

IRA conference gives historic view of federalism

By Alex Scala

For the Tundra Times

Representatives from nearly 60 tribes, as well as former Indian Commissioners, Bureau of Indian Affairs Officials and noted historians and anthropologists gathered in Sun Valley, Idaho last month to discuss Indian Self Rule - Fifty Years living under the Indian Reorganization Act.

The four-day conference was sponsored by the Institute of the American West, a non-profit educational institution founded in 1975 to bring programs in the humanities to national, regional and local audiences.

The meeting was an historic event in that it brought those Native Americans and government policy makers who helped shape Indian political life in the 20th century. The event attracted such respected Native leaders as Rupert Costo, a Cahuilla Indian who has been extremely active in Indian affairs since the 1920's; Robert Bennett, an Oneida Indian and former Commissioner of Indian Affairs under President Lyndon B. Johnson; Joe de la Cruz, a member of the Quinault Tribe and currently presi-

dent of the National Congress of American Indians (NCAI);

Russell Jim, a Yakima and board member of NCAI, also very active for the fight for Native water rights in the Pacific Northwest; Ada Deer, Menominee and leader during the fight for restoration of her tribe in the 60's and 70's; Robert Burnette, Rosebud Sioux and former director of NCAI; Oren Lyons, Onondaga artist and spiritual leader;

Alfonso Ortiz, San Juan Pueblo and currently professor of anthropology at the University of New Mexico; Philip S. Deloria, Standing Rock Sioux and director of the American Indian Law Center at Albuquerque; Susan Shawn Harjo, Cheyenne and Creek and prominent Indian Lobbyist; the list goes on and on.

One could easily sense that one was admist some of the greatest Indian intellectual minds as well as spiritually and culturally centered Native Americans on the North American Continent.

The Conference was organized to systematically discuss the various "periods" of federal Indian policy in the 20th Century.

The first day saw an in-depth discussion of John Collier, Commissioner of Indian Affairs from 1933-1945, and on the establishment of the Indian Reorganization Act, a period that many historians call the Indian New Deal. This period saw an end, at least in theory, to the policy of assimilating Native Americans into the mainstream white-dominated American culture.

When Franklin D. Roosevelt assumed office in 1933 one of his legacies was to openly repudiate the Dawes General Allotment Act of 1887 which granted land in fee simple to Native Americans, thus giving Indian families land

with which they could sustain themselves. In essence the theory behind the allotment policy was to break up the Indian communal or tribal way of life and "assimilate" Native Americans into the mainstream's way of life.

The results of this policy were a disaster; thousands of Native families lost their land, without this land base they could not sustain their culture. How did the federal government expect a hunting-gathering culture to adapt to a life of farming in a short period of time, especially when the lands given to the Indians under the Allotment Act were of very poor quality. The result was

the loss of nearly 90 million acres of Native land to the whites in less than 50 years.

This assimilationist mentality supposedly came to an end in 1933 when President Franklin Roosevelt determined to set Indian Affairs on a new course. With the appointment of John Collier as Commissioner of Indian Affairs, many felt that Native Americans would now be able to assume their tribal way of life, free from the domineering assimilationist mentality of the Federal Government.

This hope was to come to fruition with the passage of the Indian Reorganization Act of

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Fed's views of Indian Country changes frequently

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1934. The IRA was designed to protect and increase the amount of land set aside for Indian homelands.

It ended future land allotment, and extended trust restrictions on Indian land until otherwise directed by Congress. The Act permitted the voluntary exchange of restricted allotments and restored to tribal ownership the remaining surplus land created by the Dawes Act. The major thrust of the IRA was to encourage the process of tribal self-government.

But not all Indian Nations bought Collier's philosophy. Many, including Cahuilla Indian and leader Rupert Costo flatly rejected it. Costo feels that Collier and his great gift, the IRA, did not give the Indian the right to determine his or her own destiny.

The IRA was set up in such a way that the Secretary of the Interior had extraordinary powers in every aspect of the Act. Costo feels the most controversial and restrictive power was in Section 16, giving the tribes power to enact constitutions and charter corporations, but both of these so-called powers were subject to the approval of the secretary.

Costo adamantly feels that the Indians were not allowed to govern themselves as was preached by Collier. The Cahuilla leader refused to accept the Indian New Deal of the Collier years. He refers to it as the Indian Raw Deal.

So the IRA wasn't truly the liberation tool it was said to be, at least not to all tribes. But it did, to a certain extent, change the course of Indian Affairs, at least for a while.

When the Roosevelt era ended so did the so-called Indian New Deal. With the Truman and Eisenhower administrations coming into power in the late 40's and 50's a new "attitude" of federal Indian policy took shape. This era of Federal-Indian relationships became known as the Termination period.

The philosophy of this era was bent on ending the special relationship between Indian Tribes and the Federal Government. Federal policy was aimed at assimilating Native Americans into the dominant American culture. With the passage, by unanimous consent, of House Concurrent Resolution 108 by Congress in 1953 the stage was set for the Federal Government to embark on an all out campaign to terminate its relationship to many Indian Tribes.

Some of the larger Tribes that were indeed terminated include the Klamath of Oregon, the Menominees of Wisconsin, and the "Mixed-Bloods" of the Unath and Ouray of Utah. The result of these actions were a disaster.

For the Wisconsin Menominees who had been singled out by federal officials as being a uniquely successful tribe

hence not in need of federal assistance; termination brought the loss of thousands of acres of land, an imminent threat of bankruptcy of the Tribe's only successful business, a local government in serious financial difficulties, bitter and damaging divisions within the Tribe, and the likelihood of loss of the Tribally owned timber resources. The Menominees were successful in stopping the total demise of their Tribe by gaining restoration in 1973.

The Termination period also saw the passage of Public Law 280, an act extending state civil and criminal jurisdiction into Indian Country in certain states. This was a further example of the policy of terminating the Federal Trust Responsibility the U.S. Government had with Indian Tribes stemming from Treaty agreements of the 1800's.

Another aspect of the termination policy was the Indian Relocation Program of the 1950's. The federal government working through the BIA encouraged Native Americans to leave the reservations and relocate in the major urban centers where they were promised jobs and were told they could live in the affluence of the white man.

The thrust behind this program was to accelerate the assimilation process through the anonymity of the urban lifestyle. This program also proved disastrous.

What motivated this type of federal political philosophy? Former Indian Commissioner and special assistant to the president, Phileo Nash, says the motivating factor was greed.

Federal Trusteeship, for all its inadequacies, stands in the way of cheap land, water, grass, timber and minerals, all of which are needed by non-Native Americans in pursuit of the almighty dollar.

But with the change of administration came also a change in Federal Indian Policy. With the Democrats coming into power in 1960 Indian Policy changed from one of ending the government's trust responsibility to Indians to one of encouraging, both in theory and with funds, the ability of Native American Tribes to run their own lives.

This period of Federal-Indian relationships came to be known as Indian Self-Determination.

With the passage of the Indian Self-Determination Act of 1975 (93 Stat. 638) the federal government provided the means and the funds for Native American Tribes to manage many of the Federal programs provided for Indians on the Reservation.

The Act authorized certain assistance to Indian Tribes to prepare to assume responsibilities such as: technical assistance directly from the BIA or grants to Tribes to obtain this assistance; transfer of staff from BIA to Tribes; contracts by which Indian Tribes might



Sam Delora, Joe de la Cruz and Oren Lyons discuss IRAs.

actually provide program services to eligible recipients.

The Indian Self-Determination Act was the outcome of the feelings of Presidents John Kennedy, Lyndon Johnson and Richard Nixon who all made messages to Congress espousing Tribal Sovereignty and the right of Native Americans to determine their own destiny individually, while also maintaining their tribal and communal way of life.

In remarks made before Congress in 1968 Johnson said: "I propose, in short, a policy of maximum choice for American Indian; a policy expressed in self-help, self-determination, self-development."

The greatest asset for Indian progress lies in the emergence of Indian leadership and initiative in solving Indian problems. Indians must have a voice in making the plans and decisions in programs which are important to their daily life.

The Act and the Self-Determination policy itself provided the means and the funds for Native Americans to administer many of the Federal programs themselves; although, the intentions of the federal government may have been honorable, the realities of the policy proved to be dubious at best.

This rash of programs almost inundated the capability of the Indian Tribes to administer them and tended to affect the priority given to these programs. Many Native Americans feel that the programs were and are based upon the financial resources available for the various programs rather than the priorities being established upon need.

The feeling on whether the Self Determination policy is leading towards a furtherance of Tribal sovereignty and the ability of Tribes to grow both economically and culturally is mixed.

Robert Bennett, an Oneida Indian from Wisconsin and former Commissioner of Indian Affairs under President Johnson feels the concept of self determination is a sound one and deserves support at every level of government. Bennett

feels that the ability of the Indian Tribes to administer 638 monies is the key to the successful implementation of the Self Determination Policy.

Other Native Americans like Rosebud Sioux Robert Burnette, former Director of the NCAI feels that the Self Determination policy is only a continuation of the Termination mentality of the Hoover and Eisenhower Administrations. He says the ultimate goal of self determination is to do away with the Bureau of Indian Affairs and pass on all social service contracts to the tribes.

Burnette has doubts of the success of such a move. He questions where the funds will come from for these services if the BIA were extinguished and, more importantly, he questions if the Federal Government would want to continue the Trust Responsibility it has for Indian Tribes if the Natives are administering all government programs. Burnette sees the goal of this policy as a subtle form of termination of all Indian Tribes from the special trustee and guardian relationship they have with the Federal Government.

Where do Native Americans stand today and what will tomorrow bring to their culture and their inherent sovereign right to control their own destiny? President Reagan has issued a policy statement on Indian Affairs, the first such statement since the early 1970's, where he espouses the right of self governance for all American Indians and preaches the willingness of the Federal Government to aid in the development of an economic base for Indians that will allow them to sustain their culture. But his actions prove otherwise.

Reagan's all-out war on Federal Social Programs designed to help the needy of this country has caused intense hardship to those people at the bottom of the poverty scale, the American Indian; and though in his statement the president encourages the continuance of Native Culture, we see Interior Secretary Watt cal-

ling for increased offshore oil development that could undermine the subsistence culture of many Alaskan Natives. Mineral development is happening on an accelerated rate causing ruin to the lands of the Navajo, so critical to the continuance of their culture. One can look at many of the Indian reservations in this country today and see the development of the white man infringing upon the Native's right to an independent cultural existence.

How can American Native People work for their survival? As was brought out during the waning hours of the Indian Self Rule Conference, there needs to be an international relationship established among indigenous people all over the world.

Whether it be the Inuit of the world's circumpolar regions or the indigenous inhabitants of Central America, Africa, Asia and America; the issues are all the same.

Economic and political exploitation cuts across the grain of traditional culturally centered societies.

Whether it be OCS development in the Norton Sound or coffee plantations in South and Central America; it is the indigenous inhabitants of a region that suffer while the more affluent and greedy societies wage development campaigns in pursuit of economic gains.

It is through the efforts of organizations like the World Council of Indigenous People and the Inuit Circumpolar Conference that native inhabitants from around the world could rally around and use as a forum to discuss their common problems and try to arrive at workable solutions.

Alex Scala is employed by Western Media Concepts which is doing a series of radio documentaries on the Native Sovereignty issue.

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