

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of the Secretary
Washington 25, D. C.

November 30, 1955

My dear Mr. La Farge:

The White House has sent to us, for study and reply, the letter which you addressed to President Eisenhower on November 10 concerning the present situation in the broad and complex field of Indian affairs.

After reading your letter, I find myself somewhat puzzled by many of the statements and assertions you have made. Let me be specific.

In one place, for example, you talk about "the sense of disappointment, even dread" which you feel prevails among "most" Indians today. Frankly, I am not sure whether any single individual is really qualified to speak on behalf of a majority of the 400,000 or so Indian people in the United States. But I do know that reports coming to us from Indian Bureau employees, who are in daily contact with thousands of Indians on the reservations, would not bear out the sweeping assertion you have made. These reports reflect, rather, a broad diversity of Indian opinion varying greatly from tribe to tribe and focused largely on local issues. They also reflect a widespread and warm appreciation of the forward-looking programs that have been initiated and the positive results that have been achieved by the Bureau of Indian Affairs during the past two years under the leadership of Commissioner Glenn L. Emmons.

You also talk about "the present administrative tendency to see the solution of the Indian problem in the dispersal of Indian communities." As Commissioner Emmons and others have repeatedly emphasized, this is not the policy of the present Administration. We believe in freedom of movement and freedom of choice for the Indian people. We believe also that the problem of a rapidly growing Indian population on a fixed, and largely inadequate, land base will lead many Indians in the future, as it has led many in the past, to seek a livelihood away from the reservations. Our primary concern is to assist this voluntary movement and guide it along constructive channels. But we are not seeking a solution by trying to break up Indian communities. In fact, we have vigorously opposed legislation in the present Congress which would have this effect.

The solution, you say, lies "in the elevation of Indian communities to the level of health and well-being enjoyed by other communities in our country." This, of course, is the policy which Commissioner Emmons has been advocating -- and carrying out -- since he first took office in August 1953. He has said many times that he would like nothing better than to create a vigorous local economy on each reservation which would provide adequate support for the whole population. He recognizes, as I do, that in many areas this will not be feasible because of inherent limitations in the quality of the land resources or other apparently insurmountable limiting factors. Nevertheless, it has been and still is a central item of Indian Bureau policy to assist the Indians, to the fullest possible extent, in making effective use of their available resources and in raising their living standards to the level characteristically enjoyed by their non-Indian neighbors.

In the light of these facts, I find it particularly difficult to understand what is meant by your statement that present policies have tended to worsen the situation in regard to Indian economy and "the wellsprings of Indian initiative." I know of no factual evidence whatever that would support this assertion.

On the second page of your letter you have quite a bit to say about the Indians' "inherent right to retain, if they wish, their identity as Indians and as tribal groups." Of course, they have such a right and nobody in this Administration, to my knowledge, has ever attempted to deny it.

In similar vein you state that "it does not grant a man freedom or equality to deprive him of his rights." This is a rather self-evident proposition but I am not aware that there has been any such deprivation. In fact, I would emphatically repudiate the implication clearly running through your remarks that there has been or will be.

Another statement with which it would be hard to disagree is the assertion on the third page of your letter that "consultation with Indians, followed by utter disregard of their wishes, is a mockery." Here is what Commissioner Emmons had to say about consultation with Indians as recently as last July 11 in a public address at Estes Park, Colorado:

"To me the term does not mean going out to meet the Indians with preconceived plans or cut-and-dried solutions

for their problems all wrapped up in advance. It does not mean merely advising the Indians of what we intend to do and then going right ahead with it regardless of any objections they may have or any views they may express. It does not mean being in too much of a hurry to really listen or being too self-righteous to really understand.

"In my definition full consultation has several important, and actually essential, characteristics. First, it involves making a sincere and warmly sympathetic effort to learn just what the Indian people have on their minds and in their hearts. Secondly, it means providing them with a complete and unhampered opportunity for an expression of their views. Thirdly, it means giving the fullest possible consideration within the limitations of law and policy, not to every individual Indian's opinion, but to the clear consensus and to those views which are obviously supported by a majority segment of the tribal population. Finally, in those cases where there are good and compelling reasons for not complying with the tribal requests or recommendations, it means explaining carefully and clearly just what those reasons are and why, from the Government standpoint, they seem to be important."

In your letter to the President you mention the "termination acts affecting the Klamath and Menominee Tribes of Indians. In a recent article for North American Newspaper Alliance you had this to say: "The Administration came in with a sheaf of bills to terminate the Indian status of various tribes. Heaven knows how the tribes were chosen." In the first place, the purpose of the bills is not what you state. Secondly, there is no mystery whatever about the selection of these particular tribes. As you must know, all tribes covered by the Administration's "terminal" legislative proposals of January 1954 (except the western Oregon Indians who explicitly requested such legislation) were specifically designated in House Concurrent Resolution No. 108 which was adopted in the summer of 1953 by both branches of Congress without a dissenting vote. That Resolution was a clear-cut Congressional mandate to this Department calling for early submission of such legislative recommendations covering the Indian groups named.

If you ask how the groups were selected by Congress for inclusion in Resolutions No. 108, it may be that we can find a clue in

testimony submitted to the Senate Civil Service Committee on February 8, 1947, by Mr. William Zimmerman, Jr., who was then Acting Commissioner of Indian Affairs and is now your associate in the organization which you head. As part of his testimony Mr. Zimmerman submitted to the Committee a list of tribal groups which, he said, "could be denied Federal services immediately or in the future, whichever the Congress should decide." Included were not only the Klamath and Menominee Tribes but several others such as the Flatheads of Montana, the New York Indians, the Potawatomi group, and (conditionally) the Turtle Mountain Chippewa Band of North Dakota which were later named in House Concurrent Resolution No. 108. In fact, the parallel between the Zimmerman list of 1947 and the Congressional list of 1953, while not complete in all details, is remarkably close. To me, therefore, there is no special mystery about the selection of the groups included in Resolution No. 108. If the Acting Commissioner of Indian Affairs felt that these groups could be denied Federal services immediately back in 1947, certainly the Congress was justified in concluding that such action could be taken in 1953.

With regard to your comments about the credit program of the Bureau of Indian Affairs, there are several points that should be made. First, this is not a grant program and was never intended to be. Secondly, Indian tribes are making increasing use of their own funds for loans to individual members and for financing tribal enterprises; over \$17,300,000 of tribal funds were being used in this way as of June 30, 1955. Thirdly, both tribal groups and individual members have been obtaining a steadily growing share of the credit they need from the normal sources available to all other citizens; admittedly incomplete reports made to the Indian Bureau indicate that the volume of such credit mounted from at least \$20,200,000 in 1951 to a minimum of \$33,900,000 in 1954. When it is recalled that the largest amount loaned from the Bureau's revolving fund in any one fiscal year was less than \$3,300,000, it becomes apparent how woefully inadequate this fund would be if it were the only source of financing available to Indians. The plain fact is that if the Bureau's revolving credit fund is to continue serving the purpose for which it is intended, loans must be made from it only where there is a reasonable prospect of repayment; otherwise the fund would be quickly dissipated and would contribute little to the creation of sound and stable economic enterprises among the Indian people. With this guiding principle in mind, I am confident that the credit needs of Indians (as distinguished from their other needs) are being amply met from the various sources available to them. But I would emphasize that the credit program of the Bureau of Indian Affairs should not be regarded as the total answer to all the Indians' economic problems.

Your remarks about the Indian Bureau's policy on issuance of fee patents to competent Indian applicants were interesting in the light of testimony submitted by your associate, Mr. Zimmerman, at the hearings before the Senate Civil Service Committee in 1947. Here is what Mr. Zimmerman had to say at the hearing held on January 23:

"The old system required each Indian to get a permit when he wanted to sell a cow, required him to go to the agency when he wanted to draw \$25. It seems to me we are past that stage. Unless he is actually incompetent, he should be allowed to have individual control of his property." (Emphasis supplied.)

The last sentence quoted, while apparently referring to Indian personal property, seems to me an excellent statement of the basic principle underlying the Bureau's present fee patent policy. In short, we do not believe that a man who has demonstrated his competence and seeks control of his property should be denied that privilege merely because he happens to be an Indian. However, this does not mean that the Bureau is unaware of its continuing trust responsibility in connection with unpatented Indian lands that may be affected by issuance of a fee patent in any particular area. The Bureau has clearly recognized that problems of the kind mentioned in your letter may occasionally arise and has indicated that, when they do, it will take the initiative in consulting and cooperating with the affected Indians in working out a fair and equitable solution. Our principal point is that the solution need not be sought and must not be sought, as it was in the past, by denying or frustrating the property rights of an Indian who has demonstrated his competence and applies for unrestricted control of his land.

It is difficult for me to understand why you would look upon the recent revision of the "General Grazing Regulations" cited in your letter as an "example of administrative paring away of Indian rights and property." The lands in question were submarginal tracts purchased by the Federal Government during the 1930's and later administratively transferred to the Secretary of the Interior for Indian use. Although they have been available for Indian use for 15 years or more, they are not and never have been Indian property in the same sense as tribal land. In some cases they are being used effectively by the Indians; in other cases they are not. The change in the grazing regulations which you mention merely puts a stop to the practice of placing in special deposit accounts the income received from leases or grazing permits on these Federal properties. The action was prompted in part by the fact that the General Accounting Office has taken

exception to the continuation of such special deposit accounts and in part by a recognition that the final disposition of these lands cannot be administratively predicted since it will depend ultimately on Congressional decision. Meanwhile we are continuing to recommend that the lands be retained for Indian use. If any Indian Bureau "spokesmen" have said, as you report, that these lands "should be returned to white ownership," this statement was made without the knowledge or approval of either Commissioner Emmons or myself.

Now let me say a few words about the principle of Indian "consent" which you emphasized toward the end of your letter. We must start, I believe, with the fact (stressed in your letter) that Indians are citizens and now have the privilege of the ballot in all 48 states. This means that they are represented in Congress just as other citizens are and that they have the same rights (which they frequently exercise) of petitioning the Congress and of stating their views before Congressional committees considering legislation. What you are proposing -- and let us be quite clear about this -- is that, over and above these normal rights of citizenship, the Indians should also have a special veto power over legislation which might affect them. No other element in our population (aside from the President himself) now has such a power and none ever has had in the history of our country. In short, it seems to me that the principle of Indian "consent" which you are urging so strenuously has most serious Constitutional implications. With full respect for the rights and needs of the Indian people, I believe it would be extremely dangerous to pick out any segment of the population and arm its members with authority to frustrate the will of the Congress which the whole people have elected.

If I read correctly your letter of November 10 and other recent writings of yours that have come to my attention, the basic difference between your position and that of the present Administration on Indian policy boils down essentially to this. You apparently believe that the interests of the tribal group should be given priority over the rights and interests of the individual Indian and that first emphasis should be placed on maintaining tribes intact on their present land base no matter how thin this base may be or how remote the prospects that it will provide an adequate livelihood for the tribal population. We believe, on the other hand, in the primacy of the individual Indian and in his right to choose his own way of life without pressure or coercion. If he prefers to live in a strictly Indian environment and participate actively in tribal affairs, his preference will be respected and assistance made available to him within the framework of tribal life. However, if he decided to make

his way in non-Indian society, we believe that he should be given every aid and encouragement in making the transition and adjustment. In other words, our purpose is not, as you seemingly believe, to "detrribalize" the Indian or deprive him of his identity; it is, rather, to give him a wider range of choice and a greater opportunity for fulfilling his own potentialities than he has previously enjoyed.

I personally believe that the Bureau of Indian Affairs under the excellent leadership of Commissioner Emmons has already made important strides in this direction. If private citizens sincerely interested in Indian welfare will lend their encouragement and support, then I have no doubt that even greater strides can and will be made.

Sincerely yours,

(Sgd) Douglas McKay

Secretary of the Interior

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his way in non-Indian society, we believe that every aid and encouragement in making the transition and adjustment. In other words, our program is not as you would say, to "rehabilitate" the Indian or deprive him of his identity. It is, rather, to give him a wider range of choice and a greater opportunity for fulfilling his own potentialities than he has previously enjoyed.

I personally believe that the Bureau of Indian Affairs under the excellent leadership of Commissioner Brown has already made important strides in this direction. If further actions sincerely interested in Indian welfare will lead their department and support, then I have no doubt that even greater strides can and will be made.

Sincerely yours,

(Sd) Douglas McKay

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