

YAKIMA VALLEY REGIONAL LIBRARY
American Heritage Project

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TOPIC: What is the status of the Yakima Indians and the other Indian Tribes of the Northwest? Is their compensation from the Federal Government justified and Adequate?

A NEW ERA FOR INDIAN AMERICANS ** By Essie Skillern

There is great diversity of Indian life. Yet there are basic facts about these people and their relationship with the United States government which are essential to an understanding of their situation.

Indians vote, hold office, and take part in many ways in the life of the community, county, and state in which they live. They are as free as anyone else in their movements; but in most of the decisions affecting their lives and welfare, Indians are frequently referred to as "wards of the government." Many persons claim this term is misleading, since the government exercises no control over their personal affairs. The Bureau of Indian Affairs, however, does function as trustee for about 35 million acres of Indian land (both tribal and individual), and perform a number of other functions designed to meet special needs of the Indian people.

The fact that the Indian is a citizen does not mean that he must abandon his religion or his traditional way of life. Freedom of religion is guaranteed for the Indian, as it is for all other citizens, by the Federal Constitution.

Historically, the trust relationship of the government to Indian land was established at the request of the Indian. Indian land trusts are of two kinds--tribally owned, and individually owned. An individual Indian may request a patent-in-fee to his land; and, if considered competent to handle his own land, his title is changed to fee simple, and he is given current appraisal of the value of his allotment. His land is then no longer subject to control by the government, and is subject to state and local taxes. Some Indian funds are also managed by the government as trustees.

Education is now being provided for over 100,000 Indian children, in public schools operated by the Indian Bureau, and in schools sponsored by denominational missions on or near reservations. More than one-half of all Indian children are attending public school. Many of them attend boarding schools. Unstable communities in remote sections of large reservations and in Alaska still present a problem in providing school facilities.

For several decades the government has worked to improve Indian health. Hospitals have been established, and in recent years preventive medicine has been stressed. Many problems remain, but significant progress has been made in controlling the eye disease known as trachoma, in reducing deaths from tuberculosis, and in cutting down tribal rates of infant mortality. On July 1, 1955, the Indian health responsibility of the federal government was transferred from the Department of the Interior to the United States Public Health Service, under an act of Congress supported by the Bureau of Indian Affairs and the Department of the Interior.

Education plays a basic part in preparing the Indian, as well as the rest of the population, to take advantage of existing economic opportunities. However, inadequate reservation resources in relation to a rapidly expanding Indian population are creating severe economic problems. As a result, many Indians have left the reservation to seek a livelihood elsewhere.

Some go out, and become self-sufficient from the beginning. Others need help during the transition period. For those needing help and requesting it, the Indian Bureau's voluntary relocation program provides assistance in settling families away from the reservation. This involves extensive counseling, as well as financial aid. It also involves mobilizing action on the part of the non-Indian community, which the Indian is joining, to help with housing, social adjustments, church affiliation, schooling, and a job.

Indians with special skills and talents in native arts and crafts are encouraged and assisted in marketing their products by the Indian Arts and Crafts Board of the Department of the Interior. Active efforts are also being made to encourage the establishment of industrial and commercial enterprises near the reservations so that job opportunities can be made available to Indians on the reservations.

In a talk given in 1953 by Glenn L. Emmons, United States Commissioner of Indian Affairs (Department of the Interior), he stated two major purposes; one was to review outstanding events of the year, which might provide a clue as to the standing of Indian affairs; the other was to attempt to look into the future and formulate plans for working out a program which might prove beneficial to the Indian people.

He said, "The year just past has been a highly significant one in Indian affairs--probably one of the most eventful we have had in a very long time."

ANTI-DISCRIMINATION LEGISLATION

Two bills have been introduced and passed, aimed at removing or modifying discrimination against the Indian people. One of these bills deals with such things as the purchase of firearms and the sale of implements of husbandry. The other repeals the long-standing federal prohibition against the sale of liquor to Indians outside the reservation and similar other Indian areas. Inside these areas it provides for local option wherever state laws permit it.

Both these anti-discrimination measures were signed by the President. There seem to be no other laws left on the federal statutes that can be considered as racial discrimination against the Indian people.

A major item of legislation that came out of the 1953 congressional session was Public Law No. 280. It has caused quite a bit of public controversy, especially two particular sections, which were added as measures during the latter stages of congressional action. These sections authorized any state to assume, by proper legislative acts, the same kind of jurisdiction in Indian areas which the law specifically conferred on five states.

In signing the law President Eisenhower indicated his concern about these two sections which would make it possible for a state to assume jurisdiction without even consulting the Indians involved. He urged Congress to remedy this defect by an appropriate amendment as soon as possible.

House Concurrent Resolution No. 108 sets forth the congressional policy in Indian affairs: (1) Indians should be made subject to the same laws and entitled to the same privileges as other citizens of the United States as rapidly as possible, (2) nine specifically designated groups of Indians should be freed at the earliest possible moment from federal supervision and control, (3) the resolution calls upon the Department of the Interior to submit recommendations for legislation that will accomplish this purpose for these nine designated groups.

KLAMATH PREPARATION

Section 26 of P.L. 587 authorized the Secretary of the Interior to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the Klamath tribe to earn their livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such a program may include language training, orientation into non-Indian communities, customs and living standards, vocational training and related subjects, transportation to places of training or instruction, and subsistence during the course of training or instruction.

The time is rather short for such a program, but the Indian Bureau intends to do its best. The Bureau can start with the knowledge that most of the Klamaths speak and write English. They have benefited from the training they have had in public school, but they know little about civil government at the level where they will soon need it most--at the level of the assessor, the sheriff, the county treasurer, the judge, the justice of the peace, the county agent, the school superintendent and commissioners for roads, welfare, sanitation, and so on. They need training in work habits and skills, and in understanding why punctuality and dependability are assets. All these things will constitute the subject matter of the adult education classes which the Indian Bureau have planned to start soon on the Klamath reservation. Elementary arithmetic will be taught where necessary, as well as the use of English in written and spoken form. Classes will be organized in health and sanitation, community and state civics, business and legal practices for Oregon citizens, consumer education, and agricultural extension. Nursing and child care will be offered, also. This program projects a stripped-down form of fundamental education, which should not only help the Klamaths but be of great interest elsewhere.

INDIAN ATTITUDES

During the winter of 1955 Harold E. Fey, editor of the Christian Century, circled the western two-thirds of the United States, visiting the major areas of Indian life and talking with Indians and whites about what the future holds for the 400,000 descendants of the original Americans. Almost without exception he found Indian leaders full of foreboding. They recalled other, similar, periods, and remembered what happened then. Moreover, the recent actions of Congress had filled them with alarm. When Glenn L. Emmons, United States Commissioner of Indian Affairs, visited the Northwest on January 21, 1955, the official representative of the numerous Indian tribes in that area presented him with a written statement. One sentence read: "Indian affairs are in a crisis more acute than any that has faced the Indian at any time."

Pressures affecting all Indians have reached their greatest intensity in the resource-rich Northwest. But, even in the Southwest, Indians are aware that they will not be spared. They must make common cause or be overwhelmed. Near the Canadian border a tribal chairman said that Indians are preparing to fight with all their might against present trends in Washington--trends which reflect the attitudes of average American in all parts of the country. He said that until recently his people believed "they would do better simply to throw themselves on the mercy of the government." Now, however, the results of such a philosophy have convinced them that the government "has no mercy."

Most people will agree that the white man has largely bungled in his relations with the Indian. Almost everything has been tried during the past three centuries of association with this race. European invaders tried enslavement and that failed. Others tried to divide and rule, and that did not accomplish the desired results.

From time to time there were local attempts at extermination. These did not succeed although they came closer than many think. Missionaries and others tried to make the Indian over in their own image, without any lasting success. The policy followed by our government with most persistence has been to isolate the Indian, first in under-

developed parts of the country, and then on reservations. But that has not worked, either.

Since the beginning of this century, the government has spent more than a billion dollars to improve the economic condition of this minority. The simple, materialistic faith that filling stomachs solves all other problems, which seems to underlie our policy toward underdeveloped countries threatened with communism, has not solved our relations with the Indian. The only policy we have not tried consistently, determinedly, and on a large scale is the policy of study of the Indian heritage, respect for the Indians as individuals, and for social groupings as essential to his way of life.

KLAMATH INDIANS "TERMINATED"

A law that may well become a classic example of legislative frustration is Public Law 587, passed by the second session of the 83rd Congress and signed by President Eisenhower on August 13, 1953. It is one of six laws providing for termination of federal supervision. On August 13, 1958, unless the law is changed, the government will give up all responsibility for supervision over the trust and restricted property of the Klamath Indians in Oregon, will move out of its own building on the reservation, and will end all federal services furnished this tribe "because of their status as Indians."

The assets of the Klamath Indian tribe consist of nearly a million acres of timber and grazing land. An Indian Bureau forester said that lumber from three trees of the size common there would be sufficient to build an ordinary two-bedroom house. He said that the Indian Bureau forestry service has managed Klamath forests for many years. Since 1913 its harvest of trees has been over four billion board feet of lumber from this reservation; yet the Klamath forest now has trees still standing sufficient to make that much lumber. This forest could continue producing lumber indefinitely if proper management were continued. The forester was unable to tell what would happen if the tribal assets were divided. Those people who are in a position to know realize that if the Klamath forest is slashed, as others have been, it may become another eroded wilderness, subjected to fires, droughts, and floods--thus shorn of productivity for at least 100 years.

What will this transition mean to the people of the Klamath tribe? Public Law 587 asks the Secretary of the Interior to appoint three "qualified management specialists to guide their transition. The law requires these management specialists to appraise the Klamath assets within a year. When this appraisal has been made, the adult members of the tribe, who number about 1,000 are to be told what it reveals, and each is to be given his opportunity to "withdraw from the tribe and have his interests in tribal property converted into money and paid to him; or, he may remain in the tribe and participate in a tribal management plan, through a trustee corporation. The decision is irrevocable."

The responsibility which Public Law 587 imposes on each adult of the Klamath tribe is truly a formidable one. It is not surprising that the tribe is split and a bitter contest raging between the advocates of withdrawal and those wishing to maintain tribal status. The latter contend that they never favored the action taken by Congress, but that they were maneuvered into a position where they were misunderstood.

Members of the Klamath tribe who composed a delegation to Washington got the impression that the per capita payments they sought from tribal funds would not be forthcoming until they assented to Public Law 587. It is a fact that section seven of the law authorizes the Secretary of the Interior to pay \$250 to each member of the tribe as soon as practicable after the passage of this act. Per capita payments average about \$800 per year now. Once they were larger.

U.S. INDIAN POLICY

An attempt to discover whether the Indians' feelings of distrust in Congress was justified led to House Concurrent resolution 108, which was passed in 1953. It declares that Congress has decided to "make" Indians conform to the laws which bind everybody else, and "to end their status as wards of the United States"--this to be done "as rapidly as possible." When this process is completed, the Indian will have the same privileges, rights, and responsibilities of all other citizens.

The bills deriving from H.R. 108 not only withdraw federal trust from Indian property and place it on tax rolls, they also terminate the application of the Indian Reorganization Act of 1934, abolish tribal constitutions and corporations based on that law, abrogate federal-Indian treaties, and impose the breakup of tribal properties into individual parcels. The bases of these apprehensions are that these bills threaten the Indians' land. H.R. 89, which was enacted March 25, 1953, asks the Indian Bureau to supply a list of tribes ready for "full management of their own affairs," and for legislative proposals designed to promote the earliest practicable termination of all federal supervision and control over Indians.

House Report 841, of the 83rd Congress, states that the Indian bills then current had "two coordinated aims: first, withdrawal of federal responsibility for Indian affairs whenever practicable, and second, termination of the subjection of Indians to federal laws applicable to Indians as such." It reported that the Congressional committee had interrogated officials and that the Indian Bureau had held eight hearings under Resolution 89 in the West and Northwest.

Mr. Felix S. Cohen, a leading authority on Indian law and affairs, now deceased, pointed out that beginning in 1950, Indian freedom began to be restricted, his property was increasingly controlled by the Indian Bureau, and the arm of government was transformed into an instrument of power.

So it may be said that the "erosion of Indian rights" started several years ago. A similarly gradual turn occurred over twenty-five years ago, when the last previous important change in national policy toward the Indians took place. This was a change toward more freedom. It began in 1924, when the Indians were given the right to vote, and in 1926, when Secretary of the Interior Hubert Work asked the Brookings Institution to survey the economic and social condition of the Indians. This survey resulted in the famous Meriam Report, issued in 1928, from which later progress got its start. Two Quakers were appointed as Commissioner and Assistant Commissioner of Indian affairs--Charles J. Rhodes, Philadelphia banker, and J. Henry Scattergood, treasurer of Haverford and Bryn Mawr Colleges. These two men have chiefly to their credit the modernization of Indian education. They persuaded Congress to increase appropriation for education from \$3 to \$12 million a year.

From this background came the Indian Reorganization Act of 1934, which opened the way to about twenty years of Indian progress. Congress gave the Indians right to establish corporations, and two-thirds of the tribes took advantage of the opportunity. Indian tribal councils were given greater authority. They could veto disposal of Indian property by the Indian Bureau. They had access to a \$10 million credit fund for developing tribal resources. Indians got preference for Indian Bureau jobs. This was only a beginning.

STATEMENT OF THE CAYUSE, UMATILLA, AND WALLA WALLA CHIEFS:

In the years beginning in 1855 and subsequent thereto, by virtue of the treaty of 1855, with the various tribes of Indians relinquished their rights to large portions of land in both these states (then the territory of Washington), and, at this time, the Indians agreed to remove to portions of land called reservations, there to live under a beneficent wardship of the federal government. At that time it was clear to

the federal government that the Indian was not ready for full citizenship, and that he must be protected from the commercial instinct and sharp practices of the white citizens of the territory. Today, we are being told that we are now ready for full citizenship; that we are mentally competent to buy and sell land, buy intoxicants and generally carry on business practices without any restrictions whatsoever. Admittedly, the tendency of the white man to cheat and defraud the Indian has not changed over these last hundred years. If this is so, then how can it be argued, with any degree of sincerity, that the ability of the Indian to defend himself against the white man's tendencies has changed? We still have today on the Umatilla Reservation essentially the same Indians that inhabited the reservation many, many years ago. He is just as susceptible to the sharp practices of the white man, and just as easily influenced by friendly overtures--aided...by liquid refreshment--as he was then. The educational facilities that have been made available to the younger Indians have largely been superficial. They have been more less educated in theory, but certainly have not been educated in fact, so as to be able to cope with a commercial and selfish world. For a hundred years they have been taught...that they were not competent to compete with the whites. All this training has instilled in the mind of the Indian a complex of inferiority that will not easily be eradicated...Now it is being recommended that the Indian be released from the restrictions of his wardship, and the reservation liquidated.

(Signed) Luke Sowafroo,
 Chief of Cayuse Tribe;
 Tom Joe,
 Chief of Umatilla Tribe;
 Jim Kanie,
 Chief of Walla Walla Tribe;
 Andrew Barnhart,
 Interpreter; March 31, 1952

Facts Forum
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