

APPENDIX I

The Failure of National Policy: An Historical Analysis

In February 1968, Mr. Lloyd New, director of the Institute for American Indian Arts, testified before the Senate Indian Education Subcommittee. Speaking as an Indian, a distinguished artist, and director of the Institute of American Indian Arts at Santa Fe, New Mexico, he summarized the effects of the failure of national policy regarding American Indians:

For almost five centuries the American Indian has been subjected to a process of attrition which has slowly eroded the roots of his cultural (and economic) existence. His physical ways have been completely obliterated in many areas and, presently, his spiritual existence is in extreme jeopardy.

The many and varied attempts that have been made to "help" him, and particularly "educate" him, have been largely unsuccessful.

Perhaps in part because it was assumed that the sooner the Indian was forced to abandon his ways and join the melting pot of America, the better off he would be. But he has displayed unique resistance to that idea, possibly because his psychological relationship to the land was different from that of the immigrant groups who eventually surrounded him. Failure on the part of those who have dealt with the Indian to understand the basis of his tenacious observance of his own cultural mores has resulted in the abortion of almost every attempt to assist him. Even now, various kinds of human salvage operations, such as urban relocation, employment assistance, on-the-job training, and other rehabilitation efforts are, at best, only stopgap efforts to meet his worldly needs, while failing miserably to provide the cultural and emotional substance required to put his life in balance.

The American Indian has always been devoted to a philosophy which holds that one's existence should blend into the comparatively passive rhythms of nature, as opposed to the dominant society's quest for control of nature through scientific manipulation of its elements. In the main, direct attempts to switch him from his philosophical position have failed, much to the consternation of those who have tried.

In the past, public apathy and disinterest permitted him to maintain a certain degree of privacy in this way of life but in recent times he has been forced into the public struggle for economic survival, due to the lack of an environment supportive of his old ways. With limited land holdings and the inevitable encroachments of the dominant society the American Indian is hard pressed in his efforts to maintain his view-

point while adjusting to the exigencies of the modern world.

No longer in a position to make war with the opposition, the Indian, in general, has adopted a tendency to withdraw and lie quietly in the remnants of his old world, only half-heartedly picking at the offerings made to him by his multitudinous and dominating neighbors.

Poverty, poor health, unemployment, and a growing rate of alcoholism among Indian adults, and a shocking prevalence of suicide, dropouts, and delinquency among Indian youth attest to the fact that there has been an overall failure to provide an educational approach sufficiently effective to promote constructive social transition.

1. MISSION PERIOD

It is important to make a distinction between education and formal education when considering the American Indian. As Dr. Brewton Berry has pointed out, "Education * * * is not an invention of the white man, nor is it his sole possession. Every human society devises means for socializing the young and transmitting its culture."¹ The importance of this distinction is pointed up dramatically in an exchange cited in Benjamin Franklin's "Remarks Concerning the Savages of North America." In 1744, after the Treaty of Lancaster in Pennsylvania between the government of Virginia and the Six Nations, the Virginia Commissioners offered to the chiefs to educate six of their sons at a college in Williamsburg, Va. The chiefs replied as follows:

Several of our young people were formerly brought up at the colleges of the Northern Provinces; they were instructed in all your science; but when they came back to us, they were bad runners; ignorant of every means of living in the woods; unable to bear either cold or hunger; knew neither how to build a cabin, take a deer, or kill an enemy; spoke our language imperfectly; were therefore neither fit for hunters, warriors, or counselors; they were totally good for nothing. We are however not the less obliged by your kind offer, though we decline accepting it: And to show our grateful sense of it, if the gentlemen of Virginia will send us a dozen of their sons, we will take great care of their education, instruct them in all we know, and make men of them. (Benjamin Franklin, *Two Tracts*, etc. (2d ed., 1794), pp. 28-29.)

The important truth to be drawn from that exchange has been largely ignored in the 400-year history of formal education for American Indians. According to Dr. Berry, "Formal education of the American Indian began with the coming of the white man, and has continued to the present time, with conspicuous lack of success."²

Starting with the first mission school established by the Jesuits for Florida Indians in 1568, the first 300 years of formal education for

¹ Dr. Brewton Berry, "The Education of American Indians, a Survey of the Literature," prepared for the Special Subcommittee on Indian Education, 91st Cong., first sess., February 1969, p. 5.

² *Ibid.*, p. 5.

Indians in the United States was dominated by the church. The basic goals of this period were to "Christianize" and "civilize" the heathen.

A few Jesuits were in Florida in the 1500's, and for a time they worked in the Southwest, but their principal activities in the present United States covered the period from 1611 to the end of the 1700's. They were mostly of French extraction, they entered the continent by way of the St. Lawrence River, and their activities centered around the Great Lakes, and the Mississippi and its tributaries.³

In addition to converting them to Christianity, Frenchification of the Indians was the Jesuits' goal. Louis XIV, who gave them considerable financial support, repeatedly gave orders that all possible efforts should be made to "educate the children of the Indians in the French manner." Layman maintains that it was their policy to remove the children from their families and tribes, to stress French language and customs, and to emphasize the traditional academic subjects.⁴

Protestants were also bent upon Christianizing and civilizing the Indians, and the Virginia colonists began thinking along those lines as soon as they had won a secure foothold.

King James I, on March 24, 1617, called upon the Anglican clergy to collect money "for the erecting of some churches and schools for ye education of ye children of these Barbarians in Virginia." The following year the Virginia Co. directed the Governor of the colony to choose a convenient place for the building of "a college for the children of the infidels," and 10,000 acres of land were set aside for that purpose. It was not until 1691 that the College of William and Mary was finally chartered. Many Indian students were brought there in the succeeding years.⁵

In Massachusetts, the charter of the Bay Co. declared that the main objective of the company was the conversion of the natives. The boarding school approach, separating Indian children from their families and tribes, was initiated by Rev. John Sargeant in Stockbridge, Mass., along with an "outing system," whereby Indian pupils were placed in Puritan homes during their vacation periods, to keep them from returning to their tribal ways. A similar program was developed by Rev. Eleazar Wheelock:

who founded a training school for Indians at his home in Lebanon, Conn. His philosophy involved the removal of the Indians from their natural environment, surrounding them with the influences of the Puritan home, and teaching them the rudiments of secular and religious knowledge and "husbandry." Later he moved his school to Hanover, N.H., where it was named Moor's Charity School, and later became Dartmouth College.⁶

³ *Ibid.*, p. 7.

⁴ *Ibid.*, p. 7.

⁵ *Ibid.*, p. 8.

⁶ *Ibid.*, p. 9.

The general attitude of the Puritans toward the Indian is revealed by an incident in 1637 when the Pequot Tribe resisted the migration of settlers into the Connecticut Valley. A Pequot village was burned to the ground and 500 Indians were burned to death or shot while trying to escape. The surviving Pequots were sold into slavery. The Puritans gave thanks unto the Lord that they lost only two men, and Cotton Mather was grateful to the Lord that, "On this day we have sent 600 heathen souls to hell."⁷

It is difficult to evaluate the success of these various religious efforts but the outcome was questionable, to say the least. Dr. Berry cites a fairly typical lament attributed to a Mr. William Byrd:

Many of the children of our neighboring Indians have been brought up in the College of William and Mary. They have been taught to read and write, and have been carefully instructed in the Principles of the Christian Religion until they came to be men. Yet after they returned home, instead of civilizing and converting the rest, they have immediately relapsed into infidelity and barbarism themselves.⁸

Layman refers to the "almost complete failure of the Jesuits to attain their educational purposes." And referring to the period 1778-1871, he states:

The net results of almost a hundred years of effort and the expenditure of hundreds of thousands of dollars for Indian education were a small number of poorly attended mission schools, a suspicious and disillusioned Indian population, and a few hundred products of missionary education, who, for the most part, had either returned to * * * (their tribal ways) or were living as misfits among the Indian or white population.⁹

2. TREATY PERIOD

From the beginning, Federal policy toward the Indian was based on the desire to dispossess him of his land. Education policy was a function of our land policy, and until the final Indian uprising in the late 19th century, took place in the context of wave after wave of invasion by white settlers reinforced by military conquest. Treaties, almost always signed under duress, were the window dressing whereby we expropriated the Indian's land and pushed him back across the continent.

Beginning with President Washington, the stated policy of the Federal Government was to replace the Indian's culture with our own. This was considered "advisable" as the cheapest and safest way of subduing the Indians, of providing a safe habitat for the country's white inhabitants, of helping the whites acquire desirable land, and of changing the Indian's economy so that he would be content with less land. Education was a weapon by which these goals were to be accomplished.

⁷ Peter Farb, "Man's Rise to Civilization as Shown by the Indians of North America From Primeval Times to the Coming of the Industrial State," E. P. Dutton & Co., Inc., New York, 1968, p. 247.

⁸ Dr. Brewton Berry, op. cit., p. 9.

⁹ *Ibid.*, p. 9.

The Indian's "lack of civilization" was the justification used for taking his land. Benjamin Franklin observed that it was necessary "to extirpate the savage in order to make room for the cultivators of the earth." President Jefferson "had hoped that trading posts would encourage Indians to accumulate debts which they could pay off by ceding land." He proposed that the Government would then "settle the Indian benignly on agricultural reservations where they would learn to farm and become like their white neighbors." President Monroe, writing in 1817, stated: "The hunter or savage state requires a greater extent of territory to sustain it than is compatible with the progress and just claim of civilized life * * * and must yield to it." Senator Thomas Hart Benton of Missouri claimed that the whites must supplant Indians because whites used the land "according to the intentions of the Creator."

Education was clearly to play a very secondary role to the use of force. President Andrew Jackson, who had been raised on the frontier, denounced treaties with Indians as an "absurdity" and a "farce." In 1830, he sought and obtained from Congress legislation permitting the forced removal of all Indian tribes east of the Mississippi. During the next 10 years, an estimated 70,000 to 100,000 Indians were captured and herded westward, across the Mississippi. Thousands more died from disease, exposure, and starvation on the thousand-mile forced march west.

From September 17, 1778, when the first treaty between the United States and an Indian nation was signed with the Delawares, until 1871, treaties established the main legal basis for the Federal policies with respect to Indian education. The earliest treaty containing a specific provision with respect to education was the treaty with the Oneida, Tuscarora, and Stockbridge Indians of December 2, 1794.

Through treaties and agreements, the Indian tribes ceded to the United States almost a billion acres. Although treaty provisions vary, in general, the Indians retained lands for their own use which were to be inalienable and tax exempt. The Federal Government in turn agreed to provide public services such as education, medical care, technical and agricultural training. Specific education provisions were included in a substantial number of treaties.

On March 30, 1802, Congress appropriated not to exceed \$15,000 annually to "promote civilization among the aborigines." This was the first statutory provision establishing congressional responsibility for Indian education.

At the request of President Monroe, the Congress passed an act on March 3, 1819, which Felix Cohen calls "the organic legal basis for most of the education work of the Indian Service."¹⁰ The purpose of the act was to "civilize" by converting Indians from hunters to agriculturists.¹¹ The funds involved were apportioned among those societies and individuals—usually missionary organizations—that had been prominent in the effort to "civilize" the Indians. As treaty funds became available, these were disbursed in the same way. The annual appropriation, known as the "civilization fund," continued until the end of the treaty period and was repealed in 1873.

The Office of Commissioner of Indian Affairs was created by Congress as a part of the act of July 9, 1832, although the Bureau itself

¹⁰ Cohen, "Handbook of Federal Indian Law," 1940 ed, p. 239.

¹¹ *Worcester v. Georgia*, Ga. 1832, 31 U.S. 515, 6 Pet. 515, 8 L. Ed. 483.

had been established in 1824. The office was under the direction of the Secretary of War, and subject to the regulations prescribed by the President. Indian Affairs remained under the jurisdiction of the War Department until 1849, when it was moved to the newly established Department of Interior. Under this act, the Bureau of Indian Affairs passed from military to civilian control. This had little practical effect on actual administration, however, since Army officers continued to be employed as agents.

The attitudes of the early Commissioners of Indian Affairs shaped the policies of Indian education for the century that followed, given the broad legislative discretion granted by Congress to the Secretary of Interior, and in turn, to the "Head" of Indian Affairs, to manage the education of Indians. The annual reports of the Commissioners are clear indicators of those attitudes.

In his second annual report, the first Head of the Bureau of Indian Affairs, Thomas L. McKenney, in urging increased appropriations for the support of Indian schools, pointed out that the schools served an important pacification role in our conquest of the West.

* * * these establishments go further, in my opinion, towards securing our borders from bloodshed, and keeping peace among the Indians themselves, and attaching them to us, than would the physical force of our Army, if employed exclusively towards the accomplishment of those objectives.¹²

In his annual report of 1848, Commissioner W. Medill provides us with a disturbing insight into the prevailing attitudes of the times:

Stolid and unyielding in his ways, and inveterately wedded to the savage habits, customs, and prejudices in which he has been reared and trained, it is seldom the case that the full blood Indian of our hemisphere can, in immediate juxtaposition with a white population, be brought farther within the pale of civilization than to adopt its vices; under the corrupting influences of which, too indolent to labor, and too weak to resist, he soon sinks into misery and despair. The inequality of his position in all that secures dignity and respect, is too glaring, and the contest he has to make with the superior race with which he is brought into contact * * * is too unequal to hope for a better result.

While to all, the fate of the red man has, thus far, been alike unsatisfactory and painful, it has with many been a source of much misrepresentation and unjust national reproach. Apathy, barbarism, and heathenism must give way to energy, civilization, and Christianity; and so, the Indian of this continent has been attended with much less of oppression and injustice than has * * * been * * * believed. If, in the rapid spread of our population and sway, with all their advantages to ourselves and to others, injury has been inflicted upon the barbarous and heathen people we have displaced, are we as a nation to be held up to reproach for such a result.¹³

¹² Annual report for 1826, Office of Indian Affairs, p. 508.

¹³ Annual report for 1848, Bureau of Indian Affairs, p. 391 f.

Commissioner Medill's successor, Orlando Brown, appears to be more sanguine about the prospects for effective assimilation of the Indian. The weapons are to be the sword, the plow, and the primer.

The dark clouds of ignorance and superstition in which these people have so long been enveloped, seem to be breaking away, and the light of Christianity and general knowledge to be dawning upon their moral and intellectual darkness. The measures to which we are principally indebted for the great and favorable change that has taken place are the concentration of the Indians within smaller districts of the country, where the game soon becomes scarce, and they are compelled to abandon the pursuit of the chase, and to resort to agriculture and other civilized pursuits; and the introduction of manual labor schools among them, for the education of their children in letters, agriculture, the mechanic arts, and the domestic economy. These institutions being in charge of missionary societies of various religious denominations, and conducted by intelligent and faithful persons of both sexes, selected with the concurrence of the Department, the Indian youth are also carefully instructed in the best of all knowledge, religious truth, their duty toward God, and their fellow beings.¹⁴

Commissioner L. Lea, the next in line, was the third Indian Commissioner in a row to announce a blatant policy of coercive assimilation:

It is indispensably necessary that they (the Indians) be placed in positions where they can be controlled, and finally compelled, by stern necessity, to resort to agricultural labor or starve.¹⁵

Commissioner Lea advocated the expansion of the number of manual labor schools, as "efficient auxiliaries in imparting * * * a knowledge of letters, agriculture, and mechanic arts, and of advancing them in civilization and Christianity." He pointed out that a merely book-taught Indian will resume "the barbarism of his original condition" with nothing more to show for his education than a "more refined cunning, and a greater ability to concoct and perpetrate schemes of mischief and violence."¹⁶

It is only possible to understand the strident inhumanity and arrogance of such policy statements in the context of the frontier settler constituency to which the Federal Government was responding. For example, in the same year that Commissioner Lea was suggesting starvation as an assimilation tactic, a Kansas newspaper summarized the general feeling of the frontier toward Indians as follows:

A set of the most miserable, dirty, lousy, blanketed, thieving, lying, sneaking, murdering, graceless, faithless, gut eating skunks, the Lord has ever permitted to infest the earth, and whose immediate and final extermination, all men except Indian agents and traders, should pray for.¹⁷

¹⁴ 1849 Report of the Commissioner of Indian Affairs, p. 21.

¹⁵ 1850 Report of the Commissioner of Indian Affairs, p. 1.

¹⁶ 1852 Report of the Commissioner of Indian Affairs, p. 6.

¹⁷ Peter Farb, op. cit., p. 255.

The reality was often as brutal as the rhetoric. One historian has graphically described an extreme example of white settler attitudes and violence.

In California, the gold rush attracted thousands who inundated the Indians in the northern and central parts of the State, obliterating their villages and overrunning their hunting and gathering grounds. Blown about like leaves in a storm, Indians struggled to survive. Their desperation turned some of them to robbery and pilfering of miners, and the whites, in retaliation, formed posses and massacred the natives guilty and innocent alike. In time, white attitudes hardened against the Indians so that no excuse was needed for hostility against them. The white population viewed Indians as vermin who had to be eliminated from the California scene. Indian children were murdered with the explanation that "nits breed lice." Indian women were raped, forced into concubinage, or slain without mercy. Many adult males were rounded up and employed as slave labor. Disease cut deeply into the Indian population also. It is estimated that as many as 70,000 Indians died from one cause or another in California during the decade 1849-59.¹⁸

As early as 1838, the educational policy of civilizing Indians through manual training in agriculture and the mechanic arts became established practice. At that time, 16 manual labor schools serving 800 students, and 87 boarding schools serving 2,873 students were in existence. It is also interesting to note that a large proportion of the expense for the operation of the schools came from Indian treaty funds and not Federal appropriations. During the 10-year period from 1845-55, more than \$2 million was expended. Of this amount, only one-twentieth, or about \$10,000 per year, came from Federal Government appropriations.¹⁹

During the later part of the treaty period, greater concern was expressed over the reluctance of Indian children to attend the white man's schools, and treaty provisions regarding compulsory attendance were developed. Treaties with the Sioux and Navajo in the 1860's provided for a school and a teacher for every 30 children who could be induced or compelled to attend.²⁰

In 1871, the treaty period came to an end when Congress decreed that henceforth, "No Indian nation or tribe within * * * the United States shall be acknowledged or recognized as an independent nation, tribe, or power." This did not rescind, however, the obligations of the Federal Government under the nearly 400 established treaties.

3. ALLOTMENT PERIOD

In response to the demand for more land, the Homestead Act was passed in 1863, which opened up the Plains to the settlers. To facilitate the process, "encouragement was given to the slaughter of the big

¹⁸ Alvin M. Josephy, Jr., "The Indian Heritage of America," Alfred A. Knopf, New York.

¹⁹ Report of the Secretary of the Interior, Sen. Ex. Doc., No. 1, pt. 1, 34th Cong., first sess. (1855), p. 561.

²⁰ Peter Farb, op. cit., p. 25, 1968.

buffalo herds, the Indians principal source of food; with their meat gone, it was believed the tribes would be forced onto the reservations by the promise of rations."²¹

By 1885, the bison were virtually extinct, and many of the Plains Indians were starving. In addition, many Indian tribes were decimated by epidemics of smallpox, cholera, and other infectious diseases which were introduced by the U.S. Army and white settlers.²²

By 1871, graft and corruption of the Indian reservation agencies had reached scandalous proportions. President Grant, under pressure from humanitarian reformers, initiated a new approach known as the peace policy. "Reservations were distributed among the major religious denominations, which, in an unprecedented delegation of power by the Federal Government to church bodies, were given the right to nominate new agents, and direct educational and other activities on the reservations."²³ The experiment was a failure that left deep scars on Indian communities and marked the denouement of the Government's policy of subsidizing religious groups to educate Indians.

The reformers had argued that the more benign methods of the missionaries would hasten the pacification and assimilation of the tribes. In actuality, "* * * many reservations had come under the authority of what amounted to stern missionary dictatorships whose fanatic zealotry had crushed Indian culture and institutions, suppressed religious and other liberties, and punished Indians for the least show of independence."²⁴ And, the military was frequently called in to reinforce the missionaries' orders.

In the last three decades of the 19th century, Indians fought with great ferocity in the final defense of their homeland and freedom. Tribe after tribe rose in rebellion, only to be crushed by the U.S. Army—the southern Plains tribes in 1874, the Sioux in 1876, the Nez Perce in 1877, the northern Cheyenne and Bannock in 1878, the Ute in 1879, and the Apache throughout much of the 1880's until Geronimo finally surrendered with his remnant band of 36 survivors.

"Anguished rebellions against the intolerable conditions on reservations gradually became fewer, and many Indians turned, instead, to making appeals for help from the supernatural. It was futile. The Ghost Dance, which promised the return of the buffalo and the disappearance of white men, spread from the Nevada Paiutes, where it had originated, to the Plains reservations. In 1890, it was crushed out sternly with the murder of Sitting Bull and the massacre of a Sioux band at Wounded Knee, S. Dak. The episode marked the completion of the white man's conquest of the Indian in the United States."²⁵

The basic approach of subsidizing various religious groups to operate schools for Indians did not come to an end until 1897. However, the Bureau of Indian Affairs started building its own educational system in the 1870's. The system was based on the "model" established by Gen. R. H. Pratt, who founded the Carlisle Indian School in Pennsylvania in 1879 in abandoned army barracks. The school was

²¹ Alvin M. Josephy, Jr., op. cit., p. 339.

²² Peter Farb, op. cit., p. 255.

²³ Alvin Josephy, Jr., op. cit., p. 339.

²⁴ Ibid., p. 340.

²⁵ Ibid., p. 342.

run in a rigid military fashion, with heavy emphasis on rustic vocational education. The goal was to provide a maximum of rapid coercive assimilation into white society. It was designed to separate a child from his reservation and family, strip him of his tribal lore and mores, force the complete abandonment of his native language, and prepare him in such a way that he would never return to his people. General Pratt utilized the "outing system" of placing children in good Christian homes during the summer so that they could not return to their families and suffer a relapse into tribal ways. The children were usually kept in boarding school for 8 years during which time they were not permitted to see their parents or relatives.²⁶

Obviously, the process required severe discipline, and was deeply resented by parents, tribes, and children, who had absolutely no voice in its conduct. The Carlisle School set a model and pattern which was to dominate the Federal Government approach to Indian education for half a century until it came under devastating attack in the Meriam Report of 1928. Although the Carlisle School no longer exists, a number of off-reservation boarding schools established at that time are still in existence:

Haskell Indian School, Kansas, 1878.
Chemawa Indian School, Oregon, 1880.
Chilocco Indian School, Oklahoma, 1884.
Albuquerque Indian School, New Mexico, 1886.
Stewart Indian School, Nevada, 1890.

An act of Congress in 1882 facilitated the development of the Federal school system, by authorizing the use of abandoned Army posts or barracks. Most of these facilities were obviously inappropriate and inadequate at the time, and some have continued up to the present under severe physical handicaps.

For example, the subcommittee visited the Fort Apache Indian School in Whiteriver, Ariz., and the Fort Wingate Elementary School outside of Gallup, N. Mex. Both of these schools are converted Army posts with grossly inadequate physical facilities, dating back to the 19th century. It is nearly incredible to note that the Fort Wingate School, pointed out in the Meriam Report of 1928 as a particularly deficient facility, still continues to operate today as a Federal boarding school.

Kluckhohn and Leighton, in their classic study of the Navajo, have provided a description of the insidious nature of the Federal boarding school system and its impact on thousands of Navajo children:

The guiding principle of early Indian education was that children must be fitted to enter white society when they left school and hence it was thought wise to remove them from home influences and often to take them as far away as California or even Pennsylvania in order to "civilize" them faster. The policy was really to go behind the existing social organization in order to dissolve it. No effort was made to prepare them for dealing effectively with Reservation conditions. Yet more than 95 percent of the Navajo children went home, rather than to white communities, after leaving

school, only to find themselves handicapped for taking part in Navajo life because they did not know the techniques and customs of their own people * * *. The children were forbidden to speak their own languages, and military discipline prevailed. Pupils thus spent their childhood years under a mercilessly rigid system which could not offer the psychological advantages of family life in even the poorest Indian home.²⁷

Although many changes have taken place, it is still possible to find examples of practices which approximate the approach of 70-years ago. A prominent anthropologist has reported an example based on recent field work by one of his graduate students. The report describes a boarding school on the Navajo Reservation, where, "Children are beaten, pervasive attacks are made against their cultural beliefs, classes start with the Lord's Prayer, and teachers advocate the free labor of Navajo girls in their homes, doing laundry, scrubbing floor et cetera, all done on students' after-school time, 'to teach them the American way of housekeeping.'" ²⁸

The counterpart of the educational policy whose objective was to "dissolve" the social organization of Indian life on the reservation was the Dawes Severalty Act of 1887, which was designed to "dissolve" the Indian land base. This legislation ushered in what is known as the "Allotment Period" in the history of Indian affairs, and was carried out with a missionary zeal and devastating impact until it was halted by the reform legislation of the New Deal. Ironically, the legislation was supported by humanitarian reformers who realized that although the Army could keep the Indians on the reservations, it could not keep the white settlers off. Thus, the act was seen as a means for securing part of the Indian land-base.

The real aim of this bill is to get at the Indian lands and open them up to settlement. The provisions for the apparent benefit of the Indian are but the pretext to get at the lands and occupy them * * *. If this were done in the name of greed, it would be bad enough; but to do it in the name of humanity, and under the cloak of an ardent desire to promote the Indian's welfare by making him like ourselves, whether he will or not, is infinitely worse.²⁹

President Grover Cleveland summed it all up in a terse comment following his signing of the Dawes Act:

Hunger and thirst of the white man for Indians' land is almost equal to his hunger and thirst after righteousness.³⁰

In 1948, the Hoover Commission's evaluation of the allotment policy stated the following:

Two-thirds of Indian-owned land, including much of the best land, was alienated before the Allotment policy was

²⁷ Clyde Kluckhohn and Dorothea Leighton, "The Navaho," Doubleday & Co., Inc., Garden City, N.Y., 1962, p. 141.

²⁸ Hearings, pt. 5, p. 2183.

²⁹ Fischbacher, "Monumental Treatise, a Study of the Role of the Federal Government in the Education of the American Indian," 1967, p. 231.

³⁰ Peter Farb, op. cit., p. 256.

abandoned. If the 90 million acres lost through the process had remained in Indian ownership, the problem of poverty among most tribes could be solved with less difficulty and with more certainty today * * *.

Giving a man a title to land, whether it be in trust, or a patent in fee, teaches him nothing. The rationalization behind this policy is so obviously false that it could not have prevailed for so long a time if not supported by the avid demand of others for Indian lands. This was a way of getting them, usually at bargain prices. The unallotted lands were declared surplus and sold, and the Indian in nearly all cases got his fee patent and sold his allotment.³¹

Senator Robert F. Kennedy, testifying before the Senate Indian Affairs Subcommittee on March 5, 1968, summarized its consequences:

The Allotment Act succeeded in the period of the next 40 years in diminishing the Indian tribal economic base from 140 million acres to approximately 50 million acres of the least desirable land. Greed for Indian resources and intolerance of Indian cultures combined in one act to drive the American Indian into the depths of a poverty from which he has never recovered.

(The Bureau of Indian Affairs classified these remaining lands as 14 million acres critically eroded, 17 million acres severely eroded, and 25 million acres as slightly eroded.)³²

No one apparently has made a thorough assessment of the impact of the Allotment Act on the Indian family or social structure, but it is fairly obvious that a net result was in many instances severe social disorganization and a malignant, hostile-dependency relationship with the Federal Government.

In 1901, Theodore Roosevelt sent a progress report to Congress:

In my judgment, the time has arrived and we should definitely make up our minds to recognize the Indian as an individual and not as a member of a Tribe. The General Allotment Act is a mighty pulverizing engine to break up the Tribal mass. It acts directly upon the family and upon the individual * * * We should now break up the Tribal funds, doing for them what Allotment does for the Tribal lands; that is they should be divided into individual holdings.³³

The interrelationship between the educational policy and the land policy of this period is obvious—coercive assimilation at any cost. It is interesting to note that, under section 5 of the Dawes Act, purchase money to be paid by the Federal Government for surplus lands not allotted to individual Indians was to be held in trust in the Treasury of the United States, and was to be "at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof." Thus proceeds from the

destruction of the Indian land base were to be used to pay the costs of taking Indian children from their homes and placing them in Federal boarding schools, a system designed to dissolve the Indian social structure.

Many Indian families resisted the assault of the Federal Government on their lives by simply refusing to send their children to school. Congress, desiring to break this resistance at any cost, passed legislation in 1893, which used the technique of starvation to enforce compulsory attendance:

The Secretary of the Interior may in his discretion establish such regulations as will prevent the issuing of rations or the furnishing of subsistence either in money or in kind to the head of any Indian family for or on account of any Indian child between the ages of 8 and 21 years who shall not have attended school during the preceding year * * *.

The Secretary of the Interior may, in his discretion, withhold rations, clothing, and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of the year.³⁴

Similar provisions are contained in other acts such as one applying to the Osage in 1913.

Despite the fact that Congress qualified the law forbidding agents from withholding rations to force parents to send their children outside of the State in which they resided, the practice continued. In the 1920's, it was brutally applied to the Navajo Reservation.

In 1919, both the Congress and the Board of Indian Commissioners inquired into the Navajo school situation and came up with some startling statistics. Of an estimated 9,613 Navajo children eligible for school, the Board of Indian Commissioners found that only 2,089 were actually attending school. These and similar investigations elsewhere culminated in 1920 in a campaign to educate the Indian in record time. The Secretary of the Interior was charged by law in 1920 "to make and enforce such rules and regulations as may be necessary to secure the enrollment and regular attendance of eligible Indian children who are wards of the Government." Indian parents who refused to comply with the new regulations were subject to fines and imprisonment.³⁵

In 1920, the chairman of the House Indian Affairs Committee informed the Bureau of Indian Affairs that the desire of Congress was that every Indian boarding school in the country should be filled to capacity at all times, and where this could not be accomplished, it was his committee's intention to close those schools. (From this time on, Congress was to continuously raise the question as to whether or not all the seats were filled in Federal boarding schools, and educational appropriations were to be dependent upon having every school crammed as full as possible. This resulted in moving Indian children around the country to wherever the empty spaces were found.) This

³⁴ 25 U.S.C. 348, Feb. 8, 1887, c. 119, No. 5, 24 Stat. 389.

³⁵ Act of Mar. 18, 1893, c. 209, No. 1, 27 Stat. 628, 635; 25 U.S.C. 283.

³¹ S. Lyman Tyler, "Indian Affairs: A Work Paper on Termination: With an Attempt to Show Its Antecedents," Brigham Young University, Provo, Utah, 1964, p. 6.

³² Peter Farb, op. cit., p. 257.

³³ S. Lyman Tyler, op. cit., p. 5.

mandate from Congress forced the Bureau of Indian Affairs to take drastic actions in regard to the Navajo.³⁶

Driven by criticism to educate the Navajos quickly and yet hampered by the congressional reluctance to build the necessary schools, Commissioner Burke attempted to meet the situation by limiting the reservation boarding schools to the first three grades, transporting all Navajo children in and above the fourth grade to other nonreservation boarding schools throughout the West and Southwest. Each agent on the reservation received a quota which he had to fill. The methods used were both cruel and reprehensible. The Navajos themselves protested through their newly formed tribal council in 1924. They pointed out the U.S. statute which prohibited the Government from sending the children out of State without the voluntary consent of the parents. The statute had been blatantly violated and in many instances the children had been taken away from their homes by force. In addition, the loss of the children to the family had a severe economic effect, in that the children were not available at home to tend sheep.³⁷

The House Appropriations Committee took no heed; fill up the schools, or the funds would be cut. The roundup of children continued.³⁸

A well-established tactic for coping with grossly deficient appropriations was to reduce the cost of running a boarding school through the use of child labor. Despite the fact that there had been a great reduction in the average age of the children now attending boarding schools, the workloads were not materially reduced. Although the practice was protested by Indians and others, nothing was to be done about it until it was exposed by the Meriam report in 1928. The Meriam report was also to find that many boarding schools were enrolling substantially more students than could reasonably be accommodated.³⁹

4. THE MERIAM REPORT AND THE NEW DEAL PERIOD

During the 1920's corruption, exploitation, mismanagement, and the general failure of our Indian programs became a national scandal, and enough pressure and general concern was generated to stimulate a prolonged Senate Indian Affairs Committee investigation which began in 1928 and lasted for 15 years. More important, the best critical survey ever conducted of Federal Indian programs was completed and published as the Meriam report of 1928. Both investigations called for sweeping changes and led to our Nation's most creative and innovative, but relatively short lived, period in Indian affairs. This new mandate resulted in the passage of the Indian Reorganization Act (1934) and the strong leadership of President Roosevelt, Secretary of the Interior Ickes, Commissioner of Indian Affairs John Collier, and the superb legal support by Felix Cohen and his staff in an ambitious effort to shape a "New Deal for American Indians." Despite the intellectual and initial political force of this reconstruction effort, both the ideas and the financial support had lost momentum or been undermined before World War II was brought to a close.

³⁶ Lawrence C. Kelly, "The Navajo Indians and Federal Indian Policy," The University of Arizona Press, Tucson, Ariz., 1968, p. 173.

³⁷ *Ibid.*, p. 174.

³⁸ *Ibid.*, p. 176.

³⁹ *Ibid.*, p. 179.

Probably the most significant investigation ever conducted in the field of Indian affairs was initiated in 1926 at the request of the Secretary of the Interior. The investigation was conducted by a review team commissioned through the Brookings Institution in Washington, D.C. (then known as the Institute for Government Research). It was directed by Lewis Meriam of the University of Chicago. The report was to be a comprehensive survey of social and economic conditions of the American Indian. The report was devastating in its criticism in two major areas which constituted the most serious deficiencies in Indian administration: The exclusion of Indians from the management of their own affairs, and the poor quality of services (especially health and education) rendered by public officials not responsible to the Indian people they served. It is striking, to say the least, that these are two major findings of the present subcommittee investigation.

One chapter of the Meriam report is devoted to education and many of its findings parallel the findings of this report. Completed over 4 years ago, many of the report recommendations are yet to be accomplished. The report was highly critical of boarding schools and called them grossly inadequate. Criticisms included overcrowded dormitories, deficient diets, inadequate medical facilities, and a daily schedule of work and study which was overly demanding. The curriculum was called unrealistic, classroom instruction techniques were found ineffective. Low teacher salaries were blamed for low educational standards. Staff personnel were considered inadequately trained.

The report said the most fundamental need in Indian affairs was a change in point of view. Although eventual assimilation should continue to be the goal of the Federal Government, this could best be accomplished by strengthening rather than destroying the Indian family and social structure. To accomplish this would require a radical reformulation of the Federal school program, which could only be done with more enlightened and competent personnel:

* * * The surest way to achieve the change in point of view is to raise the qualifications of teachers and other employees. After all is said that can be said about the skill and devotion of some employees, the fact remains that the Government of the United States regularly takes into the instructional staff of its Indian schools teachers whose credentials would not be accepted in good public school systems * * *⁴⁰

However, the report places considerable emphasis on the fact that even "good public schools" with traditional curriculums were not the answer, and should not send as the model for the Federal schools to emulate.

A standard course of study, routine classroom methods, traditional types of schools, even if they were adequately supplied—and they are not—would not solve the problem. The methods of the average public school in the United States cannot safely be taken over bodily and applied to Indian education. Indian tribes and individual Indians within the tribes vary so much that a standard content and method of educa-

⁴⁰ Meriam, "The Problem of Indian Administration," 1928, p. 346.

tion, no matter how carefully they might be prepared, would be worse than futile.⁴¹

The report stressed repeatedly the need for a relevant instructional curriculum, adapted to the individual needs and background of the students, and the failure of the schools to take into consideration or adapt to the language of the child.

The report condemned the taking of children from their homes and placing them in off-reservation boarding schools, pointing out this was "at variance with modern views of education and social work, which regard home and family as essential institutions from which it is generally undesirable to uproot children." The report noted that the on-reservation boarding schools also had serious inadequacies; for example, they were overcrowded and poorly staffed. The report suggested that "ultimately most of the boarding schools as they are presently organized, should disappear." The report recommended that substantially improved day schools should replace boarding schools.⁴²

Although emphasizing the eventual goal of educating Indians in the public schools, the report warned of the Government temptation "to save money and wash its hands of responsibility for the Indian child." The report explicitly stated a distrust for State supervision and the ability of States to meet the special needs of Indian pupils. It recommended that "Federal authorities retain sufficient professional direction to make sure the needs of the Indians are met."⁴³

Community participation in the direction of the schools was strongly recommended by the report. The process should begin by enlisting the service of Indians on school committees in the day schools, as a gradual preparation for service on boards of education. The report foresaw the Government schools as models of educational excellence which could provide assistance and leadership to public schools. Forty years later that goal remains unrealized.⁴⁴

The report also commented upon the need for furnishing adequate secondary schooling and scholarship and loan aids for Indian higher education; the need for educational specialists rather than administrators to direct education programs; and the expensive "habit" of using unsatisfactory abandoned Army forts as schools.

The Meriam report had a substantial impact. In 1929, the National Advisory Commission on Education was organized by the Secretary of the Interior acting for the President, and its report, published in 1931, added to the weight of the Meriam study.

John Collier became Commissioner of Indian Affairs under the Roosevelt administration on April 21, 1933, and held the office until succeeded by William Brophy in 1945.

In his first report as Commissioner, Collier made clear his intentions to carry out the recommendations of the Meriam report:

The redistribution of educational opportunity for Indians, out of the concentrated boarding school, reaching the few, and into the day school, reaching the many, must be con-

⁴¹ Ibid.

⁴² Ibid., p. 403.

⁴³ Ibid., p. 415.

⁴⁴ Ibid., p. 414.

tinued and accelerated. The boarding schools which remain must be continued and accelerated. The boarding schools which remain must be specialized on lines of occupational need for children of the older groups, or of the need of some Indian children for institutional care. The day schools must be worked out on lines of community service, reaching the adult as well as the child, and influencing the health, the recreation, and the economic welfare of their local areas.

Working with his Director of Indian Education, Willard Beatty, Collier initiated a series of new approaches and innovations in a major effort to overhaul and remodel the Federal school system. Beatty remained Director of Indian Education after the resignation of Collier, until the Dillon Myers commissionership, beginning on May 8, 1950, when in Collier's view, "Under Myer's retrogressive policies, Beatty could not function, and he resigned * * *"⁴⁵

Legislatively, the keystone of the Collier commissionership was the Indian Reorganization Act of June 18, 1934, which ended the allotment era begun in 1887 and was designed to further the Collier policies of:

Economic rehabilitation of the Indians, principally on the land.
Organization of the Indian tribes for managing their own affairs.

Civil and cultural freedom and opportunity for the Indians.⁴⁶

The act itself was unique in that it was submitted to and discussed with the various Indian tribes before being submitted to Congress, and when passed, became operative for any tribe only after the tribe itself had adopted the act by majority vote of its adult members.

Section 11 of the act authorized loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools and colleges. The IRA contemplated a progressive decrease of Federal involvement in Indian Affairs, and greater autonomy for tribal government, and has been called the "Indian Bill of Rights."

Under the leadership of Collier and Beatty, the BIA initiated efforts at bilingual education and adult basic education. Effort was made to recruit and train Indian teachers. Bilingual instruction and the publication of bilingual curriculum materials was initiated with illustrations by Indian artists. Bilingual motion pictures were developed, and courses in Indian languages instituted at the University of Oklahoma. An effort was made to bring the cultural heritage of the Indian child into the schools, and a number of special educational innovations, including leader training schools, special activity schools, nurses training schools, and health schools were attempted. Various inservice training programs to upgrade BIA teachers were instituted. A summary of these programs written in 1946, reported that:

A decade of effort has brought extraordinary achievement * * * education and material gains have crystallized in beginnings that are promising in spite of adverse Congressional action.

⁴⁵ Collier, "From Every Zenith," a memoir, p. 195.

⁴⁶ Collier, op. cit., p. 173.

The perpetual reorientation of education for a decade, although a piecemeal procedure and at times a delaying one, has produced not only worthwhile but also permanent results. * * *

In 1943, there were 265 Government schools with an enrollment of 34,000 * * *. From 1933 to 1943, there was a loss of 16 boarding schools and a gain of 84 day schools * * * enrollment had shifted from three-fourths in boarding schools in 1933 to two-thirds in day schools in 1943. * * *

In the reservation boarding schools * * * the course of study is related closely to reservation economy in order to give the students a better understanding of local needs.

There is no indication * * * that the boarding school can be wholly eliminated, nor is it desirable to do so as long as certain conditions in reservation life prevail * * * institutional labor still exists but not as the serious problem it once was. Some of the work is performed by unskilled labor, and some of it has been converted into profitable, cooperative enterprise with instructional significance. The maladjustment of the student placed in schools at a distance from his people has disappeared. All the schools are in or near an Indian environment, and instruction is designed to give the student a better understanding of his surroundings. * * *

* * * Indian public school enrollment has been advocated for more than half a century. Naturally the public school system has influenced the Federal program of Indian education, and at times, adversely. There was a long period when the Government school imitated the public school so closely that it failed to meet Indian needs. Only recently has the relationship been balanced advantageously for the Indian.

The provision of funds to maintain the Indian student in the public school, and the irrelevance of public school instruction to Indian requirements have been the chief difficulties * * *.

The major criticism against the public school has been its failure to meet specific Indian needs, particularly with reference to language difficulties, vocational training, and economic adjustment.⁴⁷

Unfortunately, lack of funds and what Collier called "retrogressive policies" during the late 1940's and 1950's undermined and reversed the experimental and innovative policies of the Collier-Beatty period. During the war years, the BIA was moved from Washington, D.C., to Chicago, and funds were drastically curtailed. Rather than close their day schools the Navajo communities took over a substantial part of the operation themselves.⁴⁸

5. TERMINATION PERIOD

In 1937, following the completion of an extensive survey begun in 1928 by the Senate Indian Affairs Committee, six bills were introduced in Congress aimed at limiting the Indian Reorganization Act

⁴⁷ Adams, "American Indian Education," (1946), pp. 79-86.

⁴⁸ Lawrence C. Kelly, op. cit., p. 193.

of 1934. Some of those opposed to the IRA were merely interested in the property reserved to the Indians, while others complained of communistic tendencies inherent in Indian culture.⁴⁹

Between 1937 and 1944 there was constant friction between Collier and the Senate and House Indian Affairs Committees. The friction reached a climax when in 1944, a select committee of the House made its recommendations on achieving "the final solution of the Indian problem * * *." Although the committee named education as the primary means of solving the "Indian problem," its ideas of education were diametrically opposite to those of Collier, and called for a return to the policies and practices which has been so thoroughly discredited by the Meriam report in 1928.⁵⁰

It criticized "a tendency in many reservation day schools to adapt the education to the Indian and to his reservation way of life rather than to adapt the Indian to the habits and requirements he must develop to succeed as an independent citizen earning his own way off the reservation."⁵¹

It said that if "real progress" is to be made, Indian elementary school children must be taken from their homes and placed in off-reservation boarding schools:

The Indian Bureau is tending to place too much emphasis on the day school located on the Indian reservation as compared with the opportunities afforded Indian children in off-the-reservation boarding schools where they can acquire an education in healthful and cultural surroundings without the handicaps of having to spend their out-of-school hours in tepees, in shacks with dirt floors and no windows, in tents, in wickiups, in hogans, or in surroundings where English is never spoken, where there is a complete lack of furniture, and where there is sometimes an active antagonism or an abysmal indifference to the virtues of education.⁵²

The committee seemed to feel that the solution to the whole problem was in de-Indianizing the Indian:

The goal of Indian education should be to make the Indian child a better American rather than to equip him simply to be a better Indian. The goal of our whole Indian program should be, in the opinion of your committee, to develop better Indian Americans rather than to perpetuate and develop better Indian Indians. The present Indian education program tends to operate too much in the direction of perpetuating the Indian as a special-status individual rather than preparing him for independent citizenship.⁵³

In the same year as the report of the select committee was issued, 1944, "the Senate Indian Affairs Committee proposed a long range

⁴⁹ S. Lyman Tyler, Indian Affairs, "A Workpaper on the Terminations: With an Attempt to Show its Antecedents," Brigham Young University, 1964, p. 22.

⁵⁰ Report of the Select Committee to Investigate Indian Affairs and Conditions, House Reports, pursuant to H.R. 136, "An Investigation to Determine Whether the Changed Status of the Indian Requires a Revision of the Laws and Regulations Affecting the American Indian," 1944, p. 11.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

program for the gradual liquidation of the Bureau of Indian Affairs and the House began its own investigation of the BIA."⁵⁴

In 1945, John Collier, after 12 years as Commissioner of Indian Affairs, resigned and was replaced by William A. Brophy, who, at the Senate hearings to confirm his nomination, was repeatedly required to assure the Senators that he would follow the policies of Congress.

In 1946, Congress reorganized its own procedures under the Legislative Reorganization Act, transferring to the Committee on Public Lands, later renamed the Committee on Interior and Insular Affairs, House and Senate jurisdiction pertaining to relations of the United States and Indians and Indian tribes, as well as consideration of measures relating to the care, education, and "management" of Indians.⁵⁵

The Indian Claims Commission Act, introduced in its original form to Congress in 1930, was finally passed by the 79th Congress in 1946. The act created a commission to hear all Indian claims against the United States.

The select committee report in 1944 had endorsed the proposal with one dissenting vote, as a step toward termination. Thus, speaking of outstanding Indian claims, they reported:

Their existence, however, serves to hold the Indian to his life on the reservation through fear that separation from the tribe might deprive him of his share of a settlement which he believes the Government may some day make.⁵⁶

Of the prevailing congressional attitude, Tyler says:

It is evident that one of the main reasons Congress was willing to consider it favorably was the fact that they saw it as a step in the preparation of the Indians for Federal withdrawal.⁵⁷

Commissioner Brophy, in ill health, was unable to personally direct the activities of the BIA during the years 1947 and 1948, which were critical to the formation of the termination policy. The 80th Congress had committed itself to a pledge of reducing "big government" and cutting the costs of Government. In this interest, a demand was made of William Zimmerman, Jr., who became Acting Commissioner on June 3, 1948, when Commissioner Brophy retired, that he inform the Senate Civil Service Committee of what specific reductions of expenditure the Bureau might put in force immediately.

When a direct reply was not instantly forthcoming, the Acting Commissioner was subpoenaed by the committee and required to return on the following day with information and supporting documents to show what tribes could be removed at once from Government supervision and what amounts of money would be saved for each tribe so removed.⁵⁸

⁵⁴ Tyler, *op. cit.*, p. 23.

⁵⁵ 60 Stat. §12, ESP. secs. 103, 136, 138-139: as report in "Handbook of Federal Indian Law," 1958 ed., p. 134.

⁵⁶ Select Committee to Investigate Indian Affairs and Conditions, *op. cit.*, p. 6.

⁵⁷ S. Lyman Tyler, *op. cit.*, p. 30.

⁵⁸ Fey and McNickle, "Indians and Other Americans," pp. 133-134.

Zimmerman set forth a four-part formula for measuring a tribe's readiness for withdrawal of Federal services:

The first one was the degree of acculturation; the second, economic resources and condition of the tribe; third, the willingness of the tribe to be relieved of Federal control; and fourth, the willingness of the State to take over.⁵⁹

Also in 1947, the Public Lands Committee of the 80th Congress "compelled" the Indian Bureau to give them a classification of tribes with target dates for "freedom from wardship."

Lists of tribes under three categories were prepared; but deciding what tribes should go under which headings, once the obvious choices were made, was like a blindfolded man picking names out of a hat. The answers given to the Senate were tentative, and could not have been otherwise, without time to review the facts about each.

The information supplied to the committee in this manner was used repeatedly in Congress as evidence that the time had come to terminate immediately Federal trusteeship for the tribes specified by the Acting Commissioner, and for all others at the earliest possible date. The attempt by the Acting Commissioner to suggest criteria as guides to congressional action was ignored * * *.⁶⁰

By 1948, Congress had begun to cut funds requested by the BIA for education, apparently without regard for consequences to the Indian children, prompting Acting Commissioner Zimmerman to report:

During 1948, the failure of Congress to appropriate the funds needed to meet the increased cost in commodities and the increased enrollment which followed the termination of the war, resulted in the elimination of 2,143 children from Federal boarding and day schools in the United States and in the closing of 18 day schools in Alaska serving 600 children.⁶¹

John R. Nichols became Commissioner of Indian Affairs on April 14, 1949. He pointed out Congress was as much to blame as the Bureau of Indian Affairs for the continuation of the "Indian problem," and that what was needed was "development" not "termination" of services:

Problems of human adjustment do not solve themselves, not when the people seeking to make the adjustment are hampered by lack of education, poor health, and deficient resources. The expenditures which have been made over the years in behalf of our Indian people were not based on any long-term plan for the orderly solving of the problems they faced. Rather, the record indicates that these expenditures and the physical effort released by them have been sporadic, discontinuous and generally insufficient.

⁵⁹ Tyler, *op. cit.*, p. 31.

⁶⁰ Fey and McNickle, *op. cit.*, p. 134.

⁶¹ 1948, Report of the Commissioner of Indian Affairs, pp. 333-384.

This record explains why today many Indian children of school age have no school rooms and no teachers to provide for their education; why many Indians are still without any kind of health care; why thousands of Indians are without any means of livelihood, either in the form of productive resources or marketable skills; why irrigable lands owned by the Indians lie undeveloped in the arid West; why countless Indian communities are without roads on which to travel to school, to hospital, to market * * *.⁶²

The extent of the development effort needed was pointed up dramatically when a survey found that less than 50 percent of Navajo school age children were enrolled in school primarily because of a lack of facilities and teachers. In 1868, the Federal Government had signed a treaty with the Navajos which had pledged over a 10 year period to provide a teacher and a schoolroom for every 30 children. The Nation was aroused, and Congress was pressured to respond.

In May 1949, Congress appropriated \$3,375,000 for the remodeling of an Army hospital near Brigham City, Utah, so that it could be used as a school for 2,000 Navajo children. In 1950, Congress passed the Navajo-Hopi Rehabilitation Act. Commissioner Nichols, pointed out that the act would provide facilities for only half of the 19,800 Indian children who are still without schools.⁶³

Despite the perennial attention drawn to the Navajo problem, 13,000 Navajo children were still without schools in 1953 and Congress was pressed to take another emergency action. A plan was formulated in 1954, which provided for the construction of large elementary boarding schools on the reservation, increased enrollment in off-reservation boarding schools, and the establishment of Federal dormitory facilities in communities bordering the reservation, to get the children into public schools.

Navajo children were sent as far away as the Chemawa Boarding School in Oregon, and in turn displaced hundreds of Indian students from the Northwest who were rerouted to boarding schools in Oklahoma. This procedure was deeply resented by the Northwest tribes and was brought to the subcommittee's attention in its Portland hearings. The situation continues very much the same today. In the dormitory program, elementary school-age children have been sent as far as Albuquerque, N. Mex. Another example of this emergency response to long-standing "development" needs was the decision made in the late 1950's to send hundreds of Alaskan native children without schools to the Chemawa School in Oregon and the overflow to boarding schools in Oklahoma. Last year, more than 400 Alaskan natives were sent to the Chilocco Boarding School in Oklahoma.⁶⁴

This lack of attention by Congress to the "development" needs of Indian communities has had two particularly tragic consequences on the Navajo reservation. Due to the crash construction program on the reservation and the massive deportation of Navajo students to off-reservation boarding schools throughout the Western part of the United States, the percentage of enrolled children increased from 52 percent in 1950 to a peak of 81 percent in 1955. After 1955, the percentage remained relatively constant and had even decreased by 1966.

⁶² 1949, Report of the Commissioner of Indian Affairs, pp. 338-341.

⁶³ 1949, Report of the Commissioner of Indian Affairs, p. 353.

⁶⁴ Subcommittee hearings, 1969, pt. 1, p. 588.

The subcommittee found in its hearings at Flagstaff, Ariz., that thousands (the estimates range from 4,000-8,000) of Navajo school-age children are still not in school.⁶⁵

The subcommittee was told that not all of this was due to a lack of facilities. Many Navajo parents object to giving up their young children to the white-man's boarding school. The majority do so only because of their poverty and with deep misgivings. Because of the "crash" nature of the program and the desire to meet the tremendous needs most efficiently, it was decided to build large elementary boarding schools. Not only was this the least expensive way to do the job but it provided the added advantage of providing a controlled environment for carrying out a program designed to assimilate the children into the dominant society with little interference from the parent. There are presently over 7,000 Navajo children in 47 elementary boarding schools on the reservation who are 9 years of age or under.⁶⁶

These schools have been severely criticized in subcommittee hearings as cruel and reprehensible and expert witnesses have established that they damage both the children and the Navajo family structure. This is a matter of great concern to the subcommittee and is examined in greater detail in a later section of this report.

The boarding school approach of the 1950's and continuing up to very recently with only modest alterations is a reversal and repudiation of the enlightened policies of the 1930's, and the important reform recommendations of the Meriam report. The educational counterpart to the termination policy which was rapidly emerging in the early 1950's was to be one of pushing Indian children into public schools as rapidly as possible and regardless of consequences, and the reestablishment of a forced assimilation approach in utilizing Federal boarding schools. In addition off-reservation boarding schools were increasingly to become a "dumping ground" for the large numbers of Indian students who had failed or been afiled by public schools.⁶⁷

Commissioner Nichols' argument that Indian tribes and individuals needed "development" not "termination" went unheeded and after only 1 year of service, he was replaced by Mr. Dillon S. Myer, on May 8, 1950, Mr. Myer embraced the termination policy with enthusiasm and proceeded to lay the groundwork for carrying it out.

Termination was to be merely the latest installment of what had always been the dominant policy of the Federal Government—coercive assimilation of the American Indian. The goals were to get rid of Indians and Indian trust land once and for all by "terminating" Federal recognition and services and relocating Indians into cities off the reservations. (Dillon Myer had been in charge of the program in World War II which relocated thousands of Americans of Japanese descent.) The policy was viewed as a major catastrophe by the Indians, and to carry it out the BIA would have to deal with substantial Indian resistance. Felix S. Cohen has provided a well-documented critique of the "Erosion of Indian Rights, 1950-1953" in a Yale Law Journal article published in February 1953.

Mr. Cohen cites numerous examples of a coercive and manipulative bureaucracy. The following is a partial list which has been abstracted from his article:

⁶⁵ Subcommittee hearings, 1968, pt. 3.

⁶⁶ Subcommittee hearings, 1968, pt. 1, p. 78.

⁶⁷ Subcommittee hearings, 1968, pt. 5.

1. By the use of Federal funds to influence Indian tribal elections and by the direct interference with local election arrangements.
2. By setting up regulations to control both the selection of attorneys by Indians and the activities of attorneys so selected. Mr. Cohen mentions 40 instances of such interference.
3. Penalizing Indian criticism of the BIA by impounding tribal credit funds.
4. By refusing to remove liquor restrictions unless the tribe would agree to abolish their tribal courts and police.
5. By closing down many hospitals and clinics on various Indians reservations to "encourage" Indians to move off the reservation.
6. By interfering in and disrupting Indian religious practices.
7. By supervising intimate details of an Indian's personal life and interfering in his recreational and business activities.
8. By implementing regulations which work toward decreasing Indian landholdings and by leasing Indian land and property without Indian consent.
9. By restricting the use of tribal income, tribal credit funds, and tribal property.
10. By issuing an order which gave local Bureau agents power to spend an adult Indian's income without his consent.
11. By testifying in opposition to every bill in Congress aimed at expanding Indian civil liberties—for example a bill to rescind a law which required Indians to secure approval from Government officials before selling their cattle.
12. By proposing legislation to authorize employees of the Indian Bureau to carry arms and to make arrests, searches, and seizures, without warrant, for violation of BIA regulations (despite strenuous efforts on the part of Mr. Myer the bill was defeated).
13. By proposing and supporting legislation which would reestablish the infamous "forced patent" system which had been the worst practice of the allotment period and usually ended with the Indian losing his land.
14. By proposing and supporting legislation which would unilaterally end tax exemption of Indian trust land.⁶⁸

Mr. Cohen points out that Commissioner Myer devised a new "area office" system for programming termination activities at a regional level and stripping reservation superintendents of their powers. The "area offices" served to facilitate the "management" and manipulation of Indians; the avoidance of accountability to Indians; and made protest efforts or communication by Indians to responsible officials much more difficult. In the words of one expert, "policy regressed to the 19th century with startling speed, and with a vengeance."⁶⁹

⁶⁸ Yale Law Journal, No. 3, February 1953.

⁶⁹ Nancy Lurie, "Current Anthropology, vol. 2, No. 5, December 1961, p. 480.

Another significant termination effort was launched in 1952. It was called the voluntary relocation program. Dr. Nancy Lurie has summarized this program as follows:

The relocation program of 1952 was ostensibly designed to give order and system to an established activity and the term "voluntary" in the title was reassuring that Indians' wishes would be respected. But it soon became evident that the development of reservation resources lagged far behind the efforts devoted to relocation and that real alternatives were not being provided. Then relocation was not seen as voluntary but as forced by economic necessity. It soon became known as "Operation Relocation" and Indians expressed many and specific grievances about the whole program. A bright picture was painted of city life to entice Indians to leave home and when they got to the city they found themselves placed in the lowest paying, most menial work and located in the poorest housing. The jobs were often temporary and of a type adversely affected by the slightest dip in the national economic picture. Many Indians were left unemployed after a period of Indian Bureau responsibility for their employment had run out and before they had filled term-of-residence requirements to receive local forms of welfare. Skilled workers often did not have the money to keep up union dues so that when jobs were again available they had lost their eligibility. Relocates were not adequately screened for ability to adjust to city life. The relocation program sought to place people in cities as far from their home communities as possible to discourage easy return and many Indians were left stranded and in desperate straits. Most important, whereas Indians view relocation, whether through their own efforts or under the Government program as a temporary measure to gain capital, knowledge, and skills to enable them to support themselves at home, the Indian Bureau viewed it as a sort of "final solution" to the Indian problem.⁷⁰

By an act of August 3, 1956, (Public Law 84-959), Congress provided for an expanded program of vocational education for unemployed Indian adults. The act was designed primarily to strengthen and supplement the BIA "relocation program" which had been under heavy criticism. Many of the Indians who had been relocated, either returned "disillusioned" to the reservation, or ended up on urban welfare rolls or became part of a poverty-stricken urban underclass.⁷¹

In 1952, the BIA closed down all Federal schools in Idaho, Michigan, Washington, and Wisconsin, and loans to Indian students authorized in the Reorganization Act of 1934 were discontinued. In 1953, 19 Federal boarding and day schools were closed and enrollment of California Indian children in Federal schools was prohibited. Initial steps were taken to cut off Federal funds under the Johnson-O'Malley program for the "special needs" of Indian children, in public schools in California. This was accomplished several years later, and the Cali-

⁷⁰ Ibid., pp. 480-481.

⁷¹ Act of Aug. 3, 1956, c. 930, sec. 1; 70 Stat. 986, 25 U.S.C. 309.

fornia precedent, was used to support a similar withdrawal in Oregon.⁷²

In 1953, the legislative base for the "termination policy" was laid when Congress passed Public Law 280 and House Concurrent Resolution 108. "Public Law 280 transferred the Federal jurisdiction over law and order on certain Indian reservations to individual States. Only five States were involved but they had sizable Indian populations. The Indians protested, accurately predicting not only that problems of law and order would be aggravated (because the States would be unwilling to assume the cost of their new responsibilities for Indians living on tax-free lands) but also that agitation would begin for taxation of Indian lands."⁷³

Under Public Law 280, States were given the right to "enact measures that could vitally change the character of the communities in which the Indians lived without any option on their part. A State could wipe out most tribal customs, reduce or destroy the family's traditional control, abolish customary or undocumented marriages and so make children illegitimate, change the inheritance laws, and apply a complicated criminal code to a simple people." The confusion and injustices stemming from this law are legion. According to the Kennedy task force of 1961, the transfer of law and order responsibilities from the Federal Government to the States often resulted in "inferior protection of life and property, denial of civil rights, and toleration of lawlessness."⁷⁴

House Concurrent Resolution 108 called for the end of Federal supervision over Indians and making them subject

* * * to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and grant them all of the rights and prerogatives pertaining to American citizenship * * *.⁷⁵

The resolution failed to mention the fact that Indians were already citizens by virtue of congressional action in 1924, and that unless specially exempted by treaty agreement, statute, or Federal regulation, they paid State and Federal taxes. Fey and McNickle in their recent book *Indians and Other Americans*, described the resolution as "inaccurate and wholly misleading" and as completing "the repudiation and abandonment of the considerable 25-year effort to humanize and bring technical skills to the field of Indian affairs." To many Indians, the resolution implied the renunciation of all Federal Indian treaties, and the complete abdication by the Government of its responsibilities to the Indian community.⁷⁶

Little time was wasted in implementing the policy. In 1954 10 termination bills were introduced, with six of them passing. In 1956, Congress passed bills terminating Federal supervision over three separate Oklahoma tribes on successive days. The termination period was

⁷² Fischbacher, op. cit., p. 381.

⁷³ Nancy Lurie, op. cit., p. 480.

⁷⁴ "The Indian, America's Unfinished Business," compiled by William A. Brophy and Sophie D. Aberle; 1966, University of Oklahoma Press, p. 182.

⁷⁵ 67 Stat. 132.

⁷⁶ Fey and McNickle, op. cit., pp. 186-187.

brought to a partial halt on September 18, 1958, when Secretary of the Interior Fred A. Seaton announced in a speech at Flagstaff, Ariz., that no tribe henceforth would be terminated without its consent.

Unfortunately, as the Fund for the Republic, report pointed out

From the date of Seaton's speech until 1961, confusion has existed, the Secretary seeming to espouse one policy and the BIA another. All the time, moreover, H. Con. Res. 108, stating the policy of Congress, has been in effect.⁷⁷

The Emergence of a "New Policy"—The 1960's

In his recent paper, "The American Indian and the Bureau of Indian Affairs—1969," Mr. Alvin M. Josephy, Jr., has provided an excellent summary of the effects of the termination policy of the 1950's.

In 1961, when President John F. Kennedy's Administration took office, the Indians of the United States were confused, disoriented, and filled with anxiety and worry. Considerable progress had been made under the enlightened Indian Reorganization Act of 1934, which, bringing to an end the long and Indian-impooverishing allotment policy, encouraged tribal self-government, extended a minimum of financial credit to the tribes, commenced an improvement in the Indian's economies, and educational and health facilities, restored certain freedoms to the Indians, and promoted a revival of their cultures and therefore, of pride in themselves. In 1953, with the passage of House Concurrent Res. 108 by the 83rd Congress an attempt to hasten Indian assimilation by declaring Congress' intent to terminate federal relations with the tribes at the earliest possible date—its progress had been sharply halted. Several tribes were hastily and ill-advisedly "terminated" and plunged close to economic and social chaos. Policies and programs within the Bureau of Indian Affairs were halted, reversed, or redesigned to hasten the tribes to termination. All tribes felt the threat and became immobilized; ready or not, they faced the prospect of being turned over to the states, most, if not all, of which could not or would not assume the services, protective responsibilities and other obligations, which the federal government had originally assumed by treaties and various agreements in the past which the tribes still urgently required.⁷⁸

In addition, under Public Law 280, states were given the right to "enact measures that could vitally change the character of the communities in which the Indians lived without any option on their part. A state could wipe out most tribal customs, reduce or destroy the family's traditional control, abolish customary or undocumented marriages and so make children illegitimate, change the inheritance laws, and apply a complicated criminal code to a simple people."⁷⁹ The

⁷⁷ Brophy and Aberle, op. cit., p. 78.

⁷⁸ *The American Indian and the Bureau of Indian Affairs—1969: A Study, with Recommendations*, by Alvin M. Josephy, Jr., Feb. 11, 1969.

⁷⁹ *The Indian, America's Unfinished Business*, compiled by William A. Brophy and Sophie D. Aberle; published 1966, University of Oklahoma Press, p. 184.

confusion and injustices stemming from this law are legion. According to the Kennedy Task Force of 1961, the transfer of law and order responsibilities from the federal government to the states often resulted in "inferior protection of life and property, denial of civil rights, and toleration of lawlessness."³

The legacy of the 1950's was to be what Josephy has called a "termination psychosis", a basic and all-pervading suspicion of government motives in regard to all new policies and programs for the American Indian in the 1960's. In 1967, a White House Task Force on Indian Affairs found that, "to a considerable extent, the termination issue poisons every aspect of Indian Affairs today. The issue of termination is a major psychological barrier to Indian socio-economic development."⁴

In essence, the termination policy said to the Indian tribes, if you demonstrate economic progress you will be punished for it by means of premature withdrawal of Federal services. Clearly this was a self-defeating policy as well as unjust.

Although the termination policy as it was carried out in the 1950's, had been temporarily blocked, it continued to be a strong expression of Congressional intent. Indian spokesmen point out that it is a common practice to attach termination clauses to judgment distribution bills which stem from awards made by the Indian Claims Commission. Perhaps a more obvious example of the continued persistence on the part of Congress to press for the continuation of termination action are the confirmation hearings of two Commissioners of Indian Affairs in the 1960's. It is clear from the record, and from a cursory reading of the reports regarding the appointment of Mr. Robert Bennett by President Johnson, and of Mr. Philleo Nash by President Kennedy, that they were expected to carry forward the termination policies and activities of the 1950's.⁵

Thus, the first important action of the 1960's, would be to formulate a new policy framework which would first serve as a reason for reversing and rejecting the termination policy of the 1950's; and secondly, work towards a clarification of an enlightened Indian policy for the new administration.

FUND FOR THE REPUBLIC REPORT

Formal reaction to the policy and practices of termination began as early as March, 1957, when the Commission on Rights, Liberties and Responsibilities of the American Indian was established by the Fund for the Republic. In addition to documenting the failures of that approach to Indian Affairs, it sought to establish an up-to-date analysis of Indian needs.

A preliminary report was not forthcoming until January, 1961. The report, which was to be later published as a book entitled "The Indian: America's Unfinished Business" was reminiscent of the Meriam report. It focused attention on the injustices of termination

³ *Ibid.*, p. 131.

⁴ *Ibid.*, p. 5.

⁵ Report of the Committee on Interior and Insular Affairs on the Nomination of Robert LaFollette Bennett to be Commissioner of Indian Affairs, Exec. Rept. No. 1, 89th Cong., 2nd Sess., 1966, p. 4-5.

policy, the paternalistic attitudes and practices of the BIA, and the inadequacies of services provided to Indians. Unfortunately, the Report was basically conciliatory in tone and did not provide a blueprint for reform as the Meriam Report had done in 1928.

Nevertheless, it argued for increased Indian determination of and involvement in, programs affecting their lives. The criticism of the quality of Indian education was not confined to BIA schools: it extended to public schools serving Indians as well. In commenting on the experience of Klamath Indians in Oregon public schools, the report observed: "Apparently, 27 years is not enough time in which to bring Indian children up to the public school norms where the curricula are designed for the white-collar stratum of society." And further, that "If the educational level of the Indian child's parents are such that he begins school without handicaps, then obviously the public school is his best choice." However, this was rarely the case for most Indian children. A good number of them were found to be doing very poorly in public schools.⁶

Administration of the BIA "education program" was far from adequate according to the Report. "It observed that 'The Washington BIA Department of Education has only staff authority, and the lack of administrative centralization is apparent in every part of the system. No coordination exists between the Washington office and the field, nor is there intercommunication between the area offices themselves.' The Report points out that because of the incompleteness of records in Bureau schools, it is impossible for the Washington staff or anyone else to carry out a meaningful evaluation of the quality of educational programs in federal schools."⁷

Another finding was that the Bureau did not carry out its statutory responsibility to Indians in public schools.

In no case should public schools attended by Indians be required (or permitted) to lower their standards. In making arrangements for attendance of tribal Indians at public schools, the federal government, in fulfillment of its obligations, should require that adequate standards be maintained. If standards drop, the federal government should no longer allocate money to the school.⁸

It is interesting to compare this recommendation with a similar one in a consultant report prepared for the Subcommittee by Dr. Leon Osview.

Dr. Osview states:

I was shocked to find that BIA does not, apparently as a matter of policy, engage in any *programmatic* cooperation with public school people, of whose desire and willingness to do justice to their Indian students there can be no doubt. BIA knows about Indian children, of if they don't, they should. Public schools don't, and can't really be expected to, on their own.⁹

⁶ Brophy and Aberle, *Op. Cit.*, p. 140.

⁷ *Ibid.*, p. 155.

⁸ *Ibid.*, p. 157.

⁹ Subcommittee hearings, 1969, pt. 1, p. 296.

Apparently little progress has been made in the last nine years.

The record recommends that teachers in federal schools should have a work year equivalent in length to that customary in public schools. This has yet to be accomplished. The report points out that a strong parent-teacher relationship should be developed and community schools reestablished. This is barely beginning to be accomplished. The report recommends adequate scholarships, grants, and loans, be provided for Indians in need of such aid. There is still a serious inadequacy in the amount of funds available for these purposes.

With respect to upgrading the quality of instruction received by Indian students, the report stated:

The schools—federal, public, and private—which Indians attend, should have the best curricula, the best programs, the best teaching methods, and guidance, employed in educating white students, with all these factors being modified and augmented to meet the special requirements of Indian students.¹⁰

Based on the findings of this Subcommittee as reported, it is clear that accomplishment of these goals has not yet been achieved.

DECLARATION OF INDIAN PURPOSE

The Fund for the Republic Report was published in January, 1961. In June of 1961, an important two week conference was held at the University of Chicago, which brought together 420 Indian leaders of 67 different tribes. Again, the task at hand was clearly a repudiation of the termination policy of the 1950's, and a desire to assist the new Administration with the formulation of a more enlightened policy and programs. Moreover, the Conference was to serve as a forum for what the individual Indian desired for their programs, as well as expression of their desire to play a decisive role in the planning of such programs. Although the Conference published a forceful and eloquent statement entitled "A Declaration of Indian Purpose," it went unheeded by the Bureau of Indian Affairs.

According to Mr. Josephy, "The long report emanating from this Conference paralleled many of the programmatic proposals that were to come out of the Udall Task Force Report. Its relevancy today, like that of the Fund for the Republic Report, lies in its approaches to what the Indian should be allowed to do for himself, but it goes further than the Fund Report by stating more specifically how the Indian would like things to happen."¹¹ It was clear that the Indians felt that a reorganization of the Bureau of Indian Affairs was necessary if old policies were to be reversed, greater Indian participation and control was to be achieved, and new, aggressive, and imaginative programs were to be initiated. It was also clear that the Indians wanted to play an important role in determining how the Bureau of Indian Affairs should be reorganized.

The organization of the Bureau of Indian Affairs stemmed from an organizational pattern that had been designed and implemented

¹⁰ Brophy and Aberle, *Op. Cit.*, p. 156.

¹¹ Josephy, *Op. Cit.*, pp. 33-34.

in 1953, following a "Bimson Survey." It had been designed for the purpose of unilateral management of Indians and to facilitate the termination of federal services. Nevertheless, the Fund Report recommendations for organizational change were relatively innocuous. The "Declaration of Indian Purpose" is considerably more specific. It stated:

Basic principle involves a 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 for 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 counsels, want to participate, want to contribute to their own personal and tribal improvements, and want to cooperate with their government in how best to solve the many problems in a business like, efficient, and economical manner as rapidly as possible.¹²

The Declaration called for a program of fairly radical decentralization. It asked that the position of Reservation Superintendent be strengthened to permit far broader exercise of responsibility and authority to act on significant and important matters of daily operations in Indian problems. It also suggested that the 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. It also stated that "The Superintendent should 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."¹³ It also recommended that an advisory board to the Secretary of Interior be established (the appointments to be made by the President) and that one-half of the members of such an advisory board should be of Indian descent.

The Declaration stated further that "We believe that where programs have failed in the past, the reasons were lack of Indian understanding, planning, participation, and approval."¹⁴ Each reservation should be responsible for preparing in detail its own resource and human development plans, and "requests for annual appropriations of funds be based on these statements and requirements, and adequate for carrying into effect these individual development plans."¹⁵ It suggests that this should be similar in operation to a "Point IV" Plan. Unfortunately, as Mr. Josephy pointed out, the philosophy inherent in these recommendations, made little or no impact on the members of the Udall Task Force, which had begun its work earlier that Spring,

¹² *Ibid.*, p. 34.

¹³ *Ibid.*, p. 35.

¹⁴ *Ibid.*, p. 35.

¹⁵ *Ibid.*, p. 36.

and in addition has had little or no impact on Indian policy. Mr. Josephy continued, "It can never have impact as long as attitudes prevail, in the Department of Interior, the Bureau of the Budget, and the Congress, that Indians are not mature enough to be allowed to play decisive roles in managing their own affairs."¹⁶

UDALL TASK FORCE REPORT

Between publication of the Fund for the Republic Report in January, 1961, and the Indian Conference at the University of Chicago in June, the Kennedy Administration was beginning to develop its plans for Indian affairs. According to Mr. Josephy, "When the Kennedy Administration entered office with a burst of vigor and a state of fresh ideas, characterized by such "New Frontier" concepts as the Peace Corps and the Alliance for Progress, it conveyed to the American Indians its intention that they, too, would be the recipients of new and dynamic thinking and action which would strive to solve problems that had long defied solution. The first job was to conduct a thorough study of the status of Indian Affairs, and for this the Secretary of the Interior appointed a Task Force."¹⁷ (Two of the members of the Task Force were to become ranking officers of the Bureau of Indian Affairs following its completion). According to Mr. Josephy, "In a preliminary meeting on February 9, 1961, with members of the Task Force and various officials of the Interior Department, Udall stated that his goal was, "an administrative reorganization and policy reorganization of the Indian Bureau."¹⁸

"The Task Force held hearings among Indian groups throughout the country, studied the Bureau, conferred with numerous Indian interests and organizations, religious groups, members of Congressional committees and their staffs, Bureau of the Budget, tribal attorneys, private groups and individuals, members of bureaus within the Department of Interior and other government agencies, and on July 10, 1961, submitted its report, with recommendations, to the Secretary. By the time that it was published, it was neither fresh nor hard-hitting, and in fact, it was something of an anti-climax."¹⁹

Perhaps one of the reasons for the limitations of the report is reflected in Secretary Udall's statement at the February 9 meeting. He told the Task Force members that "while they should test their thinking against the thinking of the wisest Indians and their friends, this does not mean that we are going to let, as someone put it, the Indian people themselves decide what the policy should be."²⁰ According to Mr. Josephy, "The principal recommendations in the Task Force's Report, when it was submitted on July 10, 1961, pertained to policies and programs for the Indians, rather than psychotherapy for an ailing BIA, and reflected a cautious groping away from the termination period."²¹ Its main thrust was that the Bureau of Indian Affairs should shift its emphasis from termination to primarily economic de-

velopment. The basic assumption underlying this redirection of policy was that Indians constituted a "special case of rural poverty." The primary emphasis of the new Commissioner of Indian Affairs was thus to be on efforts at accomplishing economic development on Indian reservations.

In education, the Task Force Report did not provide a penetrating or thorough critique of the inadequacies of federal educational programs for Indians. It suggested instead that an independent evaluation should be conducted with the assistance of the BIA. In addition, the Report recommends the following:

(1) The Task Force of 1961 favored the location of schools as close as possible to the Indian people.

(2) The Task Force recommended that special summer sessions for Indian students planning to enter college be instituted, and that counseling services for Indian students should be instituted for all levels.

(3) The Task Force indicated that the Bureau needs more funds for scholarships and that more of these should be fully sustaining.

(4) The Task Force indicated its disfavor with the practice of placing in boarding schools many Indian youngsters who need institutional care.

(5) The Task Force said the Bureau should give serious consideration to using school facilities in a year-round basis with some system of rotation by semesters and/or accelerated programs to permit Indian youngsters to complete their primary and secondary education in fewer than 12 years.

(6) The Task Force also indicated along this line that school facilities should be used during the summer months to help Indian children make up educational deficiencies and to assist them with using their leisure constructively, that there is a need for organized recreational and educational activities for Indian boys and girls during the summer months.

(7) The Task Force favored the establishment of public school districts on Indian reservations and the ultimate transfer of BIA responsibilities to these districts; that the districts having inadequate tax base for a sound school program should be assisted by the Federal Government; and that any school plans transferred to districts should be in good condition.

(8) The Task Force recommended that the Federal Government must improve the school physical plants and construct new school buildings as well as improving the roads used by school buses.

(9) The Task Force recommended that the Bureau must make a greater effort to involve Indian parents in school planning and to give the parents of youngsters attending school more opportunity to participate in the formulation of the school programs, with the establishment as rapidly as possible of parent-teacher groups where these had not already been formed.

(10) The Task Force recommended that the children or Government employees attend Federal schools on Indian reservations in an integrated manner with Indian youngsters.

¹⁶ *Ibid.*, p. 36.

¹⁷ *Ibid.*, pp. 17-18.

¹⁸ *Ibid.*, p. 18.

¹⁹ *Ibid.*, p. 18.

²⁰ *Ibid.*, p. 21.

²¹ *Ibid.*, p. 22.

(11) The Task Force recommended that the Bureau make a special effort to keep abreast of the latest developments in language training and instruction and carry on inservice training programs to be conducted in conjunction with the universities and colleges located nearby to meet this responsibility.

Mr. Josephy has summarized the import of these recommendations as follows:

In the field of Indian education, the Task Force recommended a wide range of new activities and changed practices, from increased funds for scholarships to the encouragement of Indian parent participation in the formulation of school programs. But Indian education was scandalous in 1961 (and still is), and the Task Force failed entirely to note that fact or come to grips with fundamental problems that would impede or make impossible many of the proposals it advanced. Most of its recommendations had a fine ring to them and would be repeated in successive studies throughout the eight years, but with Indian education relegated to a subordinate branch within the Bureau, as it was until mid-1966, and without a single professional educator in the branch, the Task Force's recommendations were hollow and would depend for their implementation on the personal interest and intercession of the Commissioner. Little that was meaningful came of the Task Force's educational recommendations.²²

The Report was disappointing. It constituted at least a partial repudiation of the termination policy of the '50's, but it seemed to suggest that termination was merely something to be delayed over a period of time until the Indian was perhaps more ready for it. Similar to the Declaration of Indian purpose, the Task Force recommended a 15-member Indian Affairs Advisory Board to the Secretary of the Interior. Nothing came of this proposal.

The Task Force did comment on the organizational inadequacies of the Bureau of Indian Affairs, but did not come to grips with the basic issues. The Report pointed out that, based on everything they could learn from talking with people in the field, the Bureau was a terribly slow and inefficient bureaucracy, penetrated throughout with administrative delay and poor communications between the field and central office. A major cause of this serious breakdown in communication was the "substantial layering" of the Department. The Report states, "The most frequency heard complaint about the administration of Indian Affairs related to the 'area offices' * * * Critics of the area offices seek their abolition on the ground that they interpose a barrier between the Indian and the Department in Washington, and they take away power and authority from the Superintendent."²³ Nevertheless, the Report indicated that the abolition of the area offices would be impractical and would lead to "poor management." The report simply suggested that there should be better delegation of re-

²² *Ibid.*, p. 24.

²³ *Ibid.*, p. 26.

sponsibility from the area offices to the Reservation Superintendents. Mr. Josephy has summarized the outcome of the Report by stating:

As a whole, the Task Force Report paved the way for a policy reorganization of federal-Indian relations (away from termination-mindedness and toward economic development), but did not prepare the ground for the second point that Udall had mentioned to the Task Force members on February 9, 1961; namely an administrative reorganization. As a result, from 1961 to 1965, the Bureau did shift its policy direction, and did adopt and begin to implement a number of important programs designed for the economic and community development of the Indian people, but it did almost nothing to refashion the Bureau into an effective instrument for carrying out the new policy and programs. Frustrations and delays continued, and even increased, and Indian chafing and restlessness became more pronounced.²⁴

Three major efforts and documents came out of the Spring of 1961, which attempted to define a new policy for Indian Affairs in the 1960's. Unfortunately, unlike the Meriam Report of 1928, all three efforts were too preoccupied with rejecting the termination policy of the past, and consequently lack a clear and thorough-going vision of the future. Of the three, the Udall Task Force Report is probably the most disappointing. It provided a laundry list of items in various functions where the Bureau of Indian Affairs could improve its services. Despite their mandate to clearly think out a reorganization plan for the Bureau of Indian Affairs, they failed to come to grips with this issue, although they do note numerous and serious complaints made by Indians in the course of their field study, and by other informed people. More importantly the Task Force Report did not give voice to Indian needs, aspirations, and desires. This is clearly evidenced by the force and eloquence of the 'Declaration of Indian Purposes,' in contrast with the Task Force Reports. Apparently, the Task Force Report did not listen to or pay any attention to the University of Chicago Conference of Indian leaders. One thing clearly does emerge from the Task Force Report, and that is the expression that the major new focus of concern and initiative for the "New Frontier" should lie in the area of economic development on reservations. Unfortunately, there were no strong or original new ideas about how this could be accomplished.

The Fund for the Republic Report is important because of its much clearer statement of the serious inadequacies of both public and federal educational programs for Indians. It points out that the failures of the past have been serious, and that education must become a priority in the 1960's. In addition, it clearly states that the new standard for federal schools must be excellence in every respect. Federal schools must serve as examples of the best practice, and must provide leadership for the improvement of public school education for Indians. The Report notes that the Johnson-O'Malley program, administered by the Bureau of Indian Affairs, has not been used in a meaningful way

²⁴ *Ibid.*, p. 30.

to improve public school education for Indians, and that this must change.

In addition, the Fund for the Republic Report provides a fairly strong argument for substantially increased Indian control, a rejection of the bureaucratic paternalism, which it finds to be a serious problem, and an expression that the Bureau of Indian Affairs *must* be remodeled in such a way that it can become responsive to the needs, desires, and self-determination of Indian communities. Unfortunately, the Report did not provide an explanation or a plan for how this can be accomplished.

The most interesting and eloquent of the three documents which contains at least a partial vision of what should come in the 1960's, and equally important, contains the nucleus of a plan of action for accomplishing that vision, was the Declaration of Indian Purposes. Far more than either of the other two documents, the 400 tribal leaders point out in their report that if the new vision is to be achieved and Indian self-determination to be meaningfully accomplished, a thorough-going reorganization of the Bureau of Indian Affairs will be necessary. It also suggests that Indians play an important role in determining how the BIA should be reorganized.

The contributions of the first half of the 1960's in the area of improving education for Indians were rather disappointing. Nevertheless, some new initiatives were taken and some progress was made. Emphasis was placed on school construction, for example, and some 40 projects accommodating 2,786 students were initiated, during FY 1962. In addition, summer programs for Indian students were expanded threefold. The construction effort continued its momentum into the next fiscal year with 38 additional projects. Much of the impetus for the construction program came from the revelation in the Commissioner's Report of 1961, that of the 9,000 Indian children of school age who were not in school, almost 5,000 were not enrolled because of a lack of classroom space. Thus, neglect due to the termination policies of the 1950's was being reversed.

Some effort was made to increase the educational budget of the Bureau of Indian Affairs, but it was not totally successful. An examination of budget increases between 1958 and 1966, taking into consideration inflationary factors, reveals that little progress was made. In fact, real dollars to be expended per student were less in 1966 than they were in 1958. In terms of imaginative new programs, there were not many examples. However two can be mentioned.

The Bureau opened two new special schools in Fiscal 1963, aimed at doing a better job of meeting the special needs of Indian students. First, the Institute of American Indian Arts was opened in Santa Fe, New Mexico. (Actually, it was superimposed on an old BIA boarding school which imposed serious constraints on its effective development). The Institute was designed to provide an academic program with special emphasis on the vocational implications of the fine and applied arts, particularly as they related to the cultural background and heritage of the American Indian. Secondly, a special demonstration school was opened at Concho, Oklahoma, which was to be concerned with finding new solutions to the drop-out problem

and developing new programs in the area of special education. Unfortunately, neither of these schools was conceptualized in a way that could provide leadership for making improvements throughout the Bureau school system. In effect they have had little impact except as isolated endeavors.

In 1963, the Vocational Education Act was passed by the Congress. Unfortunately, the Bureau of Indian Affairs did not qualify under the Act. This was probably more a matter of oversight on the part of Congress, and inattention and neglect on the part of the Bureau of Indian Affairs, than it was one of purposeful exclusion. Nevertheless, Bureau of Indian Affairs schools could have benefitted tremendously from provisions under the Vocational Education Act. In 1969, the Bureau of Indian Affairs is still not included under the Vocational Education Act, although the legislative proposal has been made.

Mr. Josephy has summarized the period of the early '60's as follows: "Together with the fear of termination, the frustrations of the Indians' desires (as set forth in the Chicago Declaration of 1961) underlay Indian Affairs during the Kennedy Administration. In May 1964, several hundred Indian leaders, assembled in Washington for a Capital Conference on Indian Poverty, again spelled out their demands that frustrations at the reservation level cease, and that Indians be given a decision-making role in their own programs."²⁵ Finally, the Indians had found a receptive audience, and important new initiatives were to come out of the Economic Opportunity Act of 1965.

A NEW COMMISSIONER

In 1965-66, the BIA went through a protracted change in leadership and an attempt at self-examination. Not only were Indians disappointed with the accomplishments of the first four years of the 1960's, but so also were Secretary Udall and the Congress. As a consequence, Commissioner of Indian Affairs Philleo Nash resigned, and after a period of considerable confusion and delay, a new Commissioner, Robert Bennett, was appointed. Noteworthy is the fact that Mr. Bennett was an Indian, and the first Indian to serve as Commissioner of Indian Affairs in the 20th Century. It is also noteworthy that Mr. Bennett came from thirty years of experience as an employee of the Bureau of Indian Affairs. Perhaps, as a consequence of that fact, as Mr. Josephy points out, "The self-examination of the Bureau which was directed by the new Commissioner Mr. Robert Bennett was informal and superficial."²⁶ Not much was to come of that re-examination of the Bureau other than a new rhetoric of self-determination for Indians, but little organizational change. Three years later, with another change of administration, the new Commissioner Mr. Bennett would leave his office almost as ignominiously as Philleo Nash had left it in 1965, and with equally strong feelings of frustration.

²⁵ *Ibid.*, p. 37.

²⁶ *Ibid.*, p. 38.

LANDMARK LEGISLATION

Two important pieces of landmark legislation were passed in 1965, which had important implications for the conduct of Indian Affairs in the second half of the 1960's. As usual, the initiatives were to come from outside the Bureau of Indian Affairs, which has proven to be the case throughout the 1960's. The Economic Opportunity Act provided for a number of new programs which had important benefits for Indian Education. Head Start provided the first meaningful effort to provide significant early childhood educational experiences for Indian children. In 1968, about 10,000 Indian children benefitted from Head Start programs. On the Navajo Reservation alone, the Tribe operated over 115 different Head Start programs throughout the reservation. No program has been greeted with greater enthusiasm, rapport, and support, by the Indian community. No program has permitted greater participation and control on the part of Indians. No program has demonstrated greater imagination in coming to terms with the educational disadvantages of Indian children. The results have been substantial and significant.

The Upward Bound program, initiated by the Office of Economic Opportunity, has benefitted a substantial number of Indian students who would probably not have gone on to college or been able to succeed in college without its assistance. The Job Corps program reached a number of Indian youth who were without it, dropouts, rejects, and probably welfare cases to be. Several Job Corps camps were located directly on Indian reservations, and the Kicking Horse Job Corps Center in Montana was specially designed to meet the needs of Indian youth. A decision on the part of the Nixon Administration to phase-out this particular Job Corps camp has met strong, out-spoken, and concerted Indian opposition. It is clear that the Indian population in the United States feels that they have benefitted from the Job Corps program.

The only part of the Economic Opportunity Act which mentions Indians specifically was the VISTA program. The VISTA program has brought hundreds of idealistic and committed volunteers to Indian reservations to provide services in a variety of ways to Indian communities. A promising new formulation of the VISTA program appears to be taking shape. The Navajo Community Action Program has recently presented a proposal to the Office of Economic Opportunity, which recommends that the total VISTA program on the Navajo reservation be taken over and controlled by the Tribe itself. The program will utilize indigenous reservation Navajos as VISTA's, to serve their own people. The program will be controlled by a Navajo board of directors, and planned, administered, and evaluated, by Navajos. The Office of Economic Opportunity has responded favorably to this new development.

Many other initiatives of importance have come out of the Economic Opportunity Act, but by far the most significant development was the establishment of the Indian Community Action Programs. In terms of demonstrating the capability of Indians for running their own affairs, in terms of demonstrating how a contracting relationship could be established between a federal agency and an Indian tribe, in

terms of demonstrating the importance of Indian initiative and self-determinations, in terms of demonstrating the ability of Indians to carry out effectively their own programs, the CAP's on Indian reservations have been the most important innovation of the 1960's. More than sixty Community Action Programs presently exist involving 105 federal reservations in 17 states. The Community Action Programs have been assisted by a consortium of universities which have provided training, leadership development, business and technical support to the tribal Community Action Programs. Thus, in terms of Indian control, self-determination, innovation, and new imaginative initiatives, the Economic Opportunity Act constitutes the most important piece of legislation in the field of Indian Affairs in the 1960's.

In the field of Indian education this is dramatically borne out by the establishment of the Rough Rock Demonstration School on the Navajo Reservation in Arizona.

The Rough Rock School is the most important experiment in the field of Indian education in the 1960's. As a "demonstration" it has been extraordinarily influential in shaping a "new policy" and a reform movement in the field of Indian education. Rough Rock has become a symbol of Indian participation and control and educational innovation. Established on June 27, 1966, as a private non-profit organization the school is run by a five-member Navajo school board. Only two of the school board members have had any formal education and weekly school board meetings are conducted in Navajo.

It is highly instructive to note several facts about the genesis of the project. First, the initiative came from Stanford Kravitz, the Associate Director for Research and Development within the Office of Economic Opportunities' Community Action Program, and the basic ideas came from Dr. Robert Roessel who was to become the school's first Director.

Four concepts that Roessel mentioned seemed particularly meritorious to Kravitz: (1) Indians would never give schools their wholehearted moral support until they were involved significantly as adults and given a measure of control. (2) English must be taught as a second language to Indian children, not regarded as something they could learn immediately through mere exposure. (3) The schools should be responsible, not only for educating Indian children, but for assisting in the development of local communities, through extensive adult education opportunities and other means. (4) The schools should help transmit to the young the cultures of their parents; tribal elders should be used by the schools, for instance, to teach traditional materials.

Second, the first attempt to launch the experiment at Lukachukai was a failure because a new "demonstration staff" was super-imposed on a traditional BIA boarding school. When the demonstration staff and the newly crested Navajo School Board attempted to launch unconventional programs, they encountered resistance from the regular school staff, who saw most new approaches as incompatible with BIA policy."

Third, a decision was made to "start fresh" with a newly completed BIA school plant at Rough Rock and Mr. Kravitz of the Office of

Economic Opportunity argued successfully that the experiment would fail again if the usual civil service requirements and BIA policies remained in force. Thus, BIA provides the plant and the standard per-pupil fiscal allotment while permitting the experiment to function independently.

Fourth, if the school was to serve community development purposes as well as develop new innovative educational programs, it was clear that substantial funding above the regular BIA level was necessary. This money has been provided by OEO. Thus, it was OEO leadership in cooperation with Dr. Roessel that brought Rough Rock into existence and defined its purposes and organizational requirements.

A second landmark piece of legislation was passed in 1965. The Elementary and Secondary Education Act (Public Law 89-10) made it a matter of national policy and priority that all disadvantaged youth in this country should receive an effective education. The act called for substantial innovation in achieving this goal, and provided a number of new approaches for accomplishing this objective. Title I of the act provides for billions of additional dollars to be spent on disadvantaged students. It made clear that unless there is a willingness to spend substantially larger amounts of money, an equal education opportunity for disadvantaged youth could not be accomplished. In 1966, title I of Public Law 89-10 was amended to include the Bureau of Indian Affairs. It seemed only too apparent that the Indian student population was the most disadvantaged in the country, and that the most disadvantaged were in federal schools. It was also clear that the operational budget of the Bureau of Indian Affairs was totally inadequate for providing a quality education for these children, and that therefore additional monies would be necessary.

As a consequence of this amendment, approximately five million dollars was set aside for federal schools in fiscal 1968, and approximately nine million dollars in fiscal 1969. These monies have provided an important boost in both moral and new programs within federal schools.

Title III of Public Law 89-10 provides for the establishment of special supplementary innovation centers which would provide backup support to public school districts in the development, and the development of new educational methodologies for disadvantaged students. Title III was clearly intended to provide a new institutional force for educational change, and to provide a complementary support for public school districts in their attempts to use Title I money effectively and wisely. The Bureau of Indian Affairs has also been included by amendment under Title III, although the amounts of money received have been relatively small.

Title IV of Public Law 89-10 is a general research title, but in addition contains important new initiatives. Perhaps the most important was the development and establishment of 15 Regional Educational Laboratories across the country, four of which have functioned to provide leadership for developing new and more effective programs for Indian students in federal and public schools.

The Regional Laboratories, as evidenced by the testimony received by the Subcommittee, have provided one of the most important forces for innovation and change in the field of Indian education. They have

conducted a number of important research studies, they are working on development of new curriculum, they have worked with developing important new models of school programs in the field, they have been effective in disseminating a number of new innovative ideas and techniques, and they have provided a kind of sophisticated leadership that has been sadly lacking in the past. Two additional amendments to Public Law 89-10 provide monies in areas of major importance in terms of solving problems in the field of Indian education. These new areas are "Drop-Out Prevention" and "Bilingual Education." In summary, the Elementary and Secondary Education Act has provided a new national policy of educational excellence for the disadvantaged. A clear-cut implication of this new national policy is that if the federal government has a special and necessary school system for Indian youth, it should indeed be one that demonstrates the best of practices and leadership for all schools in this country. Secondly, it makes clear, that if this goal is to be accomplished, much greater investments will be required.

THE FIRST ASSISTANT COMMISSIONER FOR EDUCATION—BIA

The general policy enunciated in the Elementary and Secondary Education Act of 1965, was to become manifest in the Bureau of Indian Affairs with the appointment of Dr. Carl Marburger to assume the position of director of the Education Division within the Bureau of Indian Affairs. It had been clear for a long time that the organizational status of educational programs in the Bureau of Indian Affairs were clearly inferior to the size and importance of their operation within the Bureau. Considering that education programs constituted more than 50% of the total budget of the Bureau of Indian Affairs, is astounding that as late as Spring of 1966, the educational programs in the Bureau of Indian Affairs constituted one of several branches in one of several divisions in the Bureau of Indian Affairs. Commissioner Robert Bennett changed the status of the branch of education to a division in mid-1966, and following the appointment of Dr. Carl Marburger, the head of the new division became an Assistant Commissioner of the Bureau of Indian Affairs. Dr. Marburger, who had been an Assistant Superintendent in the Detroit Public School System responsible for innovative federal programs, brought a new vision, a new sense of urgency, and a new set of standards and competence to the Bureau of Indian Affairs. Equally important, he brought a dynamic sense of leadership and a desire for change. Although he was to remain in his position only a year, Dr. Marburger managed to accomplish a number of important things. Most importantly were the new policy formulations which he articulated both within and outside the Bureau of Indian Affairs. The new policy formulation centered on Indian participation and control, and secondly, the vision that the federal school system for Indians should provide a model of excellence for the nation in terms of effective education for disadvantaged youth, or in short, as he put it, it should be "exemplary." The following is a brief list of a number of new and important initiatives that were taken:

(1) Action was taken to include Bureau of Indian Affairs schools under the Elementary and Secondary Education Act. Dr. Marburger provided the testimony and the amendment was successful.

(2) Dr. Marburger specified a number of new policy positions in regard to Indian control. This was reflected in the establishment of a new National Indian Education Advisory Committee composed of 16 Indian leaders which was to advise the Assistant Commissioner for Education on all important policy decisions. A major new emphasis was placed on the importance of the Indian family and the Indian community in terms of its involvement in educational programs. This meant a thorough-going rethinking of the whole BIA boarding school system, out of which came a statement of policy that elementary boarding schools should be discontinued as rapidly as possible, and that whatever new approaches were needed to accomplish this should be taken. It was clear that day schools were preferable to elementary boarding schools, and that elementary boarding schools might very well be damaging to the children in terms of their emotional and personality development. In addition, a new policy statement that federal boarding high schools should no longer be placed long distances from the populations they were to serve, but should be near or on the Indian reservations where their students would be coming from.

(4) Important new emphasis was placed on the development of bilingual educational approaches, teaching English as a second language, and the development of culturally relevant curriculum materials.

(5) A clear statement was made that Indian children should not be transferred willy-nilly to public schools as they had been in the past, until it could be clearly demonstrated that public schools could effectively assume the responsibility for the education of these children.

(6) An effort was initiated to build a strong evaluation, consultant utilization, and research and development component in the Education Division of the Bureau of Indian Affairs. Prior to this time, no consultant or research and development money had been available.

(7) A number of new positions for educational specialists were established in the central office of the Bureau of Indian Affairs to effectively evaluate and provide leadership for innovative change in the field. Perhaps the most refreshing aspect of the new leadership he brought to the Bureau was a sense of candor and honesty about the many and extremely serious inadequacies of the federal school system for Indians.

Change is always painful, and perhaps this had something to do with the fact that Dr. Marburger was received with mixed emotions within the Bureau of Indian Affairs. Whatever the reasons, it is clear that Dr. Marburger did not receive the kind of support he needed to carry out his new policies and programs effectively. The major issue was whether or not he actually had any control over what was going on in the more than 200 schools he was responsible for. During his tenure as Assistant Commissioner, as he has made clear in his testimony before the Subcommittee, it became increasingly clear to him that without line control over schools in the field, he was not going to be able to make many of the important changes that he deemed necessary.

Recognizing that line control was not going to be permitted Dr. Marburger resigned only a year following his appointment. Nevertheless, the impact of his new leadership and policy guidelines were substantial and continue to be an important force for change in the Bureau.

Dr. Charles Zellers, moving from a position of Deputy Assistant Commissioner for the Elementary and Secondary Education Bureau in the Office of Education, to the position left open by the resignation of Dr. Marburger, proceeded to carry on in a forceful way many of the new policy initiatives and programs which had been established in the previous year. But he also has made it clear in his testimony before the Subcommittee that he has been hamstrung in effectively carrying out what he felt were necessary changes and in implementing new programs by the same factor that had thwarted Dr. Marburger's efforts. He in turn has received inadequate support for his attempts at major change within the Bureau educational system, and has been increasingly frustrated over his lack of line control over the schools for which he is responsible. It is abundantly clear at this point, that if substantial meaningful change is to take place in terms of improving federal schools and reaching any first approximation of the concept of a model school system and exemplary practices, that the Assistant Commissioner for Education must have line control over the schools. The serious question still remains whether or not this will prove to be adequate in and of itself.

SENATE CONCURRENT RESOLUTION 11

In the Fall of 1966, similar to the Spring of 1961, three events took place which were of major importance to the development of a "new policy" in the field of Indian Affairs. The President instructed the Secretary of Interior to develop a basic piece of legislation equal in importance and promise to the Indian Reorganization Act of 1934. In addition, the President quietly established a White House Task Force of experts from a variety of disciplines and occupations independent of the Federal government. The Task Force was given the assignment of conducting a thorough independent review of the BIA and other Federal programs for the American Indian and to prepare a detailed report with recommendations for the President. In Congress, Senator George McGovern introduced Concurrent Resolution 11 on October 13, 1966.

Senator McGovern's Concurrent Resolution called for a "new national policy" in the field of Indian Affairs. It pointed out that the "first" American was still the "last" American in terms of income, employment, health and education. Secondly, it pointed out that fluctuations in national policy had been a serious impediment in finding appropriate and workable solutions to the problems which the Indian faces, and had, in many instances, proven to be mistaken, resulting in a perpetuation of Indian poverty rather than alleviating it. It was clear that one of the major intentions of the Concurrent Resolution was to disavow the termination policy of the 1950's. Third, the Resolution pointed out that although a number of new government pro-

grams had been added and greater sums appropriated in recent years, the nation had really just begun to establish meaningful breakthroughs and needed to recommit itself to a much greater, more systematic, sustained and enlightened effort to solve these problems.

When Senator Robert F. Kennedy testified before the Senate Subcommittee on Indian Affairs pertaining to Concurrent Resolution 11 on March 5, 1968, he said the following regarding the implications of the 'new statement of national policy' for Indian education programs:

What are the implications of this bill with regard to federal responsibility in Indian education? I am convinced that the Federal Government has a moral and legal commitment to provide or subsidize not just an average educational program but an educational program unsurpassed in its excellence and effectiveness for as many Indian children as can be properly considered within the Federal Government's direct or indirect responsibility. As Dr. Carl Marburger, recently the Assistant Commissioner of Education for the Bureau of Indian Affairs, stated the goal: The Bureau of Indian Affairs should be running an educational system second to none or, as he put it, "exemplary" in the fullest sense of the word. We are a long way from accomplishing this goal, but I certainly agree with his stated objective.

I would go even further than this and say that if our present practice of moving children into public schools as rapidly as possible is to continue, then the government should bear a substantially larger burden than it presently assumes for seeing that these public school systems are adequately staffed and financed for an effective and exemplary program. I am concerned that too often in the past, out of ideological fervor for "state responsibility," out of concern for lowering federal expenditures and demanding "rapid assimilation—whatever the cost," we have forgotten or simply overlooked the fate of the Indian child. I am also concerned that far too often this transfer of responsibility is decided without the adequate involvement or acceptance of the Indian parents or Indian community. It is obvious that, in many instances, transfer from a BIA school to a public school district places the Indian child in a small rural school, underfinanced and understaffed, unprepared to cope with his special needs, and, in some instances, openly hostile and unfriendly. This is not to suggest that I am opposed to the concept of integrated education and state responsibility. It does suggest that the real test is educational performance and the ultimate responsibility for historical, legal, and moral reasons lies with the Federal Government. I do not think that we have lived up to that responsibility nor have we provided viable options to Indian parents and their children. I think Concurrent Resolution 11 makes the same point.

The resolution passed the Senate but did not pass the House and has been reintroduced again this year.

In response to the White House request to draft new basic legislation, the Department of Interior developed a bill which became known as "the Indian Omnibus Bill" which was introduced in Congress on May 18, 1967. It was called the Omnibus Bill because it contemplated meeting a broad range of Indian problems. It was hoped that the bill would have the same degree of importance as the Indian Reorganization Act of 1934. Despite its ambitious title, the bill, after having gone through a number of drafts, turned out to be an act primarily aimed at providing financial resources for tribes and Indian individuals. This was entirely consistent with the emphasis on economic development which had emerged out of the Task Force Report of 1961. Josephy points out that while Department of Interior officials were working on the bill, Commissioner Bennett conducted regional hearings among Indian leaders in the field, inviting them to make recommendations on what should be included in the legislation.

The Indians took him at this word and went to great lengths to prepare their presentations. At the hearings, they proposed a total of 1,945 separate recommendations covering all phases of Indian Affairs. It was probably the most comprehensive and detailed expression of Indian interests, needs, and aspirations in the history of our country. It is interesting to note that 17% of the recommendations were in the field of education. There were to be no educational provisions in the Omnibus Act and it became clear that the Indians weren't to have anything to say about what was to be in the Omnibus Act. "While the hearings were still in progress, the first draft copy of the bill which the Department had been working on, was made public, and disillusionments set in among the Indians, who suspected that, once again, the government had no intention of taking a recommendation seriously."²⁷ In addition, once the bill was made known, it became clear that the Indians objected to a number of major titles in the bill and clearly felt that one of the intentions of the bill was "termination." It was also clear from the beginning that the bill would be rejected and it was unfortunate that this could not have been foreseen by the Department of the Interior. It would have prevented serious disillusionment among the Indians who participated in the regional conferences and a terrible embarrassment to the new Commissioner of Indian Affairs.

Perhaps the importance of this abortive effort lies in the fact that once again the Department of the Interior proved that it did not understand Indians' needs or desires, nor could it operate in other than a purely paternalistic way, and last, that a basic "termination attitude" still existed within the Department.

PRESIDENTIAL TASK FORCE REPORT ON THE AMERICAN INDIAN

In the Fall of 1966, an outstanding group of men from various disciplines and occupations outside of government came together to form a Presidential Task Force on the American Indian. This group

²⁷ *Ibid.*, p. 43.

deliberated for a period of three months and produced a substantial report with recommendations for the President in January of 1967. This document probably constituted the most important statement in the field of Indian Affairs in the 1960's. Education received top priority attention in the Report. It made clear in no uncertain terms that both federal schools and public schools were failing Indian children. The Presidential Report, in contrast to the Omnibus Bill and the Udall Task Force Report, recognizes the fact that "the first step in any program concerned with training and employment of Indians must be that of the development of a far more effective educational system."²⁸

The Report is particularly blunt on the failings of public schools. It states, "Indian children attending BIA schools are more disadvantaged than those attending public schools. Even so, public schools are not notably more effective in educating Indian children than the Bureau schools, and, in many places, are considerably less effective." The Report continues, "Moreover, the strong factor of social prejudice is present in many areas where substantial Indian populations exist. These attitudes make for a very inhospitable climate for educating Indian children in public schools. The assumption that "integrated education" is invariably better * * * would not appear to be valid under present circumstances in many areas."²⁹

The Report notes the "overwhelmingly inadequacy of data on Indian education, and the inadequate effort to correct this deficiency."³⁰ The Report stated that, "The assumptions underlying the conventional approach to Indian education evidently have not been valid and a systematic search for more realistic approaches is clearly in order."³¹ It was "shocked" to find that the BIA did not have a Research and Development budget for this important task, made clear that Research and Development is a basic need—not a frill—and the Research and Development effort and leadership must come from the Federal Government.

Two facets of a "new policy" were delineated. First, improving the effectiveness of the education provided to Indian children must remain a high priority objective in the Federal Government. Although direct federal action can most readily take place in the federally-operated schools, special efforts should be directed to encourage and assist the public schools in improving the quality of their educational programs for Indian children. But rather than continue to press for the transfer of Indian children to the public schools, irrespective of whether they are willing and able to provide the special attention needed by Indian children, the *Federally operated Indian schools should be made into models of excellence for the education of disadvantaged children!*³²

The report points out that accomplishing this goal will be expensive, probably requiring a doubling or even trebling of the per pupil costs. The Report emphasizes that this is an investment, not an expendi-

ture, that in the long run, this kind of investment more than pays for itself.³³

The second facet of the "new policy" received particularly strong emphasis. Indians must not only participate in, but control the development of, the "model system." The Report made clear that Indian parental and community participation is very slight—Indian control is practically non-existent. The Report called for school boards to be established at every Federal school. It stated that without such boards, school administrator paternalism will persist. Also, such boards would be necessary to develop meaningful parental participation and the use of schools as centers for adult education and community development. Special stress was placed on the fact that school administrators would strongly resist the change, and the boards must in fact have authority, not just an advisory function.

In addition to school boards, the Report called for Indian control at the top in the form of a National Advisory Board on Indian Education. It points out: "Ideally, this should be a statutory board, but since it will take many months for Congress to consider and act on legislation, in the interim, the Secretary of the Interior could establish a twelve-member board of which at least half should be Indians; the others should be outstanding educators and private citizens with broad backgrounds in public affairs."³⁴ The most important task of the National Advisory Board will be the development of a comprehensive plan for making the Federally-operated schools into a model system.

In the final section of the Report, the Presidential Task Force faced up to the problem of how could its many creative recommendations be carried out. The reaction to the BIA had been unanimous—it was a tired, ineffectual, and in-bred organization, accustomed to lethargy, not change. Secondly, it was buried under the Assistant Secretary for Public Land Management in the Department of Interior, yet its major responsibility was in the area of developing human resources.

Could the leadership come from the top—obviously not—the 1960's had already demonstrated that. In addition, there was the disturbing question about basic conflicts of interest between BIA and other parts of the Department of Interior over Indian resources—land, water, timber, minerals, etc.

After much deliberation, the Task Force recommended that the primary responsibility for Indian Affairs be transferred from the Department of the Interior to the Department of Health, Education, and Welfare, where it was to be placed intact as a new agency under an administrator for Indian Affairs who would report directly to the Secretary of HEW. The question of reintegrating the Indian Health Service which had been transferred to HEW in 1955 was not raised. The consensus of the Task Force was that the Indian Health Service had improved dramatically as a result of the transfer, and argued that the same would be true for the rest of the BIA. Clearly HEW had the kinds of technical support needed for BIA programs and in addition a tradition (unlike Interior) of substantial expenditures for Research and Development and consultants. Nevertheless,

²⁸ Presidential Task Force Report, Jan., 1968; p. 12.

²⁹ *Ibid.*, p. 15.

³⁰ *Ibid.*, p. 17.

³¹ *Ibid.*, p. 17.

³² *Ibid.*, p. 17.

³³ *Ibid.*, p. 18.

³⁴ *Ibid.*, p. 28.

this still left unanswered the challenge of how BIA could be reformed internally. Certainly most of the same personnel would remain. This was left as a moot question.

The Report concluded with a clear warning against acting precipitously and without full explanation and consultation with the Indian tribes. Nevertheless, the President seized upon the idea and moved secretly and in a way which aroused Indian anxiety. When the proposed transfer was hinted at by Secretary Gardner at an Indian Manpower Conference in February 1968, they reacted as if it was a termination proposal (the assumption was that the various functions of BIA would be scattered throughout HEW), and the matter was dead before it ever got openly explained and discussed. Worse, as a result of this initial failure the Report and its many important recommendations was filed away.

THE PRESIDENT'S MESSAGE ON INDIAN AFFAIRS

Following the demise of the Presidential Task Force Report, in the spring of 1967, a Second Interagency Task Force was organized in late summer which prepared a report that went to the President in October. This report served as a basis for the Presidential Message on Indian Affairs to Congress on March 6, 1968, and most of its salient features were included in that message. The first task force report had recommended the need for a Presidential address on Indian Affairs which would serve to clearly put to rest the fear of termination on the part of Indian tribes and would pledge the nation to a respect for Indian identity and Indian participation in all new programs and decisions affecting him. In addition, the message was to lay out a bold new program of federal initiatives to help raise the health, educational and economic status of the American Indian.

The Interagency Task Force was essentially a programmatic one, charged with the responsibility of evaluating all federal programs for the American Indian and determining where additional amounts of money could be invested to the best advantage and to determine what new program areas should be initiated. Many of its proposals were strongly influenced by prior recommendations in the Presidential Task Force Report. Although it was specifically instructed not to deal with the question of transfer of the Bureau of Indian Affairs out of the Department of the Interior, it is interesting to note that the Interagency Task Force in its report to the President felt it mandatory to make two new organizational recommendations. Although the Task Force made no serious examination of the Bureau of Indian Affairs' structure, and its internal inadequacies, it did point out that the position of the Bureau of Indian Affairs under the Assistant Secretary of Public Land Management was undesirable, and that the organizational status of the Bureau of Indian Affairs should be elevated to that of a new Assistant Secretary of Interior for Indian and Trust Territory Affairs. The report pointed out that both Indian affairs and trust territory affairs were primarily matters of human development or, as the report put it, "people oriented" and that consequently they deserved to have a new and different kind of leadership within the Department of the Interior.³⁵

³⁵ Josephy, *Op. Cit.*, p. 52.

Secondly, the report pointed out that government programs for the American Indian across the executive branch were many times inconsistent with each other, that there was no mechanism for effective coordination between them, that although the Bureau of Indian Affairs had been charged with the responsibility for coordination it was incapable of doing so. The report recommended creating a new coordinating and ombudsman type mechanism called the National Council on Indian Opportunity. The Council was to consist of eight Indian leaders with the Vice President of the United States as chairman, and with Cabinet level representation from each of the departments which had significant Indian programs.

Although the report did not grapple with the question of the inadequacies of the organizational structure of the Bureau of Indian Affairs, it did point out several factors that grossly inhibited the execution of sound Indian policy. These factors included paternalism towards Indians by BIA personnel; BIA self-protectiveness, defensiveness and insularity; lack of vigor and innovativeness; and "two principle factors which inhibit further progress in promoting Indian self-sufficiency; personnel quality and a sound data base for planning and policy coordination."³⁶

The primary concern of the Task Force had been how to distribute a proposed budget increase of approximately \$50 million among the various different Federal government programs for the American Indian, with some thought to be given to what new programs should be initiated. As Mr. Josephy observes, "the programmatic recommendations of the Interagency Task Force fell far short of the massive therapy and funding which the Presidential Task Force had considered mandatory, if the government were to solve the problems of the reservation."³⁷ In general, the Interagency Task Force Report is a disappointing document consisting primarily of a rehash of previously existing ideas and recommendations along with substantial descriptive information on federal programs and recommendations for budget increases. The report called for an increase of some \$76 million in the total Federal budget of \$525 million for Indian programs. This increase appears almost ludicrous when contrasted with the extremely ambitious goals and programs laid out in the Presidential Message on Indian Affairs. In addition, the amount of the increase was cut back to approximately \$52 million in the Presidential Message, and considerably less than this amount of money was actually appropriated.

The Presidential Message of Indian Affairs of March 6, 1968, rejects termination as a policy and suggests in its place programs which stress self-determination. In addition, it pledges itself to substantial Indian control and participation in all federal programs which affect them. It argues against paternalism and in favor of partnership and self-help. The only organizational recommendation contained in the message was the announcement of an issuance of an executive order to establish a National Council on Indian Opportunity similar to the one that had been recommended in the Interagency Task Force Report. It was to consist of the Vice President of the United States as chairman, the Secretary of the Interior, the Secretary of Agriculture,

³⁶ *Ibid.*, p. 53.

³⁷ *Ibid.*, p. 55.

Commerce, Labor, HEW, and HUD, the Director of OEO and six Indian leaders appointed by the President for terms of two years. The Council's functions were "to review federal programs for Indians, make broad policy recommendations, and to insure the programs reflect the needs and desires of the Indian people." The President went on to state, "I've asked the Vice President, as Chairman of the Council, to make certain that the American Indian shares fully in all our federal programs."³⁸

The Message placed the highest priority on the improvement of education for American Indians and includes a substantial section of recommendations in that regard. The Message pointed out that present educational programs for American Indians are failing them badly, and that much more intensive and imaginative programs are needed. It pointed out that legislation enacted in the past four years can provide a considerable impetus for improving education for Indians; the challenge is to use this legislation to the fullest advantage and creatively for the benefit of Indian students. In addition, the Message called for a substantial increase in the Headstart program for Indian children and the establishment for the first time of kindergartens for Indian youngsters. It also recommended substantial increases in the college scholarship grants program to include for the first time living allowances for Indian students and their families, and that the Upward Bound program in the Office of Economic Opportunities establish a special program for Indian high school students. By far the most interesting and far-reaching recommendation is a special section entitled Federal Indian Schools.

It states:

Since 1961, we have undertaken a substantial program to improve the 245 federal Indian schools, which are attended by over 50,000 children. That effort is now half-completed. And it will continue.

But good facilities are not enough.

I am asking the Secretary of the Interior, in cooperation with the Secretary of Health, Education and Welfare, to establish a 'model community school system' for Indians. These schools will—have the finest teachers, familiar with Indian history, culture, and language—feature an enriched curriculum, special guidance and counseling programs, modern instructional material, a sound program to teach English as a second language—serve the local Indian population as a community center for activities ranging from adult education classes to social gatherings.

To reach this goal, I propose that the Congress appropriate \$5.5 million to attract both talented and dedicated teachers and to provide 200 additional teachers and other professionals to enrich the instruction, counseling and other programs.

To help make the Indian school a vital part of the Indian community, I am directing the Secretary of the Interior to establish Indian school boards for federal Indian schools.

School board members—selected by their communities—will receive whatever training is necessary to enable them to carry out their responsibilities.³⁹

Thus, the new national policy statement for Indian education had emerged full-blown and consisted of two parts. The goals would be maximum Indian participation and control, and the pursuit of excellence in a model school system in the federal schools. As Mr. Josephy points out, "As a whole, the President's Message was more a statement of goals and principles than a satisfactory blueprint of methods and means by which to achieve the goals." He continues, "at the same time, the only slightly increased level of spending was hardly enough to support many of the programs that were proposed and was totally unrealistic if a meaningful impact was going to be made on the worst problems. Sights were scarcely raised in the field of housing, and many of the fine goals for education would remain simply goals."⁴⁰ In addition, "the President's silence about the BIA was deafening to critics of that agency. Many of the program's aims and programs, particularly in the field of Indian education, were unattainable, and not alone because the funding for them was too low, but because the Bureau's structure and administrative operations would preclude their effective realization. Without attending to the defects in the Bureau, the agency's malaise would continue, making much of the President's message mere rhetoric."⁴¹

The Organization Question

Both the White House Task Force Report and the Presidential Message to Congress had called for a major transformation of the educational programs in the Bureau of Indian Affairs. Both the Report and the Message had recommended an "exemplary" educational program in the Bureau of Indian Affairs which would maximize Indian participation and control. In addition to providing a quality and effective education for Indian students, a "model school" system was envisioned which would be capable of demonstrating the most innovative and effective educational programs for disadvantaged students. The "model school" system would be capable of providing national leadership for improving the education of all disadvantaged students. The Task Force Report had made it clear that the Bureau of Indian Affairs was incapable of carrying out the "new policy". Unfortunately, the Presidential Message did not deal with the problem.

In an article entitled "Lo, the Poor Indian", Ralph Nader commented on the failure of the Presidential Message to deal with the basic problem which he called a "bureaucratic malaise". He states:

* * * is there anything new here, other than further action-displacing sympathy that has bred a hard skepticism into most Indians long resigned to poverty in perpetuity? Clearly, a direct White House commitment to Indian betterment, for the first time, gives the mission greater visibility

³⁸ HR Doc. 272, 90th Cong., 2nd Sess., p. 3.

³⁹ *Ibid.*, p. 5.

⁴⁰ Josephy, *Op. Cit.*, p. 60.

⁴¹ *Ibid.*, p. 61.

and importance * * * but beyond that, the President's Message avoided dealing with the enduring organizational dry rot upon which these programs are being advanced; namely, the Bureau of Indian Affairs.⁴²

Mr. Nader suggests that the Bureau of Indian Affairs' "dry rot" is a function of its conflict of purposes and historical failures. He summarizes this allegation as follows:

One hundred and nineteen years ago, the BIA was established in the Department of Interior with both presumed and actual missions. The former dealt with improving the lot of the Indian; the latter dealt with facilitating the encroachment on or exploitation of Indian lands and resources. Under the Bureau's aegis and congressional directive, the Bureau land base shrunk from 150 million to the present 53 million acres—about the size of New England. For generations the Bureau presided over people without a future. Indians were called "wards", were culturally devastated, physically pushed around, and entwined in a most intricate web of bureaucratic regulations and rules ever inflicted anywhere in this nation's history. They still are.⁴³

According to Mr. Nader, this historical legacy of failure has continued up to present constituting a fundamental "bureaucratic malaise" which must be dealt with in a radical fashion if real progress is to be made in the field of Indian affairs. In support of this contention, Mr. Nader points to the findings of the White House Task Force Report. He states:

There was a disgust and despair felt by many of the Task Force members about the performance of the Bureau. They took note of the widespread impression that too many BIA employees were simply time servers of mediocre or poor competence who remained indefinitely because they were willing to serve in an unattractive post, at low rates of pay for long periods of time; that too many had unconsciously anti-Indian attitudes and were convinced that Indians were really hopelessly incompetent and their behavior reflected that assumption.⁴⁴

As a result, the Task Force Report had recommended a thoroughgoing reorganization of the Bureau of Indian Affairs and its complete transfer to the Department of Health, Education and Welfare. Mr. Nader suggests that the Task Force "might have made a far stronger case against the BIA," and he proceeds in the rest of the article to do so. Mr. Nader charges that:

1. The BIA provides generally very low quality services in all of its programs. In addition, there is an uneven distribution of services as a result of Bureau politics—playing favorites with certain Tribes.

2. Bureau schools fail both in terms of quantity and quality. The schools breed despondency, cultural inferiority and alienation, and consequently the drop-out rates are exceedingly high.

⁴² "Lo, the Poor Indian," Ralph Nader, *The New Republic*, March 30, 1968, pg. 14.

⁴³ *Ibid.*, pg. 14.

⁴⁴ *Ibid.*, pg. 14.

3. He cites a number of examples of BIA mismanagement of Indian land, timber, and water resources. He suggests that BIA has managed to oversee the leasing and franchising of valuable reservation property rights and income opportunities into predominantly non-Indian hands.

4. He cites the general lack of data from the Bureau of Indian Affairs about their programs, and their "Byzantine secrecy" in not providing data for certain important problem areas such as Indian trust funds.

5. Despite their fumbling attempts to encourage economic development on reservations, the BIA has had little impact on the fundamental problem of Indian unemployment. He states that the basic economic problem of Indian communities could be solved by the provision of 40,000 jobs. If the Bureau were in any way a creative organization, it would have recognized that there was a solid precedent for success in job creation in the Indian Emergency Conservation Work Program during the thirties, where 15,000 men were put to work in a few months time.

7. With the exception of some advances in Indian health, reservation conditions remain as bad or worse than ten or twenty years ago. In the meantime, the BIA has prospered, growing to its present size of approximately 16,000 employees providing the services of a federal, state and local government in one single bundle. And, despite its failures, the BIA budget has been increasing at a rate that has doubled in the past decade.⁴⁵

Mr. Nader's critique of the "bureaucratic malaise" of the Bureau of Indian Affairs was symptomatic of the substantial and long-standing feeling on the part of many Congressmen and informed citizens that the BIA was an extremely ineffective organization and one that was failing in many ways in its basic mission. It was this suspicion in regard to the BIA education program which led to the establishment of the Senate Subcommittee on Indian Education.

INTERDEPARTMENTAL REPORT

The Interdepartmental report, entitled "Quality Education for American Indians, a Report on Organizational Location," was received by the Senate Education Subcommittee on May 11, 1967. The report was in full agreement with the "new policy" recommendations of the White House Task Force Report and the President's Message. In regard to establishing exemplary educational programs, the report states:

"Wherever the locus of responsibility resides, the departments believe that the federally-run Indian education program should be an exemplary system directed at providing the highest quality education to meet the special needs of Indian people. All the resources required to achieve the desired goals should be made available.⁵

⁴⁵ *Ibid.*, pg. 14-15.

⁵ "Quality Education for American Indians, A Report on Organizational Location", prepared for the Subcommittee on Education of the Committee on Labor and Public Welfare, United States Senate, May, 1967. p. 1.

In regard to the need for Indian participation and control, the report stated the following:

"Every effort should be made to encourage Indian parents and tribal leaders to assume increasing interest in, and responsibility for, the education of Indian children in accordance with the concept of community action. School boards, elected by the community and entrusted with appropriate responsibility for education, should be adopted as standard operating procedure. Specialized training programs should be instituted for Board members. Study should also be given to the possibility of making grants directly to Indian groups to administer their own educational programs.⁶

Although the report does not examine in any detail the organizational effectiveness of the Bureau of Indian Affairs, or the quality of its educational programs, it does list a number of recommendations for change which clearly imply important defects. In two areas, the report points out basic deficiencies that clearly would impede innovation and change. First, the report states that the Assistant Commissioner for Education in the Bureau of Indian Affairs presently serves in a staff capacity, which does not permit him to be an effective leader, or to carry out needed changes. The report recommends a significant reorganization of the BIA education function, calling for line control over the schools by the principal education officer. It states:

"The principal official responsible for education should be in a role comparable to that of a superintendent of a major school system, i.e., with full responsibility for the total educational enterprise, including school construction, operation, and maintenance.⁷

Secondly, the report calls for a thorough-going overhaul of the staffing policies and procedures. The report states:

"Staffing policies and procedures should be reviewed to develop procedures for recruitment and selection to assure employment and retention of the highest quality staff. Positions in education should be aligned with the rest of the education profession, e.g., in terms of work year, incentives such as salary, opportunity for continuing education, etc. Consideration should be given to acquiring staff for schools in isolated areas by creating a volunteer or limited assignment category which might increase the likelihood of attracting well-qualified staff committed to working with the Indian child. Programs such as Teacher Corps and VISTA should be fully utilized. The roles of teacher and dormitory aides and other supportive personnel should receive appropriate consideration, particularly as a means of involving the community.⁸

In addition to these two key areas, the report points out a number of additional areas where BIA performance must be improved. These include: developing more effective liaison and coordination with the Office of Education; Indian youngsters should be moved out of board-

⁶ Ibid., pg. 8.
⁷ Ibid., pg. 7.
⁸ Ibid., pg. 8.

ing schools and placed in community schools on the reservation as soon as this can be done with no reduction in quality of education; more effective coordination with state departments of education and local school districts in assisting them to develop strong and effective programs for Indian children; more effective procedures should be developed for transferring Indian students from federal schools to integrated public schools; more effective ways should be found to provide a higher education opportunity for Indian children, including the encouragement of junior or community colleges on and near the larger reservations.⁹

Three recommendations in the report suggest the need for considerable reexamination and bold new initiatives on the part of the BIA education program. The report calls for a "comprehensive study of the educational needs of Indians and the effectiveness of present programs—federal, state, and local—in meeting these needs."¹⁰ Second, "A review of vocational education opportunities for Indian young people and adults should be undertaken * * * the most extensive program of vocational education possible should be available to Indians, beginning with the high school level, and should be closely tied to job availability and family mobility. Every Indian who completes high school should have an opportunity for college or additional vocational training."¹¹ Third, the report calls for a bolder vision, and substantially greater innovation, in carrying out BIA education responsibility.

The report states:

Education must be viewed as a single, continuing process which ranges from pre-school through adulthood. Beginning with pre-school experience for all Indian children, the research and development capacity of the appropriate agencies should be strengthened, in order to tailor educational programs to the needs of Indian people. Study should be made of the possible application of new educational technologies. Greater attention and support should be given to special education, since there is a high incidence of disability and handicaps among Indian children. Attention should be given to funding experimental programs at universities to assist Indian youth in adjusting to contemporary American society. Consideration should be given to supporting a center for graduate study of the languages, history, and culture of American Indians.¹²

In summary, the Report had pointed out a number of areas where substantial improvement was needed in BIA education programs, including some important structural changes.

In arriving at its decision as to whether or not the educational function of the BIA should be transferred to the Office of Education, the Report considers the prior transfer of the Indian Health responsibility from the Bureau to the Public Health Service in 1955. The Report

⁹ Ibid., pg. 7-9.
¹⁰ Ibid., pg. 9.
¹¹ Ibid., pg. 9.
¹² Ibid., pg. 8.

emphasizes that the transfer of the health function to the Public Health Service had resulted in larger appropriations, greater professionalism, and "there has been a marked improvement in the state of Indian Health."¹³ Nevertheless, the report indicates an important difference between the transfer of health and education. The difference was, "The Public Health Service's experience in the operation and control of hospitals and other medical facilities, whereas the Office of Education has never operated schools or a school system."¹⁴ Therefore, the Report felt that the transfer of the health functions in 1955 did not stand as an adequate precedent for the transfer of the education function.

The Interdepartmental Report concluded that the education function should not be transferred from the Bureau of Indian Affairs to the Office of Education. The Report states:

Because education is inextricably linked to the other human service functions, and because transfer of the education function would result in further fragmentation of the total spectrum of services now afforded American Indians by the federal government, the Departments recommend that the Bureau of Indian Affairs should retain the education function at this time, working in close cooperation with the Office of Education to develop a high quality program of Indian education. This recommendation also reflects prevailing Indian opinion.¹⁵

In arriving at its conclusions, the Report had weighed the following advantages and disadvantages:

ADVANTAGES OF TRANSFER

1. The quality of Indian education might be expected to increase as a result of the augmentation of significant professional expertise, research capability, and financial resources.

2. A more positive public image of Indian education could result from greater identification with the education profession.

3. The Office of Education would have great incentive to build a model program for the education of Indian youth, particularly since this would be its only direct operational program.

4. A more effective transition of education functions from federal to state governments might take place with the more viable relationships which exist between the Office of Education, State departments of education, and local education agencies.

DISADVANTAGES OF TRANSFER

1. The portion of the Bureau remaining after transfer of the education function might be handicapped, and the quality of remaining services might deteriorate. At present approxi-

¹³ *Ibid.*, pg. 6.

¹⁴ *Ibid.*, pg. 6.

¹⁵ *Ibid.*, pg. 1.

mately 70% of the total BIA budget is allotted to education activity. Because of the intricate dovetailing of funding structure, personnel functions, and other services which have developed over the years, education is closely related to other BIA activities. A transfer of the education function doubtless would result in a period of dislocation.

2. Indian people tend to view a transfer of this nature as an additional step toward termination of federal responsibility, a policy strongly opposed by most Indians.

3. A transfer of education alone would result in further fragmentation of services which would necessitate Indians dealing with yet another Federal agency. This diffusion of services is viewed as eventually decreasing the measure of total, integrated assistance to Indians, when it would appear more beneficial to be consolidating or in other ways improving the coordination of direct personal service programs.¹⁶

In considering the advantages and disadvantages stated, it is apparent that the Inter-departmental Task Force felt that the quality of Indian education programs would be substantially improved by the transfer to the Office of Education, and that the new location would provide a far better opportunity for the development of a model program. On the negative side, the Task Force felt that the removal of the education program from the BIA might have a deleterious effect on the rest of the BIA programs. More importantly, it was clear that the Indians felt that the transfer would reflect a termination of federal responsibility.

On November 9, 1966, a meeting had been held in Denver, Colorado, to discuss the transfer question with eighteen Indian tribal chairmen and members of tribal education committees. At this meeting—

Indian representatives expressed concern about the transfer of education from BIA to the Office of Education. They were fearful of 'termination' of federal activities in their behalf, and were generally opposed to the disruption of the traditional relationships which existed with the government. They indicated distrust of the fragmentation of Indian services within the federal establishment. They felt their welfare would suffer if these functions were further divided between agencies rather than remaining concentrated in the Bureau of Indian Affairs.¹⁷

An important consideration was whether or not the Office of Education would actually assume the responsibility with enthusiasm, and carry it out with good faith. Indians seemed to feel that the Office of Education not having had prior experience with an operational program, and strongly beholden to state departments of education, might quickly transfer its responsibilities back to the states. Based on prior experiences with state governments, Indian representatives felt that this would be a disaster. It would result in a substantial reduction of both quantity and quality of educational services available to Indian children.

¹⁶ *Ibid.*, pp. 6-7.

¹⁷ *Ibid.*, p. 5.

In addition to the stated reasons for rejecting the proposed transfer of the education function, two other factors probably played a role in the final determination. First, it might be considered a foregone conclusion that an Interdepartmental Task Force would operate in such a way, as to not embarrass either of the two departments involved. Such a format provided for relatively little independent judgment. Secondly, it is clear from the record of the meetings that were held, that the U.S. Office of Education expressed no enthusiasm for assuming the new responsibilities.

Having opted for the status quo, the Interdepartmental Report provides the following rationale for achieving the "new policy" goals of maximum Indian participation and control and exemplary programs. First, the Report takes note of the new leadership and new policies which had emerged in the Bureau of Indian Affairs, following the appointment of Dr. Carl Marburger, as Assistant Commissioner of Indian Affairs for Education. The Report comments favorably on the new leadership and suggests that it should be given a chance to prove itself. Secondly, the Report calls for closer liaison and cooperation between the Bureau of Indian Affairs and the U.S. Office of Education. Third, the Report recommends that the Bureau of Indian Affairs authorization for Titles I, II, and III, of the Elementary and Secondary Education Act, should be extended beyond the present expiration date and made consistent with the timing of the balance of the act. In addition, other legislative changes should be enacted which would permit the Bureau of Indian Affairs to take full advantage of new funding authorities available under programs administered by the Office of Education.

SENATE SUBCOMMITTEE ON INDIAN EDUCATION

There was no official response from the Senate Education Subcommittee following the receipt of the Inter-departmental Report. On July 18, 1969, Senator Paul J. Fannin, a member of the Education Subcommittee, sent a letter to the Subcommittee Chairman, Senator Wayne Morse, soliciting the establishment of a special subcommittee on Indian education. A memorandum was attached which pointed out the abysmal educational status of the American Indian, and the relationship of this educational failure, to the extreme and desperate poverty of the Indian tribes, whose birth rate exceeded twice the national average. The memorandum indicated the general lack of information and data on the quality and effectiveness of education programs for Indians, and pointed out that although Congress had authorized a comprehensive study as far back as 1956, the study had not been funded.

The critical question raised was that of past and present educational practices of the BIA. The memorandum stated:

By and large, Indian education has been administered in the Bureau of Indian Affairs by taking the children from their families at an early age to attend boarding schools, often hundreds of miles from home. How has this forced separation affected the Indian family? How has this separation affected the child's learning process? What has been the effect of segregating

these children in the non-Indian communities? Are there alternatives? For example, would it be wiser to set up schools on the reservations, run and controlled by the Indians rather than the federal government? Can adult education be effectively combined with the education of the Indian child?¹⁸

In contrast to the BIA, the memorandum pointed to the innovative Rough Rock Demonstration School as the place to look for answers. It stated:

* * * the school is organized independent of the government as a private, non-profit corporation * * * operated and controlled by the Indians. The example set by this unique school may help us find the pattern for future methods of Indian education.¹⁹

In August of 1967, the Senate Subcommittee on Indian Education was authorized by the Senate, with Senator Robert F. Kennedy as its first chairman. By November, professional staff had been hired, and on December 14 and 15, the Subcommittee held its first hearings in Washington, D.C. An important part of its mandate from the beginning was to evaluate the effectiveness of the BIA education program, and to search for new models and organizational alternatives. Was the BIA capable of carrying out the "new policy" called for by the White House Task Force Report and the Presidential Message on the American Indian? Could the BIA with a long history of excessive paternalism, maximize Indian participation and control? Could the BIA bring about a "model of excellence?" These were to be the central questions in the Subcommittee investigation.

In December, 1968, Senator Wayne Morse, Chairman of the Subcommittee on Indian Education, wrote to the Departments of HEW and Interior, asking them to comment on the implementation of recommendations of the May 1967 Inter-departmental Report. The question was also asked, whether or not their position had changed in regard to the transfer of the BIA education function to the Office of Education.

Both of the reports indicated that some progress had been made, that some new initiatives had been undertaken, and that coordination between the two Departments had improved. Both reports indicated that their position had not changed in regard to the transfer of the education function to the Office of Education. The Secretary of HEW commented that:

Until the American Indians can perceive significant and newly-added material benefit arising from transfer action, the experts will be convincing only themselves.

The response from the Secretary of Interior simply stated that:

Indian education has made significant progress under the Bureau of Indian Affairs in the Interior Department, and we believe the Bureau should retain the education function at this time.

¹⁸ Hearings of Senate Subcommittee on Indian Education, United States Senate, Part I, 1968, pg. 9.

¹⁹ *Ibid.*, pg. 9.

The Secretary of HEW indicated that his department had become more aware and attentive to Indian needs, and that this was reflected in the establishment of an Indian desk at the Secretarial level and in the Office of Education. The Secretary of Interior pointed out that the basic challenge was not the organizational location of the federal responsibility, but rather returning basic policy control to the local communities concerned. He states:

We believe the President has indicated a direction for the transfer of Indian education; namely, the involvement of local Indian communities, and the transfer of school functions to them under the control of local school boards.

Careful examination of the status reports reveals that a number of important recommendations have not been accomplished and that others had run into problems. Most importantly, Mr. Carl Marberger had resigned because the recommendation pertaining to line control over the schools had not been implemented. He found it impossible to provide effective leadership under these circumstances, and left the BIA to become Commissioner of Education in the State of New Jersey. Dr. Charles Zellers, who became the new Assistant Commissioner of Education in BIA, has expressed similar deep frustration and concern. Without line control over the schools, effective educational leadership would continue to be crippled, and the most serious problems would go unresolved. Secondly, a thorough-going review of the personnel problems and staff policies and procedures of the education function of the Bureau, had not been accomplished. Serious personnel problems were evident throughout the educational activities of the Bureau of Indian Affairs. Teachers were still working on a 12-month year basis, and recruiting had only been slightly improved. Third, although the Bureau of Indian Affairs had been re-authorized under the Elementary and Secondary Education Act, Congressional resistance had prevented the BIA from being included in several other important pieces of educational legislation, and important objections had been raised in regard to appropriating funds for the BIA programs under Titles I, II, and III, of the Elementary and Secondary Education Act. Fourth, a review of the Vocational Education Programs in the Bureau had not been conducted, and the policies and practices in this area remained thoroughly confused and inadequate. Fifth, although a 'road study' had been conducted on the Navajo Reservation, little if any progress had been made in replacing boarding schools with community day schools. Sixth, although a new kindergarten program had been implemented in some BIA schools, serious problems had arisen over the quality of the programs and meaningful participation of Indian parents. Seven, although the first steps have been taken in the direction of providing some form of local control for Indian communities over the schools which their children attended, the basic issue of school boards had not been resolved, and in fact appeared to be blocked in the Solicitor's office of the Department of the Interior. The advisory school boards that had been set up appeared to be serving only a perfunctory and superficial function.

In summary, the basic problem had not changed, it had only been somewhat ameliorated. The intervening year and a half had not demonstrated that the Bureau would be capable of developing an ex-

emplary program, or a "model school system." The Subcommittee hearings in the Spring of 1969 revealed that the fundamental problem of "bureaucratic malaise" still continued, and that other alternatives must be sought.

Two important studies focused on this problem and suggested alternatives in the Spring of 1969.

* * *

THE JOSEPHY STUDY ²⁰

In December of 1968, Mr. Alvin M. Josephy, Jr., was requested to prepare for the White House a study of the BIA with recommendations for reorganization, both internal and external. Mr. Josephy was an editor of the American Heritage Publishing Company, and the author of several important studies of the American Indian. In addition, he had been a member of the Indian Arts and Crafts Board of the Department of the Interior, and had played an important role in the establishment and support of the innovative Institute of American Indian Arts in Santa Fe, New Mexico. Mr. Josephy provides a thorough and extended analysis of the many attempts and recommendations for reform in the 1960's. Why had most of them failed?

One of the major reasons lies in what Mr. Josephy has called the "termination psychosis" of the Indian tribes. He defines this as "an almost ineradicable suspicion of the government's motives for every policy, program, or action concerning Indians." The depth and intensity of termination fears had been revealed in 1966 during the regional meetings, conducted by the Commissioner of BIA to discuss the new "Omnibus Bill." In 1967, these fears led to the unanimous opposition to "Omnibus Legislation" despite the fact that Indian tribes approved of some parts of the new legislation. In 1968, "termination fears" led to the rejection of the important proposals made by the White House Task Force Report, and caused the rejection of the proposed transfer of the BIA education function to the Office of Education. The conclusion drawn is that if organizational reform of the BIA is to be accomplished, "termination fears" must be allayed and Indian leaders must participate in deciding on the changes, and feel that the government is acting in good faith and in the Indians' best interests.

Mr. Josephy emphasizes that the fundamental problem does not lie with the Indians, but rather with the Federal government and its general failure both in terms of policy and administration. He cites a number of important factors which have resulted in the "bureaucratic malaise" and the failure to carry out meaningful reforms:

1. *Basic deficiencies of knowledge* about Indians among non-Indians who are responsible for policy formulation and the "management" of Indian Affairs. Indians have long complained about officials who listen to them but don't seem to understand them, resulting in actions and programs that are imposed by well-intentioned whites, but bear no relation to the realities of what a tribe, fashioned by a particular

²⁰ "The American Indian and the Bureau of Indian Affairs—1969,"—A Study with recommendations prepared for the White House—February 11, 1969, pp. 9-12 (can be found in Subcommittee Hearings, Vol. VI—appendix).

history and culture, needed, desired, or could accept and carry out with success.

2. *A general lack of vision and historical perspective.* In the great mass of treaties, statutes, laws and regulations that have been built up during the long course of Federal-Indian relations, the non-Indian, either does not understand, or forgets certain basic truths about Indians that must never be forgotten:

—Indians have been here for thousands of years.

—This is their homeland.

—They evolved their own distinctive cultures, and did not share the points of view, attitudes, and thinking that came to the rest of the American population from Judeo-Christian, and Western Civilization legacies.

—Although the Indians were conquered militarily (and are the only portion of the American population that reflects that experience), they are confirming the lesson of history, namely, that no people has ever been coerced by another people into scuttling its own culture.

—Although acculturation and assimilation do occur, they occur only on the individual's own terms.

3. *Lack of self-government.* Indians are still governed, not entirely unlike colonial subjects, by strangers whom they neither elected or appointed, and who are not accountable to them. As late as 1934, the rule of the "governor" was absolute; since then, tribal counsels, like the legislatures of many modern colonies, have acquired authority over a broadening range of tribal affairs. But the "governor" is still present with the apparatus of management, and the powers of direction, influence, finances, and veto to use when and where they really count. A recent article, entitled "The Indian; the Forgotten American," published in the *Harvard Law Review*, in June 1968, summarizes the suffocating, bureaucratic paternalism that still exists. It states: "The BIA possesses final authority over most tribal actions as well as over many decisions made by Indians as individuals. BIA approval is required, for example, when a tribe enters into a contract, expends money, or amends its constitution. Although normal expectation in American society is that a private individual or a group may do anything unless it is specifically prohibited by the government, it might be said that the normal expectation on the reservation is that the Indians may not do anything unless it is specifically permitted by the government."

4. *Lack of understanding of the Indian experience and the Indian point of view.* From the standpoint of the Indian, the present is a continuation of an unbroken narrative of policies, programs, and promises, often abruptly changing, disorganizing, contradictory and unrealistic, and a people, many of whom still personally remembered, who gave promises and orders, and who sometimes worked for good, and sometimes for harm. The Indian point of view is a legacy of pacification, army, and missionary rule, punishments and repression, allotments, treaty sessions, and sacred promises,

laws and special rights acknowledged in return for land cessions, and orders given by the government in the 1920's, countermanded in the 1930's, countermanded again in the 1950's, and countermanded once more in the 1960's. The Indian point of view is conditioned by the knowledge of a "Mr. Smith" or a "Captain Jones" who came to the reservation as the agent of a President in the mid-19th century, and told the tribal leaders something that their descendents have kept alive from generation to generation. He will cover his reactions to a proposal with the ever-green memories of battles won or lost, of injuries and injustices, of land taken from his people by fraud, deceit and corruption, of lost hunting, fishing and water rights, and of zigzag policies of administrations that came to office, and then left.

5. *Inability to listen or accept Indian recommendations for change.* Indians had long asserted, but usually to deaf ears, that the individual tribes knew better than the government what kinds of programs they needed and wanted, and that if they could play decisive roles in the planning of such programs, they could, with technical and financial assistance, demonstrate an ability to learn quickly, to administer, and to execute them successfully. * * * This assertion was stated forcibly in a "Declaration of Indian Purpose" by some 420 Indian leaders of 67 tribes at a gathering in Chicago in June 1961, but * * * it received no serious recognition or encouragement from the Bureau of Indian Affairs. The Indians were deemed not to know what was best for them, and programs continued to be imposed. * * * Included in the "Declaration of Indian Purpose" was an important recommendation for reorganizing the Bureau of Indian Affairs. Additional recommendations of this type have been put forth at various different times during the 1960's by Indian groups, but none have been accepted or paid attention to.

Recognizing the serious and basic deficiencies in the administration of Indian Affairs, Mr. Josephy concludes that "the primary urgency in Indian Affairs facing the new Administration in 1969, is the reorganization of the present Bureau of Indian Affairs." He recommends the following: "This study recommends that a meaningful and determined reorganization of the administration of Indian Affairs, together with the providing of an effective administration pledged to go forward to the opportunities of tomorrow and not simply solve the problems of yesterday, can only be accomplished by moving the Bureau of Indian Affairs to the Executive Office of the Presidency, for the objectives of Indian Affairs in 1969 require nothing less than the priority, mandate, and visibility which the President himself can give them." Mr. Josephy adds that the terms of Bureau and Commissioner are outmoded, and should be changed.

Mr. Josephy supports his recommendation with the following arguments:

(1) Transfer of the Bureau to the Executive Office of the President would give it high visibility and a strong mandate for change and improved performance.

(2) Transfer of the Bureau to the Executive Office of the President would keep it intact while at the same time permitting a thorough-going reorganization.

(3) Transfer to the Executive Office of the President would probably be acceptable and perhaps even received enthusiastically by the Indians.

Other sub-optimal reorganization proposals are considered. If the Bureau of Indian Affairs must remain in the Department of Interior, provision must be made for a thorough-going reorganization along the lines proposed in his study. The reorganization would provide for radical decentralization of influence, power, and authority, to the tribes, primarily a contracting relationship between the Bureau of Indian Affairs and the tribes, and line authority over the schools by the Assistant Commissioner for Education in the Bureau of Indian Affairs. In addition, he recommends that the Bureau should definitely be elevated to the status of Assistant Secretary for Indian and Territorial Affairs, in the Department of the Interior. The Bureau's present location under the Assistant Secretary for Public Land Management is clearly unsatisfactory.

If the Bureau of Indian Affairs is to be transferred to the Department of Health, Education, and Welfare, "a deliberate and careful effort will have to be made to win the Indians' understanding and agreement. The fears of termination will have to be recognized, and the Indians will have to be persuaded that their concern, not alone about termination, but that they will be submerged and placed in a disadvantageously competitive position for services with non-Indians who greatly outnumber them, is generally groundless." If the BIA is to be transferred to HEW, it should be transferred to a single new agency under an Assistant Secretary or at a minimum, an Administrator for Indian Affairs in that Department. (This parallels the recommendation of the Presidential Task Force Report.)

The last option considered by Mr. Josephy is the creation of an independent agency or commission, not in the Executive Office of the President. He states:

This would not have the impact or commitment which Indian Affairs truly requires in 1969, but it would extricate the Indians from old adversaries in Congress and the Bureau of the Budget, would raise them from their present submerged position in a Department oriented toward non-Indian matters, and might place them in a better competitive position for government services for all Americans.

Mr. Josephy concludes with a strong admonition:

Wherever the present Bureau of Indian Affairs is positioned within the Government, its structure must be thoroughly reorganized.

THE CARNEGIE REPORT ²

In March, 1969, Mr. Francis McKinley and Dr. Glen Nimnicht testified before the Senate Subcommittee on Indian Education in regard to a research project which they had been conducting over the past year funded by the Carnegie Foundation. Mr. McKinley had developed a number of innovative educational programs, as a member

² *Who Should Control Indian Education, A Report Funded by the Carnegie Corporation and prepared by Francis McKinley, Stephen Bayne and Glen Nimnicht, reprinted in subcommittee hearings, pt. 2, 1969, appendix, p. 1599.*

of the Ute Tribe in Utah, and had served as Director of the unique Indian Education Program at Arizona State University. Dr. Nimnicht was a nationally recognized expert in the field of "early childhood" education. Both were presently on the staff of the Far West Laboratory for Educational Research and Development in Berkeley, California.

On June 12, 1969, the Subcommittee received a draft of their final report to the Carnegie Foundation containing important findings and recommendations for improving education for American Indian students. The study was designed to be a field analysis of the education of Indian children at a representative sample of ten public and federal schools. The Study focused not only on the students and the school but also, more importantly, on the relationships between the school and the Indian community. The results of the survey study were to be used in the development of eight to ten demonstration schools, to test what might be accomplished when the Indian people have a major voice in setting education policy for the schools their children are attending. As the authors state:

Among other things, it was expected that the curriculum of these 10 model schools would be modified to reflect local Indian history, culture, and values, and that noteworthy educational innovations would be introduced to raise the educational achievement level of the Indian students.

The authors point out that although the full study is not yet completed, that the data finally available will support the following conclusions:

1. The education provided Indian children is a failure when measured by any reasonable set of criteria. The educational system has not succeeded in providing a majority of Indian children with the minimum level of competence necessary to prepare them to be productive citizens in a larger society. Additionally, very little attempt has been made to perpetuate the values and culture that might be unique to the Indian people, provide them with a sense of pride in their own heritage, or confidence that they can effectively control their own future development. It should be noted that the fault for these inadequacies in education does not lie entirely within the school; the whole system of relationships between the white majority community and the Indians is the source of the problem. While the schools, both public and Bureau of Indian Affairs supported, are in great need of improvement in curriculum, methods, teacher training, teacher turnover, and in the teacher's understanding of the unique problems of the students and their parents, any increase in money, time, and effort spent on Indian education can only relieve some of the more important symptoms of the underlying problem. These efforts will be relatively ineffective unless the basic relationships between Indians and white people can also be altered, and, specifically, unless the paternalistic relation-

ship between the white power structure and the Indian community can be changed.

2. The crucial problem in the education of Indian children is the general relationship between white society and the Indian people. This relationship frequently demeans Indians, destroys their self-respect and self-confidence, develops or encourages apathy and a sense of alienation from the educational process, and deprives them of an opportunity to develop the ability and experience to control their own affairs through participation in effective local government.

In their report, the authors cite many examples of the complete breakdown of communication between school officials and the Indian community and between teachers and Indian children in the classroom. They arrive at the conclusion that meaningful Indian parental or community participation in either public or federal schools, simply doesn't exist.

Despite the fact that the Bureau of Indian Affairs is officially on record as encouraging and supporting control of schools by local Indian school boards, one still encounters the same old paternalistic attitudes. They cite an example of a BIA area director for education who told them, "We cannot allow a board of illiterates to run the schools," and another BIA official who told a group of Indian leaders, "The best thing you can do about education is to leave the decisions to us. The Bureau schools have been good for you—look where you are now!"

They examine in considerable detail, an effort to develop a community school with a local Indian school board on the Pine Ridge Reservation in South Dakota. Despite a tremendous amount of effort and involvement, a strong expression of support and interest, and considerable planning on the part of the Indian community, the effort was abortive due to lack of encouragement and support on the part of the Agency Superintendent, the Area Director, and ultimately the Commissioner of Indian Affairs. A variety of excuses were used for not supporting the project, and ultimately it became embroiled in tribal politics. However, with encouragement, support, and technical assistance on the part of BIA, the effort might have been successful.

The authors conclude that Indian control over their own schools is a difficult process and one that is likely to take a variety of different forms. Given the difficulty of the task, and the need for considerable imagination and flexibility from those providing technical support, it is highly unlikely that the Bureau of Indian Affairs will be able to carry out its mandate to bring about meaningful Indian control.

Despite the complexity of the task, important precedents do exist for Indian-controlled schools. They point to the extraordinary success of the Choctaw and Cherokee school systems which constituted two of the finest school systems west of the Mississippi at the turn of the century. For a more recent example, they point to the Rough Rock Demonstration School on the Navajo Reservation. In addition, they provide an interesting case study of a movement towards community control, of a small rural public school in North Central Oklahoma. The authors had assisted in conducting an action research project in the Ponca Indian community of White Eagle, located five miles from

Ponca City, Oklahoma. The White Eagle school, which was the focus of attention, had been considered a "blight on the community." Attendance was sporadic, achievement was far below state norms, and the drop-out rate by sixth grade was an incredible 87%. The school was attended exclusively by the Ponca Indian children. Though the effort was only partially successful and met with considerable resistance, there were a number of important accomplishments including the election of an Indian to the school board for the first time in twenty years.

Having made a strong case for the absolute necessity for Indian communities to be allowed to assume major responsibility for the education of their children, and the need for a new kind of organization to carry out this mandate, the authors conclude their report with the following recommendations:

Government

1. *We recommend the creation of a Federal Commission to assume control of Indian education, with an explicit mandate to transfer this control to Indian communities within five years, after which the Commission would cease to exist.*

The Commission would assume responsibility for the following: (a) expediting the transfer of control over education to Indian communities by providing legal services; (b) training Indian educators to administer and staff the schools; (c) providing consultant assistance to Indian school boards toward establishing and operating a local school system; (d) providing funds for revising curricula to reflect the history, culture, and values of the Indian people the school serves; and (e) serving as a conduit for Federal support funds, including Johnson-O'Malley funds.

The documentation which this report gives to a continuing history of paternalistic relationships between the Bureau of Indian Affairs and Indian communities provides a strong rationale for immediate implementation of a program to transfer quickly the control of education from the Bureau of Indian Affairs to Indian communities.

Three models now exist for such a transfer. The first model is the Rough Rock Demonstration School which is operated by Dine, Inc., a Navajo non-profit organization. The second model is the Blackwater School on the Gila River Pima Indian Reservation in Arizona where an all-Indian School Board of Education has assumed jurisdiction for a former BIA day school. A more recent model is the Tama Community School which will be operated by the Tama Indian Community beginning with the 1969-1970 school year. (The BIA had planned to close this school and to transfer the students to a nearby public school. The Mesquakie Indians of Tama Indian Community protested, and succeeded in getting a court order sustaining the school.)

We would add that the definition of "community" in the transfer process need not be a monolithic one. The Commission could conceivably transfer control to local groups such as Headstart parents advisory committees, tribal councils, or

intertribal organizations such as the Arizona Indian Development Association or the California Indian Education Association.

We consider the following factors to be favorable to adoption of the specific method of control transfer which we have recommended above:

- The time limit is long enough to insure that the transfer of control will be orderly, and short enough to reassure the Indian people that the change will occur quickly.
- The limited life and purpose of the Commission will avoid the problem of replacing one vested interest bureaucracy with another.
- With adequate support for training administrators, teachers, and school board members, for revising curriculum, and for introducing educational innovations, the Federal Government can transfer the schools to local people in a manner that will greatly enhance the schools' chances for success.
- This proposal will not prevent mistakes from being made in the provision of education for Indian children. However, the mistakes will be made by the Indian people themselves, and not by a federal bureaucracy. Considering that our analysis has shown education for Indians to be largely a failure, we do not feel that the mistakes made by the Indian communities would make the situation any worse than it is now.

2. *We recommend that, in the interim until the Commission is initiated, there be an alteration in the criteria used within the Bureau of Indian Affairs for making decisions about promotions and financial rewards.*

Rather than rewarding field personnel for accurate reporting and tight administration as is now the general practice, rewards should be granted by the degree to which the recipient has: (a) successfully involved members of the Indian community in decision-making at the highest level; (b) transferred some of his responsibilities to Indians; (c) increased the number of Indians holding responsible positions; and (d) encouraged experimentation and innovation. If these criteria were applied to all aspects of the BIA's operations, the result should be an increase in the opportunity for local Indian people to govern their own affairs, at least to the extent that similar opportunities exist for non-Indian communities.

3. *In the interim until the Commission is formed, we recommend changes in the procedures of recruiting and selecting educational personnel within the Bureau of Indian Affairs.*

The standards of the education profession rather than those of the Civil Service should determine who shall teach Indian children. Currently, principals must accept a staff chosen by the Bureau Area Office from Civil Service registries, and thus find themselves often burdened by teachers

poorly qualified and unadaptable to the special conditions inherent in teaching Indian children.

4. *In the interim, we recommend that a definite statement of goals and purposes be made for each of the boarding schools operated by the Bureau of Indian Affairs.*

The boarding schools have never been, and are not now, simply "high schools," although that is what they purport to be. We recommend that the boarding schools be converted to special purpose institutions such as terminal vocational centers, academic high schools, remedial and special education centers, junior colleges, special subject schools (such as the Santa Fe Institute of American Indian Art) or regional schools, rather than keep their confused and archaic status as mixed academic, remedial, and disciplinary institutions.

We wish to be perfectly clear and explicit that the above recommendations are *not* intended in any way to support "termination." We feel that Indian communities have the right to their present legal privileges and immunities for as long as they wish to perpetuate them, and that it is the responsibility of the Congress as well as of the Indian communities to see that these rights are protected.