which we can assist you with such matters.

Please convey my thanks to Kathy and Maiselle for their help in arranging for our visit yesterday.

Best personal regards.

Cordially,