Indian Self Rule
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Published by Utah State University Press

Philp, Kenneth.
Indian Self Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan.
Project MUSE. muse.jhu.edu/book/9341.

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https://muse.jhu.edu/book/9341
CHAPTER TWO

Federal Indian Policy Yesterday and Tomorrow

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The fundamental failure of American Indian policy throughout the twentieth century has been the continuing diversion of Indian property away from the economic benefit of Indian people. On the Quinault Reservation, people who own hundreds of thousands of dollars worth of timber cannot work their allotments themselves. They are obstructed by the Bureau of Indian Affairs. It will not provide them with the names and addresses of all the surrounding owners from whom they have to secure rights-of-way. The Bureau invoked the Federal Privacy Act as a basis for not telling them. But the BIA would contact those people if the land was bid to a non-Indian contractor. You cannot have sovereignty without some measure of underlying economic independence.

Hank Adams, Assiniboine, activist and writer

If a presidential commission is set up to study land claims, it has got to be a commission that is picked by tribal people. A short time ago, another commission to study economic development on reservations was established by President Reagan. The members of this commission had no interest in listening to the recommendations of Indian people. They set the agenda and wanted to talk about the realignment of the Bureau of Indian Affairs. The National Congress of American Indians and the National Tribal Chairman's Association refused to cooperate under those conditions.

Joe De La Cruz, Quinault, president of the National Congress of American Indians
I am a member of the Cheyenne-Arapaho tribe of Oklahoma, which drafted an IRA constitution. This constitution has resulted in many drawbacks for the Cheyenne-Arapaho, but it has been most helpful in certain practical matters. When I served in the Department of the Interior during the Carter administration, I had the privilege of working with the Northern and Southern Cheyenne people in an effort to keep Bear Butte, a very important holy place, from being sold. Secretary Cecil Andrus was able to purchase this acreage for the Cheyenne and Arapaho tribes of Oklahoma because they were an IRA constituted entity.

When used as a tool, the IRA is very useful. As a law, the IRA can be changed if we decide that is desirable. So far, the fear of acceptable alternatives has prevented us from changing the IRA. The tragic lessons of history also make us cleave to whatever it is we have now.

We have historic inhibitions about change. It will be very difficult to alter the Indian Reorganization Act. Timing and strategy will be important. We will have to consider who is in Congress, who is in the executive branch, and who is in charge of our Indian governments. We will have to decide how to enter into coalitions that might bring us into conflict with other Indian people. And we do not want to be in conflict with other Indian people, especially on such an important issue as changing a major law such as the Indian Reorganization Act.

Many of the problems that Indian people have do not relate to the Indian Reorganization Act. They concern politics at home and politics in the broader society at the state and federal level. There are also problems that relate to the governing documents of our Indian governments, which we can change. After a full assessment on a nation by nation basis of whether or not we need the IRA and how we are going to change it if we do not, we may decide to scrap the whole project because we have other priorities.

Indian people have not really seen tough times yet, because we are not at war with other neighbors to the south who are engaged in Indian revolutions. We will have a terrible time when the first successful Indian revolution occurs. Then, we will have an Indian policy crisis in this country that will put termination to shame. We must develop our
policies, internal structures, and directions and reestablish suitable forms of government before there is massive war in this hemisphere.

Internationally, the situation of American Indians has been, for the most part, a strong model for Indians in other countries. We have had a very strong legal position. But how will that change once we are in this kind of warfare?

Not enough attention has been given to the Indian activism of the 1960s and the 1970s. The American Indian Movement, the second battle at Wounded Knee, and the occupation of the BIA building brought about tremendous change in Indian country. These events altered the way Indian people are viewed and the way they look at themselves. We need to examine the effects of surveillance activities on many of us during that period—what effect it had on our lives and our hopes for the future.

We need to think about the kind of Indian economic development that is being allowed today by the Department of the Interior. Activities such as bingo add a unique dimension to the term "self-exploitation." They are a creative interpretation of the Indian trade and intercourse acts.

Finally, I would like to say that John Collier was an important man. He helped establish significant changes in Indian policy. But John Collier is not the important issue before us. The important issue is what kind of governments work for Indians today and what kind of governments will work for Indians tomorrow to bring about real Indian self-rule.

RUSSELL JIM

I have no magic formula for the future. I can only speak as a culturally oriented person. I am one of those Indians that drives an air-conditioned pickup and lives in an air-conditioned house. I take advantage of the means of comfort in contemporary society, but I also speak my own language and practice what has been taught to me as a way of life.

The Yakima chose not to join the IRA. My immediate family was directly involved in thwarting any attempts to impose this legislation upon the Yakima. Yet, we still survive as a tribe, people, and nation.
We are a sovereign people. Sovereignty is a word that shakes up communities because they misunderstand its implication. Sometimes even the tribes misunderstand what sovereignty means.

Many of you have read Global Report Year 2000. It is estimated that in the year 2000 there will be six billion people on this earth. There has never before been an onslaught on the environment such as there has been in the last four decades, and that environment is tied directly to the indigenous people of this land. We need to preserve our ecosystems from contamination so indigenous people can utilize those natural resources.

I constantly chastise those people and organizations that have set up roadblocks against the furtherance of my people. I have been especially critical of the Bureau of Indian Affairs. Perhaps the BIA is necessary to carry out the government's trust responsibility, but as far as I am concerned, there still is not a true definition of what trust responsibility means. When I look up the definitions of trust and responsibility in Webster's Dictionary, I come to the conclusion that the federal government has a fiduciary obligation to help me preserve what is mine. The government has the responsibility to honor our treaty rights for as long as the sun shall shine, the mountains stand, and the rivers flow.

Hazel W. Hertzberg

It is important to look at Indian affairs as part of a much broader process in our society. When we consider the Indian Reorganization Act, we should be asking ourselves what is characteristic of the IRA that is also characteristic of the entire New Deal? We also need to know, if the IRA was unique, in what way did it depart from the whole New Deal?

Those of you who are not historians may not realize that contemporary attacks on the Indian Reorganization Act were part of a much more general attack on the New Deal that came from both the left and the right. Among historians there is now a very strong reevaluation of the New Deal. So, it is not surprising that the New Deal is being reevaluated also in terms of Indian affairs.

When we examine termination, we ought to look beyond Indian affairs. We should ask ourselves what was happening in the broader
society that might help to explain termination. Some of the trends which need to be explored in more depth are: the emphasis on local community and local self-government, and the reaction against big government in that era.

The relocation of Indians to cities was part of the movement of the general population in that period. When Indians were being relocated, many other Americans were relocating voluntarily to the suburbs. The movement of Indians to cities was part of a much broader demographic change that helps us to understand relocation itself. It is also important for us to look at the alternatives that seemed realistically open to both Indians and non-Indians at the time. It is all very well for us fifty years or a hundred years later to be telling the people of the past what they should have done. But I think we need a certain humility when making historical judgements.

In the period that we are in now, it is important to realize that tribal governments depend on some kind of conception of a public good that goes beyond the fortunes of individuals. And the idea of the public good in society as a whole is not in very good shape at the moment. I hope it is going to improve for both Indians and non-Indians.

A second point I would like to bring to your attention is the question of the criteria for success or failure in Indian policy. How do we tell that a policy has failed or succeeded? For a long time everybody said that the Dawes allotment policy was succeeding. Then, it turned out that it completely failed. The same thing happened with the Indian Reorganization Act. It is important to develop some ideas about how you judge whether a government policy has failed or succeeded. Do you know by today's standards; do you know by the hosts of people who sponsored the legislation? What are the criteria that you use? This problem is particularly difficult in Indian affairs because tribal groups are very different. If you look at the Navajo, you can say the Indian Reorganization Act failed, but if you look at the San Carlos Apache, maybe you can say it succeeded. So it is important in Indian policy to take a rather broad view.

A third point that I would like to make is that we need to know more about the role of Indian organizations. Both the Dawes allotment era and the IRA era produced a major Indian organization and a white organization. The white organization in the Dawes era was the Indian
Rights Association which formed in 1883. The Indian organization was the Society of American Indians. It was founded in 1911. Both groups generally supported the Dawes Act but increasingly became critical of it. The Association on American Indian Affairs was established in 1936. The National Congress of American Indians was organized in 1944 by D'Arcy McNickle and other people from the Chicago Area Office. All of these organizations, with the exception of the Society of American Indians, were important in the termination fights during the 1950s and beyond.

A fourth point that I want to discuss is the relationship of religious groups to major Indian legislation. Missionaries have been criticized for their role in Indian affairs, and they are very easy targets. But a lot of Indian people are very active in Christian churches. We need to look more carefully at how organized Christian movements were involved with major pieces of legislation such as the Indian Reorganization Act and the Self-Determination Act. They played an important role in mobilizing public opinion.

Another topic I want to mention is the question of what new forces were created by the various changes in Indian policy. It has been pointed out that the Office of Economic Opportunity created a managerial class which has not yet made its full impact, and there are now hundreds of Indian lawyers, doctors, teachers, professors, historians, and anthropologists. They are bound to have an important impact on Indian life.

We need to pay more attention in the future to economics when discussing Indian affairs. It is a very neglected subject. We talk about Indian poverty, but there has not been enough analysis of the economic conditions on reservations.

Another issue that deserves more attention and underlines almost all major Indian legislation, including the Indian Reorganization Act, is the question of assimilation versus cultural pluralism or separatism. This issue must be looked at much more analytically. If our grandparents were here, whether they were Indian or white, they would think that quite a few changes have taken place. We need to analyze those changes and what they mean for the present and future.

Finally, I just want to say a word about the role of history in all of this. History gives us a sense of perspective; it is a way of living beyond
one's own life. But sometimes when we talk about things such as the Indian Reorganization Act, they seem very impersonal. We forget the pain and the anguish and the joy that is connected with almost all important events in human history.

JOE DE LA CRUZ

The Quinault people have had a continuing history of opposing United States policy. One topic that we have not adequately discussed is the fisheries dispute among the Indians in the Pacific Northwest. A lot of people think that this dispute started in the late 1950s and early 1960s. Actually, the federal government began pushing the Northwest Indians out of their fishing territories in the 1890s. When the tin can was invented in 1900, the American corporations and banking people started building canneries along the Pacific coast. The Indians were left with only small areas where they could fish.

The government attempted to regulate what was left of the Indian fisheries in 1923. Our Quinault people resisted and took their case to the domestic courts of the United States. They got a ruling that neither the United States nor the Bureau of Indian Affairs could manage fish on the Quinault Reservation. In February 1974, District Court Judge George H. Boldt ruled that tribes in the Pacific Northwest were entitled to 50 percent of the harvestable fish. The Quinault nation was determined to regulate its own affairs. We have had to struggle to develop our own technical capabilities and information systems to take advantage of the Boldt ruling and other favorable court decisions.

I do not like to hear that it is impossible for tribes to do something. We now have an administration that claims it wants to establish a government-to-government policy with the Indian tribes and Indian nations. A lot of people have asked, “What does that mean? Where is this going to lead us?” I believe strongly that if Indian people will adhere to some of the principles that came out of their treaties, they will survive these changes. Indian people must stick with three principles: (1) Indian governments and people possess original and inherent sovereignty, (2) specific Indian tribes and nations possess the inherent right to determine their own political futures, and (3) Indians have the right to pursue their political, social, and cultural development without outside interference.
I feel very strongly that if tribes work collectively they can establish a government-to-government policy with the United States. Our forefathers made treaties that created a nation-to-nation relationship. Some people may feel that this idea is unrealistic. But when a small tribe such as the Quinault can persuade the courts that it has jurisdiction to regulate and manage its fisheries, you can see that it is not impossible.

I have heard many comments about the problems and faults of tribal government. We do have many problems in tribal government, and we have many problems between tribal governments. It is up to the Indian people to develop their own mechanisms to resolve disputes. We have had some problems that came out of the Boldt decision concerning the allocation of fish amongst the tribes. There are twenty tribes on Puget Sound and the Washington coast and five tribes on the Columbia River that have to determine how the fish are going to be divided. That is a difficult question. But I feel that we have the leadership to work these things out.

Since President Ronald Reagan announced his so-called policy on government-to-government relations, several people have advised the administration on how this process should be developed. Recently I talked to the executive director of the National Congress of American Indians. He read me a letter from a group of people that call themselves “The National Indian Republicans.” Some of these people were Democrats a year or two ago. But if they call themselves the National Indian Republicans, they have the ear of key people in the White House. I do not believe that one of them has ever lived on an Indian reservation, so we know that whatever policy or change comes about is not going to be something that Indian people and Indian tribes want.

Tribes need to be very fearful of what has happened in the last two-and-one-half years of this administration. Domestic programs and health services have been destroyed through the appropriation process. As Indian people, we must decide whether we want to be governed by the states, the United States, or our own tribal governments. When you look at the history of America, it seems clear that the states and the federal government, for the most part, have not made decisions that benefited Indian people. Therefore, I hope that Indians will try to resolve the disputes within their communities and work towards a consensus on where Indian country should be going.
What I have to say will be a reflection of my nation’s point of view and should not be construed as speaking for other nations or people. We were one of those nations that did not accept the IRA. We rejected the IRA in a formal vote. It was one of the few times that our people voted in an alien process. One of the chiefs of the longhouse went from house to house. He said, “I know you do not like to vote. I know you are against voting, but if you vote once in your life, this is the time.” The IRA was defeated by very few votes.

I am a faith keeper and a subchief of the Onondaga nation. I represent the Turtle Clan in the council. The Onondaga nation is the fire keeper for the Six Nations of Iroquois. Our position is that we are sovereign and independent nations. We have the right to continue our life as it was given to all of our people.

Today we have IRA governments, BIA governments, and traditional governments. The processes of Indian government are flexible. We have had to adapt to our white brothers and sisters or else disappear. We have always faced the problem of being separate and independent and trying to survive in a very dominating society that has interests and directions of its own.

We have recognized the equal status of non-Indians because they are a manifestation of the creation and demand respect. But that was not the perspective that came from the other side. Whites felt that they were superior and that we were uncivilized “tribes.”

The basis of all the Indian nations, as I know them, is the family. At the center of the family is the woman. She is the central fire—the power of life. For thousands of years, Indian people developed methods of continuing a vibrant family life, but these methods were smashed and eradicated in a very short time. In their place institutions such as the IRA were substituted to restructure Indian society.

At one time, a beautiful cultural and social fabric, with tremendous varieties of design, was woven on this continent. Then, our brothers and sisters from overseas came over here and took apart that fabric strand by strand and restructured it. They have taken something beautiful and destroyed it.
You can tell the health and welfare of a nation by looking at its children and elders. If children are in despair, running about without control, and alienated from their families, then society is in great strife. If elders are separated from their families, not enjoying their last years, then you have a very sick society. If Indians accept this kind of society for their people they must bear the consequences.

Indian people should hold on to what they have. I cannot accept the Department of the Interior as an ultimate authority that oversees every decision we make. Self-determination under the federal government is a very limited self-determination. It is defined by what outsiders perceive to be good for you.

The Six Nations of Iroquois have attended international forums with members of other tribes. In 1977, we made a common statement before the United Nations at Geneva, Switzerland. The people at the United Nations did not know what to expect. They were very apprehensive when we sang songs and opened the session with a prayer, which is against the law of the United Nations. Then we began a very eloquent presentation of the history of the destruction of our people and culture. The people at the United Nations were profoundly moved. Even the interpreters stood up and clapped. That was a great occasion.

We have a lot of friends internationally, and we are concerned about the policies that the United States is now following in Central and South America. In 1981, we advised the president of the United States that we would not allow our young men to be drafted. If the Onondaga nation does not have authority to draft our own men, how can the United States have that authority? Most of all, we do not want our children shooting other Indians. We are not going to be part of that, because we are a separate sovereign nation.

The United States has many problems. There should be a forum where we can sit down and examine the future together. The future is bleak. It is going to require the counsel of our elders to help you, but they are dying off pretty fast as we become experts in the process of becoming American citizens. In that process, we are losing valuable knowledge of our own culture.

The Six Nations of Iroquois advocate a position that says land should be held in common, we should protect our children, and we should protect the future. We believe that it is necessary to make deci-
sions for the seventh generation of the future. That is not very good economics, but you cannot make a profit on the heads of your grandchildren. If the United States continues on its present course, it will destroy both Indian and non-Indian people. If we destroy ourselves by our own folly, it is the working of natural law. When there are too many rabbits, they disappear. When lemmings overpopulate, they run into the sea. Human beings also may disappear. And it will mean nothing to the natural world, which is used to cries of anguish and pain. It is part of life.