Indian Self Rule

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The termination policy was one of the most radical social policy experiments of the twentieth century. It was, ironically, inflicted on defenseless Indian tribes by very strong conservatives acting under the banner of such basic conservative principles as "free enterprise" and dismantling of bureaucracies. The idea was to "liberate" Indians from reservations and the Bureau of Indian Affairs and to force them to become participants in what the advocates saw as the superior social and economic arrangements off the reservations. This is one of the oldest and most frequently recurring themes in Indian policy. When it had been done before through dividing Indian lands, through turning reservations over the missionaries, through taking children from their homes to boarding schools, the results had been damaging and the policies were eventually reversed. When another round of conservative reformers took the reins of Indian policy in 1953, in the first period of GOP control of Congress and the White House since the 1920s, the central policy goal was to "terminate" federal protections and services for tribes that Congress decided were ready to exist without them. The experiment had a devastating impact on the tribes selected, and termination became the great issue in Indian policy for a generation.

Gary Orfield, professor of political science, University of Chicago

The NCAI, in its early years, was put in a very difficult position when Wade Crawford and other Indian claimants, who lived in Washington, breathed down the necks of the NCAI everyday to hasten termination. Some of the Menominees also were living in Washington. They pushed for
Termination. The NCAI was caught up in a terrible conflict. Do you fight the government of a tribe that is opposed to the position of your organization?

Helen Peterson, Oglala Sioux, former executive director, NCAI

Philleo Nash

Termination is a bad word, a bad name, and an evil thought. Nevertheless, it was with us. We all tend to think of the Congress and the Washington scene as the primary source of the termination push. We also see the Indian Bureau itself, particularly in that helpless floundering period from 1945 until 1958, as being responsible for the policy of termination. We are talking about a rather long period, in which House Resolution 108 comes up almost as a piece of froth on the surface of a very deep undertow.

What were some of the sources of that undertow? There were amazing combinations of people in that drive for termination. The liberal establishment compared reservations to concentration camps and thought of the Indian Bureau as a manager of prisoners of war. We also must include a segment of the Indian people which saw, in their love/hate relationship with the Bureau, an opportunity to get rid of a very uncomfortable and, at times, menacing overseer. Finally, we must not eliminate greed from the picture, because termination brought with it the concept of freedom of property. Who would have been the owners if the trust status on Indian land had been completely dissolved?

There were some interesting thrusts on the other side. One of the principal beneficiaries of the federal aid programs for Indians over the years had been the state and local governments. They had been relieved of very costly obligations for schools, welfare, and roads in the states that had large Indian populations. Where termination was effectuated, it was not only very damaging to the Indian people but extremely costly to the state and local governments.

The main thrust behind termination was Congress, which had long defined the Indian Bureau as the Indian problem. There is a very deep problem in the American value system. We non-Indians came as conquerors. We were greeted with hospitality and we met hospitality with
rebuff and force. We are aware of that and we carry this guilt within us, but we do not intend to give the land back. Consequently, there has to be an enemy. Are we the enemy? That is a very difficult thing to admit. Is the Indian the enemy? God forbid! Well, there must be an enemy. So, we make the Indian commissioner and the Bureau the enemy. We have this love/hate relationship between the Indians and the Bureau.

I served as a member of the Kennedy Task Force on Indian Affairs. The task force decided that the only way to cope with termination as an issue was to come out against it and then say: "Let's not talk about it because it is getting in the way of communication between the federal agencies, the Bureau of Indian Affairs, and the Indian people." This did not win us friends in the Congress of the United States.

I had to be evasive in order to obtain confirmation by the United States Senate as Indian commissioner. If I had said, I think that the Indian people are entitled to federal services in perpetuity the same as any other defined group, such as farmers, labor, and business, you can be certain that I would have gone back to my farm much sooner.

The question was how long would termination last as congressional policy. Termination was the denial of Indian culture, the denial of Indian self-government, and the denial of tribalism. And this goes back to the very earliest days of the republic.

The Constitution of 1789 gives the executive branch of the federal government the exclusive right to regulate commerce with Indian tribes. Indian individuals in that same document were denied a position in the body politic. Indians not taxed were put in the same category with slaves. This tells us something about the basic premises of the interaction between the American people as a whole and the Indian subportion of it. The founding fathers could have created, and they did not, a union of states and tribes. Instead, they waffled, and we have confusion in which special interests of every kind, well intended and evil, have an opportunity to operate.

The Indian Bureau is the unit of government which is charged with buffering this interphase. Its goals have never been clearly stated—the undercurrent of goals is what I am talking about. There is a denial of Indian personhood and a denial of tribal status. Tribal governments are a thorn in the state and federal system. They make the state and the
other federal agencies most uncomfortable, especially those in the Interior Department other than the Bureau of Indian Affairs.

The Indian commissioner has to fight a continuous battle with the other bureau chiefs for the Indian people's share of what is appropriated through their agencies. It is a difficult and ambiguous role. It is one which I filled for five trouble-filled, but very happy, years, and I can tell you I did not leave voluntarily and I never would have.

Sol Tax

Termination is part of a basic assumption that all Americans tend to make, and that is that the Indians will disappear. This has been going on for a long time. Sooner or later, if you put a few drops of glue into an ocean of water, the glue disappears. Assimilation was the solution for people who had guilt feelings about our treatment of Indians. There would no longer be any Indians.

The remarkable thing that I learned in the 1930s and 1940s was that not one Indian I ever knew made that assumption, and yet, when the Indians had to go before the Washington authorities, they would not deny it. Indian leaders wanted to get things done for their people. They also were exceedingly courteous and polite. When I began to learn what was going on, the Indians were pleased when I got up before white people and said what was really in their minds.

Indians really do not want to become like us. They prefer to do things in their own way. They are willing, as we are not, to let others live their own life, but they are not going to change their culture to please us.

Nothing is ever as crystal clear as it seems. The Indians had to live too. In order to live, they had a deal with white people. They could not avoid, forever, contact with white culture. But the one thing that they would not accept was the thought of their own demise and disappearance. They had come out of the earth and went to the sky in their own country, and they were not going to be like us. I came to understand this difference after living with Indians.

Before I began to write on this subject, very few people, if any, voiced publicly and in print the idea that the Indians were going to be with us forever. When the atom bomb shelters were being con-
structured and nuclear fallout maps were made, they left out most Indian areas. The bombs were not going to drop there first. Instead, New York, Chicago, and other places would be destroyed. I told my white friends, "If you think the Indians are going to disappear, now they think that you are."

Dillon Myer was the father of real termination. He was in charge of Japanese-American relocation. Myer had a lot of anthropologists on his staff. He took many of them from John Collier's original collection of people at the Bureau of Indian Affairs. These anthropologists, and others, tried to tell Myer that he should leave the Japanese in their camps because the outside world was dangerous for them.

Myer did not take their advice. It turned out that the Japanese got along beautifully when they relocated. For example, ten thousand of them went to Chicago and immediately got jobs. It was war time and they had no problems. After that, Myer refused to listen to anybody's advice. Myer was the first man in history to end a federal bureau—the War Relocation Authority. That is why they made him commissioner of Indian affairs.

R. David Edmunds

Conceptions of Indians held by the white public are at the heart of the problem of termination. The vanishing redman concept is part of it. It is untrue, but most whites, especially those who have limited contact with Indian people, certainly subscribe to it. In history, it is not so important really what happened as what people think has happened.

Termination and relocation are logical outgrowths of how the white majority has envisioned Indian people and how their misconceptions have shaped Indian policy. There is an interesting paradox in the history of race relations in this country. The Indian people are the only racial minority that whites have generally tried to assimilate. Whites have taken great pains to segregate blacks, Chicanos, and Asians. The thrust of the black civil rights movement, especially in the 1960s, was for a bigger slice of the American pie. Black people were saying, "You have held us out long enough. We want to be part of it." Whites were saying, especially in the South, "You cannot have it."

In contrast to that, whites have said to Native Americans for years,
“Come on in.” Indian people, to their credit, have said, “We do not want in.” Indian resistance to assimilation puzzles white people very much. They cannot understand why Indian people refuse to become white. In order to change Indian people whites have designed programs to “educate” Indians. The assumption has been that if Indians were “educated” they would eagerly accept the dominant culture.

The question remains, why did whites try to assimilate Indians? The answer is based upon the image of Indian people held by large parts of the white public. Once white people gained military control over Indian people, they began to have guilt feelings, and they created romanticized images of Indian people. As whites, through superior technology or superior numbers, gained military control, they concluded, “Oh, the Indian people whom we have defeated are very brave.” This enhanced the white image of themselves. It took superior persons to defeat such brave people. After the Indians were under military control, they became less of a threat. It was safe to create stereotype images of noble savages.

During the first part of the twentieth century there were several fraternal organizations called the noble lodges of the redmen. There were not any Indians in those groups. But they were based upon the concept of the noble savage.

Throughout the rest of this century, whites have believed that Indian people are a rural minority even though Indian people have moved into the cities in large numbers. From the white urbanite perspective, the Indians are a safe minority because they are living some place in the West. They also think that Indians are vanishing Americans. We know that is not correct.

This position is not shared by white people who live where Indian people are the dominant minority. Obviously, Indian people who are living in South Dakota or parts of Arizona or New Mexico do not think that they are a favored minority, and they certainly are not. In those states the Indian people exert enough influence to threaten the white majority.

The 1950s was a logical time for termination to occur. It was a period of great conformity in the United States. Congress went around investigating “un-American activities.”
During this period, federal policy makers and pressure groups championed termination. Many of the individuals that favored termination were well-meaning people. They believed that they were offering Indian people an opportunity to join mainstream society. They were doing this, not to Indians, but for Indians. The real tragedy is that many whites then and now still cannot comprehend that Indian people could want anything other than a white existence. This still may be the greatest obstacle to Indian self-rule. Today, such people in Washington D.C. are a great threat to the Indian future.

GARY ORFIELD

As a political scientist, I see things a little differently from historians, anthropologists, and people who have grand policy perspectives. I keep trying to look at the machinery: what went wrong and what problems led particular tribes to the termination disaster. Why did the federal government adopt such an idiotic policy? It makes no sense to dump impoverished tribes on county and state governments without any planning whatever. There was not a shred of intelligent economic analysis in most of the termination cases.

It seems to me that we must examine the general political climate and social policy at the time these things were adopted. Who was controlling the Congress? What does that show about the nature of the decision-making process? Why did some of the termination proposals go through and some not? The Flathead and Seminole were not terminated. What does that show? Even at the worst times, some tribes were able to protect themselves and others were not. What can we learn from that?

We can also learn from the remarkable part of this story, which is the restoration legislation that reversed termination. How did that happen and why? And what does that show about the probability of termination ever happening to anybody again?

Considered in a broader social policy context, termination was part of a general reaction to the New Deal. It came up in the late 1940s, when there was a strong conservative movement against New Deal legislation, all kinds of emergency programs, and price controls. The Congress elected in 1946 was the first Republican Congress since the
New Deal. It was elected on a campaign theme, “had enough.” The first people it chose to diminish the burden of government were the people who were least able to defend their government services: the Indians were targeted.

Termination was enacted during the first Congress of the Eisenhower administration. We had not had conservative control of both the presidency and Congress since 1930, when the Democrats took over Congress. These new political actors were very conservative. Termination was enacted, in part, because decisions about Indians were made by the interior committees in Congress. Those committees were loaded with conservative westerners, and very few politicians off those committees cared about what happened in Indian affairs. The cost of learning enough to do anything about Indian policy was just too much.

Most of the decisions on Indian affairs are made by a few people on subcommittees. Almost nobody wants to serve on those subcommittees, because there is very little political mileage to be made. They are lots of trouble because Indian affairs are so complicated.

Conditions were ripe for a general conservative effort to cut back government. The Eisenhower administration wanted to turn federal aid programs over to the state and local governments. In a situation like that the pressure goes out generally, but succeeds where there is the least resistance. No federal aid programs were turned over to the state and local governments by the Eisenhower administration, because the state and local governments said, we do not want them. They were able only to cut things that had very weak constituencies such as public housing and Indian affairs.

One reason this legislation passed was that nobody seriously tried to block it. When hearings were held on a number of these termination bills, there was no testimony against the termination. The Indians who came testified in favor of the legislation. As far as Congress knew, the tribes had given their consent. Members of Congress do not call up the tribal council and say, “Did you really sincerely, honestly, actively mean to consent to this?”

Where tribes were terminated, the state governments did not oppose termination. The Wisconsin state government and the others did not oppose it until after it was already enacted. In Congress it is much easier to block something than it is to change something after it has been
enacted. This legislation was enacted in Congress through unanimous consent procedures. That means any one member of either the House or Senate could have blocked it. If local congressmen, senators, or state governments objected, it did not go through. There was no case in which it was imposed on a state government that was unwilling to accept it.

Another basic problem with termination was an Indian organization vacuum. The national Indian organizations were not effective on this. A number of tribal governments were forced into giving what seemed to be their consent by all kinds of pressure that the subcommittees and the BIA exerted. As far as the other members of Congress knew, the Indians had given their consent.

There was almost no serious attention given, even by members of the Indian affairs subcommittees, to many of these pieces of legislation. At many of the hearings, there were only one or two people present. They were usually conservative ideologues who were dedicated to the idea of liberating Indians from the Bureau of Indian Affairs. They controlled the whole process because nobody else was involved with most of these tribes.

There were no monolithic, massive forces compelling Indian tribes to accept termination. Relatively small forces happened to have strategic control of these particular subcommittees. They faced virtually no opposition, in a number of cases. Where they were faced with opposition, they gave way and did not push that legislation through. They were able, by dissembling, to force tribes into thinking that there was a mass judgement by Congress as an institution to impose this policy on tribes. There was not. If a little multiple choice quiz had been given to Congress, 90 percent of the members would not have known what was in the legislation.

The leadership of Congress would not have brought legislation like this to the floor if there had been active battles against it. They did not have time to consider minor pieces of legislation in full congressional proceedings; only a very few pieces of legislation are fully debated each year. The leaders had to do it through unanimous consent procedure. As soon as tribes actively opposed termination, most of the future bills died.

Another thing that came out very clearly in the termination story is that once a stupid and senseless decision is made it is hard to reverse, until a powerful movement comes along. When Congress acts on some-
thing like this, the bureaucracy mobilizes, goes forward. All the different levels of government say, "The Congress has decided. We have got to make this work." The fact that it is unworkable does not make a great deal of difference until a long period of time has passed. In other words, it is very easy to block a congressional decision, but it is very hard once it is made to prevent it from going forward for a long time. It is very difficult to get the members of Congress who are involved with passing a policy and the members of the bureaucracy that helped design it to admit that they did something that was really crazy. After termination was enacted, it developed a life of its own, and it took a remarkable process to turn it around.

The restoration legislation is an example of a rather extraordinary thing. Federal agencies, the Department of the Interior, and the key congressional committees all admitted that they were wrong. By restoring the Menominee tribe to federal status, they admitted that they had spent millions of dollars of federal money in a useless pursuit.

I have spent a lot of time around Capitol Hill. One of the most remarkable lobbying campaigns I have seen was the campaign for Menominee restoration. Nobody was safe from Ada Deer and her supporters. Members of Congress just gave up. The White House supported restoration, in part, because Melvin Laird, who used to be the congressman representing the Menominee, was convinced by people like Ada Deer. He was the counselor to the president as the Watergate mess was collapsing around the Nixon administration. I talked to him, and I said, "How did you ever get the president to support restoration?" And he said to me, "Nixon did not care about that kind of stuff. He was just trying to save his skin, so one day I just typed up a notice that said the administration supports restoration, and I had the secretary send it out."

The restoration of the Menominee and two other tribes is a very substantial achievement. It represents the development of a new level of sophistication and lobbying by Indian groups. At the Menominee restoration hearings, there was an incredible mobilization of resources. There was great unity in the Indian communities. This powerful organization was able to roll through both houses of Congress, and it got both the Interior Department and the Nixon administration to turn around. It was impressive and it made a lasting impact.
Is termination really dead? I do not think there is any chance that the termination of the 1950s is going to come back through Congress as long as the tribes are aware when legislation is introduced and explain it to their members. As long as national Indian organizations are reasonably effective legislatively, we will not get more termination bills, unless there is political change beyond any measure.

We now have the most conservative Congress and most conservative president since Calvin Coolidge. No termination legislation has been adopted in this Congress. There have been many other very bad things in Indian affairs, but people should not live in mortal fear that new termination bills will be issued. They should keep a watch on what is going on, but this should not be a central focus.

One of the tragedies of termination is that, for a long period of time, it has made people turn inward and become defensive in relation to the formation of Indian policy in Congress. People have been reluctant to formulate new policies. Termination has created tremendous focus on tribal status and land protection, but it has not produced much attention to issues addressing the majority of Indians, who live off reservations.

People should realize that termination went through Congress because of extraordinary conditions. Tribes, the national Indian organizations, and their supporters completely failed in their jobs during that period. They will not do that again. There are people like Ada Deer who are watching and would kill anything like termination before it began to move through Congress. The same cultural values and the same misunderstandings are certainly present in the white population, but the same weakness and poor preparation is not true of the Indian community today.

**Ada Deer**

I am going to speak as a member of one of the terminated and restored tribes. I am also going to speak as a human being, a woman, a social worker, and as an Indian. There has been a tendency to forget that all of these policies and programs had an impact on the lives of people. These policies were not drafted in a vacuum somewhere. The moral issue has not been given the attention that it should. We hear
a lot about Christianity and the Indians. In my opinion, very little Christianity has been applied in Indian affairs. I feel that all of us are moral human beings. We know the difference between right and wrong, and both Indians and non-Indians need to keep this in mind as we proceed to work and live through this next challenge. It is just astounding to me that so few people did testify about termination and that there was not a sense of the immorality of this action. I believe that this could happen again in other types of legislation and in other types of projects.

The impact on the individual of this termination process has been greatly overlooked. I was a college student trying not to be a dropout when this occurred. I knew that a major event was occurring with my tribe, but there was very little information that was distributed. People were confused. They did not understand what was going on.

Many people, over the years, have said that the Menominee consented to termination. This is not true. For many years the Menominee had carried on a suit against the federal government for mismanagement of the trust. They had won the suit. Melvin Laird, who was a congressman at that time, introduced through his committee a simple appropriations request for a per capita payment. This was changed when it got into the Senate. Senator Arthur Watkins felt that in order for the Menominee to receive the per capita payment they would have to agree to termination. There are many misconceptions about this. I do want to state for the record that there was a lot of misinformation. People did not understand what they were voting on. In one account that I have read, 169 people voted for it, 5 voted against it. Another account said that the vote was 169 to 0. In any case, this was not informed consent.

All of us in 1983 can say how wrong all those people were then. This is 20-20 hindsight. I want to emphasize that it is important to understand these events in the framework of the times. Being a social worker and an Indian, I feel that it is important to undertake full consultation. This was not done during the termination legislation. It is incumbent upon all of us, Indians and non-Indians, that are involved in Indian affairs, to pay attention. We must do our homework and become involved in the process of consulting with Congress when legis-
lation is introduced. We also must become involved with the executive branch when regulations are written.

Many people have said that the Menominee tribe was a wealthy tribe. There was approximately $10 million in the treasury at the time, but the individual Indians were very poor. Termination was a cultural, economic, and political disaster. It is going to take several more generations for the people in my tribe to recover from the damage that was done during termination. The hospital and the roads were closed. Our land became subject to taxation. A whole new county, Wisconsin's poorest county, was created as a result of this. Health conditions became a severe problem. In 1965, there were approximately six hundred positive TB tests in a testing of over two thousand Menominees. The withdrawal of federal education, health, and other services was indeed a severe problem for the Menominee people.

The Menominee Restoration Act was an effort by the Menominee people and their lawyers to secure social justice. We also had the assistance of people such as Philleo Nash and Indians across the country. They gave us their support and active assistance. We achieved an historic reversal of American Indian policy. I want to emphasize, especially to Indians, that they can decide what they want. You do not need the Bureau of Indian Affairs or any other group telling you what to do. You can make a decision and work for it. I want to say to all of you that are involved in projects and activities at the community level that it is possible to bring about social change. If the Menominee could do it with a small group of people, almost any group can achieve significant changes. They must work hard and work within the system.