

Declaration of Indian Purpose

American Indian Chicago Conference
June 13 - 20, 1961

We believe in the inherent right of all people to retain spiritual and cultural values, and that the free exercise of these values is necessary to the normal development of any people. - *Creed - June 19, 1961*

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DECLARATION OF INDIAN PURPOSE

THE AMERICAN INDIAN PLEDGE

1. We are steadfast, as all other true Americans, in our absolute faith in the wisdom and justice of our American form of Government.

2. We join with all other loyal citizens of our beloved country in offering our lives, our property and our sacred honor in the defense of this country and of its institutions.

3. We denounce in emphatic terms the efforts of the promoters of any alien form of government to plant upon our shores or within any of our institutions the ideology or way of life which inflicts slavery, trial and punishment without the sanction of a jury, denies free speech, abhors free choice of religious worship, or through force and fear threatens the peace and safety of mankind.

4. At this critical hour of human history the American Indians arise as one in pledging to the President of the United States and to our fellow citizens our assurance that upon these principles we and our children shall forever stand.

Adopted by the AICC June 19, 1961.

INTRODUCTION

The American Indian Chicago Conference originated with Dr. Sol Tax, Professor of Anthropology, University of Chicago, who for many years has devoted a great amount of time to the study of North American Indians and their problems. It occurred to Dr. Tax that this was the appropriate time for Indians on a national scale to voice their opinions and desires. With promises of help from Dr. Nancy Lurie of the University of Michigan, and Robert Rietz, of the Chicago American Indian Center, he asked the University for sponsorship and sought Foundation funds.

The matter was brought to the attention of the annual convention of the National Congress of American Indians in November of 1960, with a proposal to review events which have occurred since the publication of the Meriam Report of 1928 and to bring the review up to date with recommendations for a new improved approach to Indian administration. The N.C.A.I., in conference assembled in Denver, agreed to endorse but did not sponsor the project.

A temporary Steering Committee, composed of Indians only, recommended and held a series of state and regional meetings of Indians preparatory to the Chicago conference. Dr. Tax and his staff of the University of Chicago, acting as a coordinating agency, reproduced the data and opinions and distributed them widely to Indians and the public as the meetings progressed. As a result some 460 Indians of 90 tribes gathered at the University of Chicago where committees began to assemble Indian thinking and to prepare preliminary drafts of a statement for the consideration of the entire conference. This report is the final result and recommendation of that conference.

ACKNOWLEDGEMENTS

The Indians of North America are deeply sensible of the value of the American Indian Chicago Conference which sat from June 13th to June 20th inclusive.

Also that the conference in which some 90 tribes were represented by over 460 delegates covering an area extending from the Bering Sea in the North, to the Keys of Florida including an area from Mexico, to the eastern shores of Canada, was made possible only because of the personal and financial support of—

1. The University of Chicago, its professors and students; the hosts; the Fund for Adult Education; the Emil Schwarzhaupt Foundation; the Wenner-Gren Foundation for Anthropological Research; the Phelps-Stokes Fund; the Santa Fe Railroad and others providing financial aid in direct gifts and in reduced transportation rates to our delegates;

2. The regional pre-convention groups of friends throughout the nation;

3. Mayor Richard J. Daley of the City of Chicago who proclaimed June 13-20 American Indian Week and all of the city officials whose cooperation afforded us a warm-hearted welcome;

4. The various Indian Tribes whose progressive leaders appreciated the opportunity the occasion offered;

5. The various churches of all denominations who gave both financial and moral support;

6. Friends of Indians as individuals or as associates of organizations who contributed funds and attended the conference as observers and resource people;

7. The members of the several local groups resident in Chicago including University students who volunteered the thousands of hours of time as secretaries, guides, etc. without which no convention can function smoothly;

8. The National Congress of American Indians whose support from the first gave a favorable impulse to this event, and

9. Last but not least do we mention Dr. Sol Tax of The University of Chicago, and Dr. Nancy O. Lurie, his able assistant, and Robert W. Rietz and other associates for their vital direction of the entire project.

To all of these and the many others who rendered essential service, we the members who comprised the American Indian Chicago Conference, give our wholehearted thanks.

STATEMENT OF PURPOSE

Whereas the American Indian Chicago Conference was conceived and developed by voluntary effort, The steering committee composed of American Indians assisted by the University of Chicago endeavored to secure the interest and support of all American Indians, and

Whereas interest developed and drew to the conference some 460 Indians representing 90 tribes, and bands throughout the nation.

Therefore: in order to give recognition to certain basic philosophies by which the Indian People live, We, the Indian People, must be governed by principles in a democratic manner with a right to choose our way of life. Since our Indian culture is threatened by presumption of being absorbed by the American society, we believe we have the responsibility of preserving our precious heritage. We believe that the Indians must provide the adjustment and thus freely advance with dignity to a better life. In order to accomplish the general objectives of the creed adopted at this conference, we the Indian People herein assembled adopt as official the report herewith attached this date June 20, 1961.

Attested to by:

Mrs. CATHERINE PREEBLES,
Chairman of General Assembly.
D'ARCY McNICKLE,
Chairman, Steering Committee.

CREED

We believe in the inherent right of all people to retain spiritual and cultural values, and that the free exercise of these values is necessary to the normal development of any people. Indians exercised this inherent right to live their own lives for thousands of years before the white man came and took their lands. It is a more complex world in which Indians live today, but the Indian people who first settled the New World and built the great civilizations which only now are being dug out of the past, long ago demonstrated that they could master complexity.

We believe that the history and development of America show that the Indian has been subjected to duress, undue influence, unwarranted pressures, and policies which have produced uncertainty, frustration, and despair. Only when the public understands these conditions and is moved to take action toward the formulation and adoption of sound and consistent policies and programs will these destroying factors be removed and the Indian resume his normal growth and make his maximum contribution to modern society.

We believe in the future of a greater America, an America which we were first to love, where life, liberty, and the pursuit of happiness will be a reality. In such a future, with Indians and all other Americans cooperating, a cultural climate will be created in which the Indian people will grow and develop as members of a free society.

LEGISLATIVE AND REGULATORY PROPOSALS

In order that basic objectives may be restated and that action to accomplish these objectives may be continuous and may be pursued in a spirit of public dedication, it is proposed that recommendations be adopted to strengthen the

principles of the Indian Reorganization Act and to accomplish other purposes. These recommendations would be comparable in scope and purpose to the Indian Trade and Intercourse Act of June 30, 1834, the Act of the same date establishing the Bureau of Indian Affairs, and the Indian Reorganization Act of June 18, 1934, which recognized the inherent powers of Indian Tribes.

The recommendations we propose would redefine the responsibilities of the United States toward the Indian people in terms of a positive national obligation to modify or remove the conditions which produce the poverty and lack of social adjustment as these prevail as the outstanding attributes of Indian life today. Specifically, the recommendations would:

(1) Abandon the so-called termination policy of the last administration by revoking House Concurrent Resolution 108 of the 83rd Congress.

(2) Adopt as official policy the principle of broad educational process as the procedure best calculated to remove the disabilities which have prevented Indians from making full use of their resources.

It has been fully recognized that one Commissioner cannot give the personal attention to all tribal matters which they deserve. He cannot meet all callers to his office, make necessary visits to the field, and give full attention to the review of tribal programs and supporting budget requests. In view of these conditions, we most urgently recommend that the present organization of the Bureau of Indian Affairs be reviewed and that certain principles be considered no matter what the organizational change might be.

The basic principle involves the desire on the part of Indians to participate in developing their own programs with help and guidance as needed and requested, from a local decentralized technical and administrative staff, preferably located conveniently to the people it serves. Also in recent years certain technical and professional people of Indian descent are becoming better qualified and available to work with and for their own people in determining their own programs and needs. The Indians as responsible individual citizens, as responsible tribal representatives, and as responsible Tribal Councils want to participate, want to contribute to their own personal and tribal improvements and want to cooperate with their Government on how best to solve the many problems in a business-like, efficient and economical manner as rapidly as possible.

It is, therefore, recommended that:

1. Area offices be abolished and their authority be given to the agency superintendents.

2. The position of reservation Superintendent be strengthened to permit broader exercise of responsibility and authority to act on significant and important matters of daily operations of Indian problems, preventing undue delays.

3. Position qualifications require the employment of Superintendents with courage and determination, among other qualities, to help with local problems and be willing to make without further referral to higher levels, decisions commensurate with the delegated authorities.

4. The Superintendent be charged with the responsibilities of cooperating with the local tribal governing bodies in developing the Federal Program and Budget for that particular tribe or reservation.

RESOURCE AND ECONOMIC DEVELOPMENT

Due to the wide variation of economic status and geographical location of tribes, the needs of Indians vary. Consequently, it is necessary that careful consideration be given to the needs of each Indian community. Programs that may be good for one tribe of Indians may not necessarily achieve desirable results for another. Proper evaluation of Indian needs requires qualified field personnel who understand Indians, and, equally important, who are understood by Indians. It is the consensus of the delegates to the American Indian Chicago Conference that the following are the needs of the Indian people.

Economic Assistance.—There is need for providing economic assistance to Indian tribes and their members by the establishment upon Indian reservations of industries and other activities which will provide employment and otherwise improve the economic status of Indians. Adequate staffing of this industrial development division of the Bureau of Indian Affairs is highly essential.

Legislative assistance including tax inducements, is necessary to accomplish this end. Also, states and other local agencies should be requested to lend encouragement and offer inducements to industries to locate plants and establishment on or near Indian reservations.

Indian participation in development programs.—We believe that where programs have failed in the past, the reasons were lack of Indian understanding, planning, participation, and approval.

A plan of development should be prepared by each Indian group whose lands or other assets are held in trust, whether such lands or assets are fully defined or not; such plans to be designed to bring about maximum utilization of physical resources by the dependent population and the development of that population to its full potential; such plans to be prepared by the Indians of the respective groups, with authority to call upon the agencies of the federal government for technical assistance, and the ultimate purpose of such planning to be the growth and development of the resources and the people;

That requests for annual appropriations of funds be based on the requirements for carrying into effect these individual development plans, including credit needs and capital investment, and the annual operating budget for the Bureau of Indian Affairs to include sufficient funds to cover the costs of preparing plans and estimates similar in operation to a Point IV plan.

That any transfer of services now provided by the United States for the benefit of Indians be jointly planned with the Indians.

Land Purchase Funds.—The land purchase funds authorized by the Indian Reorganization Act should again be appropriated on an annual basis, to permit tribes to add to their inadequate land base, to purchase heirship lands and allotments on which restrictions are removed, and otherwise improve their economy.

That a concentrated effort be made to retain, rather than dispose of, Indian lands in order to allow the Indians sufficient economic units upon which to improve their economic conditions; and that administrative regulations and practices be reviewed, modified and amended to bring about such results.

Economic Development and Credit.—There is need for adequate revolving loan funds so that the Indian will have full opportunity to take advantage of the potentials of his property.

Conclusion of Projects.—Too often both the government and private agencies fail to provide sufficient continuity in funds or personnel to carry a program through to conclusion. Therefore all groups that wish to help Indians should plan to make their help sufficient and available over a long enough period of time to permit the successful conclusion of a project.

Indian Preference in BIA Employment.—Preferences to Indians in BIA employment should be reinstated and given encouragement. As recently as early 1961 Indian graduates of business schools have been counseled and urged by BIA to go to distant cities to use their newly-acquired training while at the same time BIA clerical positions were open in their home community agencies and were filled by non-Indian, BIA employees' wives or other relatives. Propaganda pressure on Indian graduates to go to distant cities should be stopped.

Force Account Method of Getting Construction Work Done by BIA.—As one way of bringing additional employment opportunities to Indian reservations, the BIA should return to the force account method of doing construction work. The present policy of contracting construction jobs has withdrawn from Indian many valuable opportunities for on-the-job training and needed employment. Many persons who lost employment because of this change in policy over the last ten years have often been forced on federal or tribal relief assistance which has resulted in a greater total public burden than in the savings on construction jobs. When contracts for construction workers are made on reservations they should include stipulations that the resident Indians be given preferential job opportunities and that they be exempt from union requirements to obtain and hold such jobs.

Where certain Indian-owned private businesses exist they too should be permitted on a negotiated contract basis such as dirt moving, construction, surveying etc. when force account is not attempted.

Service Contracts.—The policy of contracting with private business to take over such functions as school lunch feeding, laundry and bakery services, and dairying should be discouraged and BIA should conduct these services where feasible as adult training programs.

Relocation Program.—The volume of relocatees should not be an objective and large numbers exceed the ability of the relocation staff. The number should be determined not only by the job market, but by the ability of the office to provide continuing services to relocatees. Relocation personnel should be trained to give each client their utmost attention, and should not be under the pressure of large numbers.

Statements to Indians being relocated of what they will need, what services are available, how long they may have to wait for a job, that there may be periods

to every climate and condition from the Arctic to the torrid zones. In their livelihood and family relationships, their ceremonial observances, they reflected the diversity of the physical world they occupied.

The conditions in which Indians live today reflect a world in which every basic aspect of life has been transformed. Even the physical world is no longer the controlling factor in determining where and under what conditions men may live. In region after region, Indian groups found their means of existence either totally destroyed or materially modified. Newly introduced diseases swept away or reduced regional populations. These changes were followed by major shifts in the internal life of tribe and family.

The time came when the Indian people were no longer the masters of their situation. Their life ways survived subject to the will of a dominant sovereign power. This is said, not in a spirit of complaint; we understand that in the lives of all nations of people, there are times of plenty and times of famine. But we do speak out in a plea for understanding.

When we go before the American people, as we do in this Declaration, and ask for material assistance in developing our resources and developing our opportunities, we pose a moral problem which cannot be left unanswered. For the problem we raise affects the standing which our nation sustains before world opinion.

Our situation cannot be relieved by appropriated funds alone, though it is equally obvious that without capital investment and funded services, solutions will be delayed. Nor will the passage of time lessen the complexities which beset a people moving toward new meaning and purpose.

The answers we seek are not commodities to be purchased, neither are they evolved automatically through the passing of time.

The effort to place social adjustment on a money-time interval scale which has characterized Indian administration, has resulted in unwanted pressure and frustration.

When Indians speak of the continent they yielded, they are not referring only to the loss of some millions of acres in real estate. They have in mind that the land supported a universe of things they knew, valued, and loved.

With that continent gone, except for the few poor parcels they still retain, the basis of life is precariously held, but they mean to hold the scraps and parcels as earnestly as any small nation or ethnic group was ever determined to hold to identity and survival.

What we ask of America is not charity, not paternalism, even when benevolent. We ask only that the nature of our situation be recognized and made the basis of policy and action.

In short, the Indians ask for assistance, technical and financial, for the time needed, however long that may be, to regain in the America of the space age some measure of the adjustment they enjoyed as the original possessors of their native land.

the American public to determine what programs, what legislation, what private action by churches, citizen groups, or other interested bodies should be taken to correct the conditions in which Indians live. Mention has not been made in the above categories of the situation of those Indian groups, mostly in the East and the South, for whom no lands were ever reserved under federal law and for whom no federal services have ever been provided. Yet they remain Indian, and they remain isolated.

We say emphatically that problems of health, education, economic distress and social non-acceptance rest as heavily on all the Indians in these categories as they do on the reservation Indians, and possibly more heavily.

Therefore, in all the Recommendations herein, it is to be understood that even where non-reservation or off-reservation Indians are not specified, it is our purpose to insist that their needs be taken into account.

Because of the increasing contact of Indian people with the urban communities, it is important to encourage the development of urban Indian Centers where these are needed. Because of cultural differences between Indian and non-Indian society, these urban centers can function best if their operation is the responsibility of the Indian people themselves. It would be a great error to see these centers as places where things are done to Indians and for Indians "for their own good" as so much of our past Indian affairs have been carried out. In the same way that local reservations and other Indian communities need to retain their autonomy and responsibility, the urban Indian center organization should be in the hands of the Indian people it presumes to serve.

Because of the extreme difficulty in raising necessary funds for such centers, and because this reservation-city movement is a definite part of the general American Indian scene, the urban center should receive adequate subsidy from the federal government. The Indian center should qualify for such grants by meeting the accepted standards of program as set out by their local urban community, and the federal government should not extend its influence and control into such agencies.

INDIANS AND NON-FEDERAL AGENCIES

Local governments, churches, missionary groups, and private organizations have from the early days made important contributions to education, medical care, welfare, and political advancement in behalf of the Indian people. But since the primary and legal responsibility in these matters rested in the federal government, the activities of all other groups have tended to stay on the edge. Universities and scientific organizations interested in the Indian people have tended in the past to confine their studies to theoretical matters, since they were almost never called upon by the federal agency to study and make recommendations on specific problems affecting the Indian people.

It is hoped that in the future there will be more joint undertakings by government and private agencies. Trusteeship responsibility need not be abandoned in order to encourage increased participation by groups and individuals outside of the federal household. And such increased participation can be of great benefit in promoting research in basic problems, in conducting pilot projects to test out practices and methods, and in providing learning situations for the Indian people.

The government either has authority or it should seek legislative authority to contract for services in any and all fields, wherever skills and experience are available and are in need. Work under contract by private agencies can often be carried out in a manner more directly to benefit the Indians, since it is not hampered by the regulatory procedures (redtape) required by government. At the same time, the government should develop standards of performance as a guide to contracting parties.

In the outline of programs for the future listed above, no attempt has been made to indicate specific problems on which agencies outside of the Federal Government might direct their efforts. Such agencies might well study these suggested programs and discover ways in which their resources and abilities can be utilized in joint efforts with the tribes, the Federal Government, and other interested groups. The Indian people generally will welcome technical assistance, but to be most useful the offered services should be planned with the Indians and made part of a total program.

CONCLUDING STATEMENT

To complete our Declaration, we point out that in the beginning the people of the New World, called Indians by accident of geography, were possessed of a continent and a way of life. In the course of many lifetimes, our people had adjusted

of unemployment, etc., should be more clearly stated to the relocatee. A written statement should be given to each relocatee of his rights and privileges. Qualification of the proposed relocatee should indicate possible success of relocation effort.

The temporary housing for new families should be improved. At the time of arrival, there is the greatest sense of strangeness. And, the temporary housing should be as cheerful and as good as possible.

Welfare provisions for relocatees should be greatly increased. They are still inadequate to the needs of many families due to periodic unemployment. It is a waste of money to pay the way out for an Indian family only to have them return because of inadequate finances, or inadequate preparation. The Program should provide for adequate financial assistance to relocatees until such time as they are eligible for assistance from local agencies.

Self-relocated Indians should be provided employment aid by the Relocation Office.

Federal assistance in purchasing homes in the area should be made by a group which is independent of the Bureau. Indians elected from the area should be represented on this body. General publication should be made of financial transactions of relocation services.

BIA should re-cast the Relocation Program to include an adult education program. Counting success or failure in terms of those who stay relocated should be discontinued. The BIA should immediately review its program of financial assistance to take into full account the varying eligibility requirements for welfare assistance and other services by the several states and counties. Within reasonable limits relocatees should get their transportation paid to return home when adjustments to urban life prove too difficult; this would also serve to force better screening before relocatees are sent away from home, and sinking into the slum areas to live.

Job Opportunities.—It is recommended that a special conference be held of federal and state employment agency personnel to develop employment opportunities for Indians, and to consider the particular problems of Indians in employment. Means should be provided by the federal and state governments to act upon the recommendations of such conference, enacting protective laws or measures as needed.

HEALTH

Federally provided health services for Indians began in the early 1800's under the War Department. The services passed from military to civilian jurisdiction in 1849 when Indian Affairs were transferred to the newly created Interior Department. Approximately two dozen of the treaties written during the 1800's committed the Federal Government to provide health services for certain tribes. Most of these treaties stipulated that such services would be provided for definite periods of time ranging from 5 to 20 years. Nevertheless, by 1900 a precedent had been established for continuing services to certain tribes under the so-called "gratuity appropriations."

The Bureau of Indian Affairs retained this responsibility until July 1, 1955, when it was transferred, by act of Congress to the U.S. Public Health Service in the Department of Health, Education and Welfare. Although the Indian health program has been transferred to U.S.P.H.S., this does not relieve the Federal Government, in general, and the BIA in particular, from fulfilling their moral and/or legal responsibilities in providing adequate and improved health services.

American Indians are citizens of the states in which they live, as well as citizens of the United States. Therefore they are entitled to a variety of health services through the programs of state, county and private agencies, but this fact is often not known to the Indians, and apparently it frequently is not known to the agencies that administer these programs. County, state and private agencies have patently discriminated against Indian citizens and refused them services on the grounds that Indians are the responsibility of the Federal Government. The Federal Government and the U.S.P.H.S. have the responsibility to provide more adequate services, to educate the other agencies and to insist that they provide those services, willingly, adequately, and conscientiously. In this connection, this conference urges that U.S.P.H.S. resume responsibility for deciding eligibility for health services in the various states where the experience of leaving this to the state has been unsatisfactory and contrary to the policy as enunciated by U.S.P.H.S.; that it should be at least as liberal, if not more so, as the BIA had been in providing health services. County and state welfare authorities have often been miserly as well as discriminatory in granting eligibility for Indian health services. This may be due in part to slow administrative reimbursements to local private hospitals. Red tape for approval of payments should be minimized.

(In some states it is reported that the welfare authorities have gone so far as to force Indians to dispose of their small land-holdings in order to qualify for welfare benefits and corresponding services.)

Some of the major factors contributing to Indian health problems today include isolation and dispersion of population; poor housing and sanitation; inadequate economic base; lack of acquaintance with accepted health practices and services; lack of employment; inability to develop existing resources. All contribute to living standards that are not conducive to good mental or physical health. Most illnesses and one-fifth of the deaths among Indians can be prevented. The average age at death in the Indian population is 40 years compared to 62 years for all races. The death rate for Indian infants is twice as high as compared to infant mortality in the general population. Fifty-two of every 1,000 Indian babies born alive die before reaching their first birthday, compared to 26 in the general population.

Recommendations

1. Health Education:
 - A. Stress preventative medicine
 - B. Promote maternal and child care and nutrition
 - C. Provide adult education relating to individual health, home, community, sanitation, nutrition, and housing.
2. Indian health services and eligibility for services should be based on Indian health needs and the availability of resources to provide health services, and not on title to land on which the Indian people live. This means that reservation, non-reservation, and off-reservation Indians should be included.
3. Health centers and hospitals near Indian communities must be maintained. The locations of new hospitals must be determined by joint decision of Indian and health authorities.
4. Dental services must be resumed and expanded.
5. Roads to facilitate emergency field services must be improved.
6. Field health services must be expanded. Many Indian reservations and communities are divided into small rural settlements and require more field nurses and *physicians*. The practice of using two-year draft doctors in Indian hospitals for interneec training should be improved.
7. Where contracts are in force or contemplated with public and private hospitals and physicians, provisions must be made clear to these agencies that funds will be withheld unless terms and conditions are met in full.
8. Rehabilitation programs, school health programs, and clinics should be set up and properly maintained.
9. Problems in alcoholism must receive special attention.
10. Mental health programs should be initiated and properly supervised by qualified physicians in that field.

WELFARE

Because withdrawal of the United States Public Health Service in various areas has caused hardship to many Indians, an overall review and revision of the United States Welfare Policy should be made. Also it is important that reservation, non-reservation, off-reservation, and all other classifications of Indians be provided with adequate welfare benefits, and such legislation changes as may be necessary, be enacted.

Some states and counties are reluctant to help Indians because of their status as Indians or because of their living on non-taxable lands. They feel that Indian welfare is the responsibility of the federal government. Some counties, since they were not advised of transfers of services from federal to state government, find themselves confronted with financial responsibilities they cannot afford.

Many Indian people, due to unavoidable circumstances, are unable to maintain a decent and healthful standard of living and assistance may be denied because of the differing county eligibility requirements with respect to residency, land status or other income. Furthermore, many Indians are reluctant to seek aid because of the red tape and rigid welfare requirements and also because of the unfavorable Indian attitude of the welfare personnel.

Many needy Indians are excluded from the surplus food commodity program because they do not have the required storage facilities. Coordinated federal, state, and county planning to provide storage facilities would permit these families to participate under this program; Indians in need of food are not able to finance such requirements. The surplus food commodity program should include a nutritional diet.

first departure creates a logic for the second departure, until there is nothing left of the word.

We recognize that our view of these matters differs at times from the prevailing legal view regarding due process.

When our lands are taken for a declared public purpose, scattering our people and threatening our continued existence, it grieves us to be told that a money payment is the equivalent of all the things we surrender. Our forefathers could be generous when all the continent was theirs. They could cast away whole empires for a handful of trinkets for their children. But in our day, each remaining acre is a promise that we will still be here tomorrow. Were we paid a thousand times the market value of our lost holdings, still the payment would not suffice. Money never mothered the Indian people, as the land has mothered them, nor have any people become more closely attached to the land, religiously and traditionally.

We insist again that this is not special pleading. We ask only that the United States be true to its own traditions and set an example to the world in fair dealing.

INDIANS TO BE SERVED

The United States has long followed a policy of turning its back on Indians who are not physically in residence on a federally established reservation. Such a policy fosters the illusion that the Indian population is smaller than it actually is, but a more serious consequence is that it also perpetuates the illusion that the problem of assisting Indians is less than it is. The Bureau of Indian Affairs has even been known to take credit for those non-assisted Indians as examples of its accomplishment in promoting "assimilation." With the exception of some few individuals, these Indians, as they and their white neighbors know only too well, have not been assimilated; they have only been forgotten.

Even the most cursory examination of the history of these off-reservation or non-reservation Indian groups must reveal how callous and unjust this policy has been in practice.

We cite several general categories of historical development to illustrate the situation in which many Indians find themselves:

Indian families or bands or parts of bands remained in their historical homelands when the mainbody of the tribe moved, sometimes by force, to a reservation established by treaty, agreement, executive order or Act of Congress. The reasons were various and do not matter at this date, but generally the Indians who remained behind or drifted back did so because (a), the treaty, agreement, or Act of Congress permitted heads of families to take up allotments in their former domain, or (b) band leaders refused to give consent to a treaty or agreement and were in effect cut off from the main body of the tribe. Examples: The Winnebago Indians in Wisconsin; Ottawa in Michigan; Pottawatomie in Michigan and Wisconsin; Sioux in Minnesota.

The reservations created for tribes and bands were either totally inadequate as an economic base, or the Indians were permitted and even encouraged to dispose of large segments of an established reservation without taking into account the future lands needs of the tribe. The children and grandchildren of these tribes have never had land of their own, except as they have inherited uneconomic fragments, and have no recourse other than to seek employment away from home. Most of the allotted reservations of the Plains states and the Northwest are in these related situations.

The most glaring examples of an inadequate reservation base: Turtle Mountain Chippewa in North Dakota; Rocky Boy of Montana (landless Chippewa and Cree); Stockbridge and Munsee of Wisconsin; Sauk and Fox of Iowa; Kickapoo, Pottawatomie, Iowa, and Sauk and Fox of Kansas; the Omaha; Ponca, Santee, and Winnebago of Nebraska; the Choctaws of Mississippi; and all the rancherias and missions of California.

A few examples of tribes that were encouraged to share their lands with white settlers which resulted in pauperizing themselves are: Sisseton Sioux of South Dakota, Fort Totten in North Dakota, and the Chippewa bands of Minnesota.

The relocation program which the Bureau of Indian Affairs has promoted since 1950 continued and indeed expanded the injurious policy of moving Indians prematurely out from under federal responsibility. Inadequate economic opportunities at the local and reservation level make impossible a really free choice, and relocation is often in fact forced; then if trouble comes to the family, the Federal government is no longer responsible.

For all of the above reasons, it is apparent that the whole matter of Indians living away from an established reservation needs to be reviewed by Congress and

10. *Reservation Boundaries:* In order that Indian tribes may be properly protected in their reservation and may proceed with the orderly development of their resources, it is recommended that authority, if required, and funds be appropriated for the immediate survey and establishment of reservation boundaries.

Taxation

Grave concern has arisen as a result of the recent rulings of the Bureau of Internal Revenue which in substance directly violate the solemn treaty obligations made with the American Indian.

In fact, within the past few years, there has been a steady trend by both the federal and state taxing departments to encroach upon the rights of the Indian in the taxing of Indian property.

Recently, the Bureau of Internal Revenue has boldly claimed that it has the right to levy upon and collect income taxes upon income received by Indians which is derived from the sale of livestock grazed upon restricted Indian lands. Already the Internal Revenue Service has levied upon, assessed and collected income taxes upon income received from restricted Indian production.

The taxing department of the federal government has arbitrarily made these rulings which are wholly contrary to the solemn provisions of the treaties made with the American Indian. These rulings have been made and are being enforced notwithstanding the fact that it was never intended that the Indian was to be taxed in any manner upon his restricted Indian lands, or upon the income derived from the same.

In fact the greater amount of Indian lands located in the western part of the nation are dry and arid lands and suitable for grazing purposes only. In other words, the Indian is by nature restricted as to the use of his lands since the same can only be used for grazing purposes.

Therefore, in order to further prevent the establishment of such arbitrary rules of the Bureau of Internal Revenue, and to correct the rules already existing, we deem it necessary that legislation be enacted which will clearly spell out the intent and purposes of the existing treaties and agreements made with Indian tribes. Specifically, a clear statement must be made by law that income received by an enrolled member of an Indian tribe, which is derived from tribal, allotted and restricted Indian lands, whether by original allotment, by inheritance, by exchange or purchase, or as a leasee thereof, while such lands are held in trust by the United States in trust, is exempt from Federal and State income taxes.

Treaty rights

It is a universal desire among all Indians that their treaties and trust-protected lands remain intact and beyond the reach of predatory men.

This is not special pleading, though Indians have been told often enough by members of Congress and the courts that the United States has the plenary power to wipe out our treaties at will. Governments, when powerful enough, can act in this arbitrary and immoral manner.

Still we insist that we are not pleading for special treatment at the hands of the American people. When we ask, that our treaties be respected, we are mindful of the opinion of Chief Justice John Marshall on the nature of the treaty obligations between the United States and the Indian tribes.

Marshall said that a treaty ". . . is a compact between two nations or communities, having the right of self-government. Is it essential that each party shall possess the same attributes of sovereignty to give force to the treaty? This will not be pretended, for on this ground, very few valid treaties could be formed. The only requisite is, that each of the contracting parties shall possess the right of self-government, and the power to perform the stipulations of the treaty."

And he said, "We have made treaties with (the Indians); and are those treaties to be disregarded on our part, because they were entered into with an uncivilized people? Does this lessen the obligation of such treaties? By entering into them have we not admitted the power of this people to bind themselves, and to impose obligations on us?"

The right of self-government, a right which the Indians possessed before the coming of the white man, has never been extinguished; indeed, it has been repeatedly sustained by the courts of the United States. Our leaders made binding agreements—ceding lands as requested by the United States; keeping the peace; harboring no enemies of the nation. And the people stood with the leaders in accepting these obligations.

A treaty, in the minds of our people, is an eternal word. Events often make it seem expedient to depart from the pledged word, but we are conscious that the

We urge the Bureau of Indian Affairs to obtain information on national norms of need (net income against size of family), a basic standard as to the definition of need, and the income needed to provide reasonable subsistence; that definition of need and, income be flexible enough to allow changes commensurate with rising costs of living. Should state and county welfare assistance programs not meet this minimum, then a federal grant of Indian assistance should be established in these cases.

Such grants will be considered sufficient when, if added to the county or state contribution, they would permit a reasonable subsistence compatible with health, well-being and decency. Such a plan of standardized norms will act as a safeguard against discrimination by welfare officials.

Private and non-governmental organizations providing services and relief should report to welfare offices so as to prevent duplication and provide a better distribution of the aid given from all sources.

HOUSING

The Indians aspire to possess good homes no less than do their neighbors. Some Indians are living in tarpaper shacks, wigwams, and homes without sanitary facilities, plumbing and running water, and in some areas condemned slums or company hovels.

These recommendations, predicated upon serious emergency conditions requiring immediate consideration and action, also look toward a continuing improvement in Indian living conditions.

In order to promote and protect the general welfare of the Indians, it is necessary that the Federal Government assist in providing improved home conditions in all communities where Indians live, by:

1. Removing unsanitary and substandard conditions through more generous and flexible interpretation of the Federal housing laws.
2. Insisting on the enforcement of existing housing standards. Indians should have equal consideration under existing laws. For example, Public Law 86-121 authorizes the Public Health Service to work with reservation Indians and Alaska Natives in constructing sanitation work, but it excludes Indian residents in towns, cities, and other Indian communities.
3. Extending long term credit at low interest rates to Indian families. Special funds should be made available to build low cost housing units for Indians in industrial areas and Indians residing on non-reservation land.

EDUCATION

We recommend that the task of the Indian Bureau be recognized as primarily educational in the broadest sense of the word. The Meriam Survey of over 32 years ago, is still a valid guide to action in the year 1961. We conceive education not only in terms of classroom teaching, but a process which begins at birth and continues through a life span. Of all the studies, surveys and research made of Indians, the inevitable conclusions and recommendations are that education is the key to salvation of whatever ills may be, wherever Indians reside.

The first encompassing and formal education provided for Indians was authorized by statutory and treaty arrangements between Indian tribes and the federal government. Some tribes provided for their own school systems, financed out of tribal funds.

It would be well if all our children would avail themselves of academic training, but the truth is that only a few complete secondary schooling. The under-educated are of all ages. Lack of education for Indians and a determined effort to discover and educate our ablest individuals is essential for all age groups.

Recommendations

Federal and Public Schools

1. In public schools dropout rates are excessive, especially between the junior and senior high school ages, and attendance records are unbelievably poor. Therefore, proper guidance and supervisory programs must be re-examined and expanded. Where discrimination in public exists against Indian children, we recommend that it be abolished and these children be accepted in any school of their choice.

2. Recent emphasis on transferring Indian students from federal to public schools without careful evaluation of local situations should be discontinued unless after study with the local community it is determined that the transfer would benefit the students academically and socially.

3. Policy determining admission to federal schools must be re-examined and changed. Limiting attendance or reserving for specific tribes fosters discrimination against nearby Indians who need such facilities. Also enrollment of far away students which crowd local students out should be corrected.

When tribes have prior rights to federal schools, by virtue of offset payment, these rights must not be ignored.

Local tribes should be given preference in admission to the schools nearest them; however, when local Indians are accommodated, federal schools should accept all Indian students who wish admittance, regardless of tribe or residence in order to keep facilities operating at maximum benefit.

Since some federal schools have been closed to Indians juvenile delinquency in that area has been a growing problem. While these schools were open this was not the case. Precautions should be taken to prevent children being placed in sub-standard foster homes. It is preferred that they be enrolled in Federal Indian schools. Federal schools must be restored to full curriculum and junior colleges should be established in areas where considerable public and federally operated schools exist. Another federal school should be established to replace the Carlisle School long ago abolished. A federal Indian school should be established for the children of the Eastern region.

In order that good student-teacher and community relationships be promoted, personnel employed to teach in government schools should be selected on a basis of their interest in Indian students, their knowledge of Indian culture, and their willingness to live and participate in local community life. Salaries should be established at levels comparable to local public rates and recruiting and employment should be done in local competition.

Adequate counseling and guidance services should be made available to all Indian students. It is extremely important that Indian students be informed of all the educational opportunities and resources available to them as Indians and as American citizens. Too often Indian young people, capable of doing college work, are going into vocational training programs because they lack information on finances available to them for college expenses, and they have had little or no counseling help. The teaching and supervisory personnel of the Bureau's education department and vocational training program, the relocation services, and the state education programs must work cooperatively in counseling Indian students. The present grant-aid program, administered by the Bureau of Indian Affairs, should be expanded to include all American Indian students including the off-reservation and non-reservation and all other Indians having the capacity for college work. Appropriations for the grant-aid program should be greatly increased to take care of the need of all qualified applicants. The present policy limiting grants only to students attending state-supported schools should be revised to enable the students to attend the college or university of their choice.

Vocational Training

Vocational training programs should be available to all Indians—to reservation Indians, off-reservation Indians, non-reservation Indians—and any other Indian classification—with no age limit when the applicant qualifies. All vocational trainees coming to relocation areas under the Bureau of Indian Affairs program should be allowed to complete their course with subsistence payments, so long as they are making satisfactory progress. Only accredited schools should be used in the vocational training program.

Adult Education

Since the transfer of the Extension Services to states has been unsatisfactory in some areas, a department of extension should be reestablished in the Bureau of Indian Affairs. In order to provide more effective educational opportunity, these services should be evaluated and expanded to meet the needs and interests of the people involved.

On-the-job Training

Provide C.C.C. type on-the-job and on-the-farm training for both adults and youths. A youth conservation corps may help to solve the problem of juvenile delinquency. It would give young people jobs to keep them occupied, spending money, supervision and skills that could be useful on their home reservation or elsewhere.

School Lunch Programs

The school lunch program should be made available to all elementary and secondary Indian students.

Special Classrooms

Because of the need for special classrooms for the exceptional and retarded children on reservations it is recommended that these be provided.

LAW AND JURISDICTION

In view of the termination policy and particularly Public Law 280, many Indian people have been vitally concerned and fearful that their law and order systems will be supplanted, without their consent, by state law enforcement agencies which, perhaps, might be hostile toward them. In *U.S. v. Kagama* (1885) 118 U.S. 375, 383, the Court, speaking of Indians, said:

"They are communities dependent on the United States; . . . ; dependent for their political rights. They owe no allegiance to the States, and receive from them no jurisdiction. Because of the local ill feeling of the people, states where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and treaties in which it has been promised, there arises a duty of protection, and with it the power.

That statement by the Supreme Court is considered to be as true today as when written.

The repeated breaking of solemn treaties by the United States has also been a concern which is disheartening to the tribes and it is felt that there is no apparent concern by the Government about breaking treaties.

Recommendations

1. Return of Indian Lands: We urge the Congress to direct by appropriate legislation the return in trust of that part of the Public Domain formerly owned by an Indian tribe or nation which the Secretary of Interior shall determine to be excess and non-essential to the purpose for which such land was originally taken or which was covered by a revisionary clause in the treaty or cession or other lands declared to be surplus to the government's needs. Restore all Indian lands that were consumed by termination policy.

2. Indian Claims Commission: We urge that Congress ascertain the reasons for the inordinate delay of the Indian Claims Commission in finishing its important assignment. The Congress should request the views of the attorneys for the tribes on this in order to balance the views already expressed to Congress by the attorneys for the United States.

The woeful lack of sufficient personnel to handle the case load in the Justice Department, we believe, is the *sole cause* for the delay, so damaging to the tribes, in expediting the Commission's work.

The law clearly directs that each tribe be represented by counsel and there would seem to exist no possible reason why the Justice Department should not be required to increase its personnel in the Indian Claims Section of the Lands Division to remove this just criticism. Simple justice suggests that this be speedily done or else irreparable damage to the tribes will result. We believe the Congress will want to correct this situation as promptly as possible.

3. Title to Reservations: The Secretary of the Interior, if he has the authority, or the Congress should act to determine the legal beneficiaries of reservations created under the Indian Reorganization Act or other authority for "Landless and Homeless Indians," also reservations established by executive order or prior act of Congress, where the naming of the beneficial users has been left indefinite or ambiguous. As Indians improve such lands, or as mineral wealth or other assets of value are discovered, ownership is in jeopardy unless clearly defined.

4. Submarginal Lands: Submarginal and other surplus lands adjoining or within the exterior boundaries of Indian reservations and purchased for the benefit of the Indians, should be transferred to the tribes under trust.

5. Land Purchase Funds: The land purchase funds authorized by the Indian Reorganization Act should again be appropriated on an annual basis, to permit tribes to add to their inadequate land base, to purchase heirship lands and allotments on which restrictions are removed, and otherwise improve their economy.

6. Voting on the Indian Reorganization Act: Amend the Indian Reorganization Act to permit tribes to vote on its acceptance at any time.

7. Protect Indian Water Rights: Adopt legislation to protect all Indian water rights of Indian reservations against appropriators who, because the government may be negligent in providing for Indian development, are able to establish a record of prior use.

8. Heirship Lands: Adopt a manageable and equitable heirship lands bill.

9. Amend P.L. 280: Amend P.L. 280 (83rd Congress) to require Indian consent to past and future transfers of jurisdiction over civil and criminal cases to the state in which a reservation is located, and to permit such transfers to take place, with Indian consent, on a progressive or item by item basis.