CHAPTER TWO

Federal Indian Policy, 1960-1976

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We were operating under the IRA. The basic economic opportunity that was provided for in the IRA came through the authorization to create federally chartered tribal corporations which could make investments, receive grants of funds, make profits, and take care of the business operations of the tribe. Unfortunately, we lacked funds for IRA corporations. The only sources of funds, at that time, were congressional appropriations or trust funds on tribal trust property, which under the IRA could then be appropriated by the councils. In OEO, I saw a source of funds for community development that otherwise would not be available. I was obligated as commissioner to do everything that I could to get new resources, new strengths, and new capabilities onto the reservations. We persuaded Congress to give us considerable amounts of money. We played that game successfully for many years.

Philleo Nash, commissioner of Indian affairs under President John F. Kennedy and former lieutenant governor of Wisconsin

I am not going to bad mouth the Bureau of Indian Affairs. It has stood off all comers for one hundred years. That says something, I think, for the competency of the organization itself. I do not have any doubt that the BIA will continue. And I will tell you why. The Indians really do not get unusual benefits from the BIA. All they receive are the ordinary programs that everybody gets from some other place. Anyone who thinks that another federal agency is going to take over Indian programs had better think again. Nobody else wants to operate Indian schools, build roads, and police the reservations, least of all the states.

Graham Holmes, former assistant commissioner of Indian affairs
In 1961, Interior Secretary Stewart Udall appointed the Kennedy Task Force on Indian Affairs. Some of the members who served on the task force were Francis McKinley, Philleo Nash, James Officer, and William Zimmerman. After a two year study, this commission recommended the separation of many federal programs from the Bureau of Indian Affairs. This led to the creation of Indian "desks" throughout the federal establishment. We eventually had Indian desks in the Office of Economic Opportunity, the Department of Commerce, Housing and Urban Development, the Department of Agriculture, the Department of Labor, and many of the other federal agencies that President Lyndon Johnson felt had a responsibility to Indian people.

In my opinion, self-determination is a philosophy rather than a goal. Within the philosophy of self-determination, tribes are able to work toward established goals with the assistance of all available resources. Tribes had been doing this for many years, prior to the passage of the Indian Self-Determination and Educational Assistance Act of 1975. How far tribes could go was more or less dependent on the philosophy of the person in charge at the reservation level. Policies are established in the federal government, but their implementation depends much on the personal philosophy of the individual who happens to be at the seat of power, whether it is at the agency, area, or Washington level.

In the 1960s, people at the Bureau of Indian Affairs felt that tribes were in a position to make more decisions than they previously had done. In some tribes, decision making now extended down to the family itself. For example, a tribe in Colorado received a substantial sum of money in a settlement. Rather than pay it all out on a per capita basis, they set aside money so that each family had an entitlement based upon its size. This tribe also established the goal that their children should attend public schools.

As time went on, tribes gained experience in decision making. When implementing the concept of self-determination, the government had to be very careful that tribes established their own priorities. When you work with tribes in the accomplishment of whatever they have decided, you may have a feeling that there are much more important
things that the tribes should be involved in; and quite often, these were pointed out to tribes. But they did what they wanted to do.

One illustration of this is a tribe that had a considerable amount of money. They had very serious health problems, and attempts were made to include them in a sanitation district; but their highest priority was to build a racetrack and rodeo grounds. They built a racetrack and rodeo grounds. They now have the opportunity to bet and lose their money like everybody else. When you follow self-determination, the priority of tribal people is not always the same as you might perceive it should be.

The policy of self-determination enabled tribes to go to many federal agencies. It widened their horizons. They began to look at their problems and went to the agencies that could help them achieve the goals that they had set for themselves. One thing that we need to be careful about, in the area of self-determination, is this matter of expectations. We have to be careful that we do not hard sell programs and raise expectations too high. We are dealing with people, and people can be easily misled.

What is happening under self-determination is that the federal government is treating tribes the same way they have treated cities, counties, and states. The federal government has always allowed these entities to employ their own people to carry out federally funded programs. Tribes are now being placed in that situation. They are being given the responsibility of hiring their own people to achieve whatever goals they may set for themselves. Service functions will not be carried out by the Bureau of Indian Affairs. Tribes need to be aware of this. They cannot avoid this shift of responsibility and the accountability that comes with self-determination.

Tribes have always had the luxury of being able to point out the failures of the Indian Bureau and other federal agencies. The reality, now, is that if there are any problems with education, health, and social service programs they will rest with the tribes. Self-determination is going to take a great deal of effort, but I have every confidence that tribes can achieve the goals they set for themselves. People in the federal and state governments must also work responsibly with the tribes as they proceed toward self-determination.

There is a major problem that we face in self-determination. Many Indian young people are torn between preserving their traditions and
looking toward the outside world and all that it has to offer. The magnitude of this problem is demonstrated by the fact that one-half of the total tribal population is under seventeen years of age. Traditionally, there has been no place in their society for the so-called adolescent or teenager. Self-determination is a new phenomenon with which they will have to deal, but they do not have any experience that they can rely upon. This was never a part of their life.

ROBERT BURNETTE

Self-determination gained momentum in 1961 when Sol Tax convened the American Indian Chicago Conference. It was a fantastic meeting. The historic Chicago Conference brought together, for the first time, 142 tribes. We decided that we were going in one direction. We sought everything we could get, in so far as power was concerned, for Indian tribes, but tribal sovereignty was not a subject that we discussed.

Out of the Chicago Conference came a message to President John F. Kennedy. After President Kennedy was elected, he immediately took action. The National Housing Act had been in existence since 1937 without any Indian participation. The government believed that the Bureau of Indian Affairs was taking care of Indians, but we were not getting any housing at all. We were living in tents, cars, and log houses. President Kennedy immediately ordered the FHA to permit Indians to participate in national housing programs. In 1956, an heirship bill had passed Congress, but it turned into one of those devils that existed among us. In 1962, tribes used connections they had established in the White House: President Kennedy ordered that legislation killed. Lee Metcalf, who was a senator from Montana, told us what had happened.

Indian tribes became more confident that things were going to change. In 1964, we met in the Mayflower Hotel. It was suggested that we go after a $500 million IRA revolving loan fund. Up until that time, $10 million had been authorized by Congress. We discussed this issue for a long time. It was decided not to go after a $500 million loan fund, because it might upset other things we were trying to do at that time.
During the early 1960s, there were several groups that supported Indian tribes. They included the Indian Rights Association and the Episcopal, Catholic, Congregational, and Presbyterian churches. Alvin Josephy and Betty, his wife, and members of the American Friends Service Committee also worked for better things for Indian people.

We gathered a lot of momentum and before long the Office of Economic Opportunity was established. I had known about it because I had been appointed to President Kennedy's Committee on Poverty. Prominent Americans were involved such as Harry Truman and Professor Walter Heller. At first, I was lost among these people, but when I got to know them, I felt at home. President Kennedy had his own method of doing things. When he was killed, the War on Poverty turned into the OEO.

President Lyndon Johnson had an altogether different outlook. When he introduced the OEO, we were not a part of it. So, the National Council on Indian Affairs called a National Capitol Conference on American Indian Poverty. It met in Washington D.C. between May 9 and 12, 1964. It was the largest Indian gathering since the Chicago Conference. It really made an impression on the political system of this country. We were soon made a part of the OEO, and we all know that money flowed to the tribes.

I believe we will not recognize Indian affairs in another ten years. If we permit Indian policy to proceed as it is going today, it is going to be used as an instrument to destroy Indian tribes. Many Indian tribes and leaders are too hungry for dollars. They have been contracting like mad with the United States government, not realizing what might be the end result. Some of us have dedicated our lives so they can turn the right corner when they come to it, instead of going over the cliff.

Self-determination, as a goal, is great, as long as we do not try to legislate something that is impossible into the souls and minds of all of our Indian people. All of us have aspirations and directions for our own lives and we do not like to have somebody tell us what we can do. Indian people know exactly what they want. They should be given a chance to manage their own affairs and make their own mistakes.
I would like to examine the administration of Indian Commissioner Louis R. Bruce between 1969 and 1973. I am going to look at it from three different perspectives: (1) the time when there was preparation for change, (2) the period when there was license for change, and (3) the era after change was effected. I will begin with Alvin Josephy’s report: *The American Indian and the BIA: A Study With Recommendations*. It laid the foundation for the later Nixon message on Indians. Following that report, Secretary of the Interior Walter Hickel traveled to Albuquerque, in 1969, to speak at the NCAI Convention. His entrance was not popularly received. But at the end of the meeting, he was applauded after receiving some admonitions.

Shortly after that, Louis Bruce came on the scene. Involved in the search for the new BIA team were Helen Schierbeck and Bill King, a former superintendent at Salt River. King was a close friend of Jim Officer. By May 1970, the new administration had achieved some success. A Zuni plan was developed based upon an 1834 piece of legislation. It permitted the tribe to direct local federal employees’ activities.

On July 8, 1970, the Nixon message was delivered to the NCAI. Early in the Nixon administration, there were people in the White House who were sympathetic to Indian people. A few individuals were knowledgeable, having read one or two of Alvin Josephy’s reports. Leonard Garment, a Democrat from New York and a member of Nixon’s law firm, was very supportive. So were John Erlichman, Bradley Patterson, and other White House staff members.

This was the period when the license for change was issued. In October 1971, Walter Hickel traveled to Anchorage, Alaska, and gave a speech to NCAI. He made a number of statements. One of them was that people should have the “courage of their convictions.” He told the new BIA leaders, “As long as you aim for better conditions for all Indians, I will back you up.”

The next time period in the Bruce administration brought about dramatic changes. There was tremendous frustration, not only among Indian people, but also among the political people in the White House and Interior Department, because new policies were not developing fast enough. Early in November 1971, a confidential memo was written by
the assistant secretary for public land management. It directed Commissioner Bruce and his executive staff to immediately prepare certain policies. It was a very short deadline. People were required to work all weekend in the BIA building. These new policies dealt with the reassignment and selection of BIA employees, the redefinition of the role of agency superintendent, and more administrative assistance to help tribes take over programs. There also was an inspection and evaluation program, a redelegation of area office functions to agency offices closer to tribes, and an expansion of BIA contract functions.

After the completion of these policies, we prepared press releases. The Interior Department wanted Hickel to get credit. I refused to do that, and we had them written up so Louis Bruce got credit for the new policies. I was told that if I sent these news releases out I would be fired. This threat made me angry. I went down to the general post office and mailed out all of the press packets.

On November 5, 1971, Hickel met with John Erlichman and Richard Nixon. President Nixon told Hickel, “We do not have mutual confidence in each other.” That was how Hickel got fired. From my viewpoint, Hickel was a good person. He worked hard for Indians, and he was willing to take risks. His firing had nothing to do with Indian affairs. I think it had something to do with oil companies.

Rogers Morton became the new secretary of the interior. Soon there was a movement to get some of Commissioner Bruce’s executive staff out of circulation. John O. Crow was assigned as deputy commissioner. He had thirty-two years experience in the Bureau and was a fine man. Crow’s appointment meant that there were two popes running the BIA.

On November 17, 1971, Commissioner Bruce attended the NCAI convention in Reno, Nevada, and he made statements to strengthen his position. He said, “As many of you know, we have been working for a long time on BIA reorganization, and I have just put the finishing touches on it.” Then, he reinstated his old executive staff. He also promised a recommitment to protect Indian water rights and land resources and a new tribal economic development program.

Shortly after that, a number of people came to Washington D.C. before the protest over the Trail of Broken Treaties. They wanted to make a citizens’ arrest on John Crow for failing to carry out some of his
duties. At the same time, tribal chairmen were meeting with Secretary Morton. There was a great deal of turmoil. The demonstration to arrest John Crow was unfounded, and it did not materialize.

The Trail of Broken Treaties demonstration was the next phenomenon that happened. Among other things, there had been a failure of communication between the government and the Indians. At this time, the license for change was either expiring or being revoked. Because of damage by Indian militants, the BIA was moved to temporary office buildings in northwest Washington.

A short time later, I received a phone call from Secretary of the Interior Morton. He asked me to come to Palo Alto, California, and talk about Indian affairs. He was getting radium treatments for a cancer. I spent three days with him. Morton asked me why Indian policies were not moving forward, and about different people and events. He believed that maximum authority should be provided to the tribes to promote self-determination. Before I left, Morton said, "I want somebody to know this. Nixon will get credit for a lot of changes in Indian affairs, and he should because he permitted them to happen." Morton also indicated that Nixon had only talked to him once about Indians during the Wounded Knee crisis. Nixon had called him up and asked about how much money the Indians got and how much money was going to Pine Ridge. Satisfied with the amount of government appropriations, Nixon said, "Well, what the hell are they making all the trouble for?"

Helen M. Schierbeck

The first area I would like to talk about is my work with the National Congress of American Indians. I was the first NCAI Indian trainee. I called Helen Peterson and said, "I know you do not have much money, but I would like to come to Washington and work for NCAI." I was very curious to know more about why I had seen so much poverty and despair among the reservation Indians. I worked as a secretary. Because the NCAI was a struggling organization, I helped set up its files.

In 1959, I saw tribal leaders who had ultimate faith in Washington D.C. They believed in the Bureau of Indian Affairs and its ability to
solve their problems, even though they were going through the termination era. Mrs. Peterson and other NCAI leaders worked with Indian people to improve their knowledge about Washington D.C. and the political process.

Eventually, I decided to get a job on Capitol Hill to see if I could help Indian people. I went to Senator Sam Ervin, and he arranged for me to join the Constitutional Rights Subcommittee. I wanted to respond to what I had heard tribal leaders say about termination and the problems they faced under Public Law 280.

We talked about this in the subcommittee. Because there was a strong Indian Affairs Subcommittee in the Senate, we had to figure out a jurisdictional peg to hang our investigation on. That peg became constitutional rights. I am not going to say whether Senator Ervin used Indians against blacks. I do not think it is relevant, because pragmatically speaking, in politics you do a lot of things. He did give us an opportunity in that subcommittee to hold hearings for five years at the local community level. And we heard what Indian people were experiencing.

I want to illustrate two problems that we encountered. We were in southern California among the Mission Indians. We asked them to describe for us some of the problems they were having with law and order. They graphically illustrated the high crime rate in their community and the lack of support from the state and local police. Even though California had accepted state civil and criminal jurisdiction, it did not, at the local level, protect Indian people. In Mission, South Dakota, we watched one Saturday night what happened to Sioux Indians who came out of bars. The way they were harrassed was a real problem.

After the hearings we came out with an Ervin Indian civil rights bill. I believe that this was necessary for a number of reasons. I had taken a look at all the IRA constitutions while a member of the subcommittee. In my judgment, the BIA had failed to help tribes use those constitutions in a beneficial way. The civil rights bill also came about because Indian people had complained that they could not get their tribal attorney contracts approved without long delays. Furthermore, we had seen evidence on the Navajo Reservation of violations of religious freedom against the Native American Church. Finally, tribes had
complained about Public Law 280. So, we put in a revision clause about Public Law 280 in the bill.

I feel that the 1968 Indian Civil Rights Act helped focus the attention of the American Congress on the status of Indian tribes. Our goal was to begin putting in motion an Indian political system that could be understood like the federal, state, and local system. One of the problems in this field is that Indians do not conveniently fit anything. Americans are always trying to create a "box" for them.

Next, I want to look at events that led to Indian participation in the Economic Opportunity Act. Private groups laid the groundwork. They included the Association on American Indian Affairs, the NCAI, the Episcopal Church, and the Indian Rights Association. They helped sponsor the 1964 National Capitol Conference on Poverty. I helped staff that conference. We expected four hundred people and nine hundred people showed up. It was the enthusiasm from this conference, more than anything else, that helped get Indians in the Economic Opportunity Act.

I helped implement one of the OEO programs to fight poverty. After the National Capitol Conference on Poverty, I took a congressional fellowship and lived with the Menominee Indians. I worked as a consultant and helped the Menominee establish their first antipoverty program. I went to the old Menominee courthouse and met with the Menominee County government. I said, "We would like to get you funded as one of the first rural community action programs." They replied, "We have so many problems, Helen, we do not have time to worry about this." I said, "Well, let's sit down for a few minutes and talk about this. Tell me some of the things that are most needed on this reservation." We talked for three days. Out of that discussion came their Community Action Programs.

It was an interesting experience. A tribe that had been terminated had a federal agency come in and offer once again to bring federal services to attack poverty on the Menominee Reservation. This particular OEO grant was most helpful to the Menominee as they tried to cope with being Menominee County, which was the poorest county in Wisconsin.

On weekends, I traveled and talked to the other tribes in Wisconsin. I spent two days trying to find a lost band of Chippewa. When
I found the tribal chairman, I said, "What can we do to be helpful to this tribe?" And he told me that he had gone to Washington, without success, to get a community water system that was not poisoned. We were able to get the Association of American Indian Affairs to give us a five thousand dollar grant to help this tribe. Out of that grant, we also pulled together the various tribes in Wisconsin and reactivated the Great Lakes Intertribal Council.

The 1963 civil rights march on Washington, and the entire civil rights movement, was extremely helpful to American Indians. It was in this decade that OEO started Upward Bound programs and Head-start programs for Indian students. An Indian desk also was created in the Department of Education. The strategy was to get the elementary and secondary education programs to target resources a little more effectively through states and local educational agencies to Indian people. Both BIA schools and state schools received much needed resources to teach Indian students.

Title 4 of the Indian Education Act was especially helpful. Credit for this act should be given to Robert Kennedy and the National Indian Education Report, *National Challenge—National Tragedy*. The Title 4 program was helpful in getting Indian students into public school systems and designing Indian curriculum for these schools. The Teacher Corps also brought Indian staff into the classroom and encouraged the use of bilingual aids.

There are several things that scholars need to pay attention to when studying this era. Private organizations, including the churches, really pushed hard for the right of tribal self-government and the right of Indians to speak for themselves. The role of these groups in getting antipoverty funds into Indian communities, through Indian tribal groups, has not been studied carefully. Their effort forced the BIA to begin modernizing its procedures and its relationships with tribes. It led to the emergence of Indians in key policy-making positions. Indian people also began, more than ever, to see the importance of education in determining their own destiny and how to use the American system for their own benefit.