

INDIAN-STATE RELATIONS IN THEIR HISTORICAL PERSPECTIVE

Remarks by Commissioner of Indian Affairs Robert L. Bennett
at the Annual Founders Day Banquet of the State Historical Society
of Wisconsin, Madison, Wisconsin, January 28, 1967

A few blocks down Constitution Avenue from my office in the Bureau of Indian Affairs stands an imposing building which houses the Federal Archives, including such important documents as our Constitution and Declaration of Independence. Engraved on a cornerstone of that building are the words "What is past is prologue."

This idea has been expressed by many philosophers in many ways. The Bureau of Indian Affairs is by nature of its job a "here and now" agency. Purely historical projects relating to American Indian we tend to leave to the Smithsonian Institution. I believe that there is a single project, proposal or hypothesis which is purely in terms of conditions and attitudes that exist today. Indeed, probably the chief reason for the history of Indian affairs characterized Indian affairs -- both State and Federal -- were planned and carried out without adequate, or any, consideration of how they would fit into the traditional patterns of life of the people they were to affect.



I am speaking now in rather historical terms since there has been in recent years a very encouraging willingness on the part of the States to assume more responsibility for Indian affairs. And this tendency must be increased now. As Commissioner of Indian Affairs I subscribe to the proposition that the Bureau of Indian Affairs cannot be all things for all Indian people. There is no doubt that at times in the past this unilateral approach was necessary. But the array of Federal and State agencies involved in economic and social development today preclude BIA from being the unique source of aid to Indians.

What we seek now is not a role of overseer but of counselor. We want to replace dependency with independence and hesitancy with confidence. We can only do this by maximizing options for the Indian people. The services of State and local governments, and the activities of private organizations and enterprises are all examples of options -- we must develop Indian resources and encourage a larger and larger role in Indian affairs. **UNITED STATES DEPARTMENT OF THE INTERIOR**
Stewart L. Udall, Secretary

Indian attitudes and actions are in some degree depending upon the role of the Secretary and the role of the Federal Government. It is a surprise to many to learn that the Bureau of Indian Affairs has no responsibility for most tribes in the Eastern United States because these tribes do not live on land over which the Secretary of the Interior has a trust responsibility. In

BUREAU OF INDIAN AFFAIRS
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This idea has been expressed by many philosophers in many ways. The Bureau of Indian Affairs is by nature of its jobs a "here and now" agency. Purely historical projects relating to the American Indian we tend to leave to the Smithsonian Institution. But I do not believe that there is a single project, proposal or hypothesis that we can consider purely in terms of conditions and attitudes that exist in the year 1967. Indeed, probably the chief reason for the history of failure that has often characterized Indian affairs -- both State and Federal -- is that programs were planned and carried out without adequate, or any, consideration of how they would fit into the traditional patterns of life of the people they were to affect.

I am speaking now in rather historical terms since there has been in recent years a very encouraging willingness on the part of the States to assume more responsibility for Indian affairs. And this tendency must be increased now. As Commissioner of Indian Affairs I subscribe to the proposition that the Bureau of Indian Affairs cannot be all things for all Indian people. There is no doubt that at times in the past this unilateral approach was necessary. But the array of Federal and State agencies involved in economic and social development today preclude BIA from being the unique source of aid to Indians.

What we seek now is not a role of overseer but of counselor. We want to replace dependency with independence and hesitancy with confidence. We can only do this by maximizing options for the Indian people. The services of State and local governments, and the activities of private organizations and enterprises are all examples of options -- new ways to develop Indian resources and communities. As they rightfully begin to take a larger and larger role in Indian affairs, I hope they do so with thoughtful consideration of what has gone on before.

Indian attitudes and interests vary among States in some degree depending upon the size of the Indian population, its history and the role of the Federal Government in Indian affairs. It comes as a surprise to many to learn that the Bureau of Indian Affairs has no responsibility for most tribes in the Eastern United States because these tribes do not live on land over which the Secretary of the Interior has a trust responsibility. In

these areas the States have taken over entirely the responsibilities for Indian administration when there is a separation of the Indians from other citizens of the State.

The renewed interest of States in meeting the needs of their Indian citizens is gratefully welcomed in Washington.

And the State of Wisconsin is a very good State in which to examine the problems and precedents in Indian affairs. Wisconsin is a microcosm of national Indian affairs. Its history of relationships with the Indians has been duplicated in most parts of the Nation.

In this State we find tribes that still live on a portion of their ancestral grounds and we find others which were removed from their traditional locations and resettled to meet the convenience of onrushing civilization. And I might point out that some tribes now in the Badger State were forced to move many times before they found a place they could call their own.

Some of our reservations are compact and relatively manageable while others are "checkerboarded" in terms of land ownership and virtually impossible to operate as a unit. Some reservations contain strong elements of traditional Indian culture; yet the second highest concentration of Indian population in Wisconsin is in Milwaukee, where we have some people who have abandoned all tribal ties and others who return home for week-ends and many who plan to return to the reservation after retirement.

Obviously a single program, run by a single agency, to deal effectively with the problems of these people does not exist in the State of Wisconsin nor in any of the other 49 States.

Historically, Wisconsin's treatment of Indian affairs has been consistent with that of the rest of the Nation with a few significant differences that I will mention later. One of the functions of early territorial and State courts seemed to be to so harass the Army officers and Indian agents charged with protecting Indian lands from white intrusions that they would fail of their purpose.

As Francis Paul Prucha, S.J., the noted Marquette University historian has described it, "the courts reflected the milieu in which they existed. The courts and juries were frontier-minded, opposed both to the Indians and to the Federal Army officers who were on hand to protect the red men. The Indians were physical hindrance to the advance of white settlement, whose mere presence on the land was bad enough, but whose savage ways (breaking out again and again into atrocities under the repeated sting of injustice and hatred from the whites) seemed to justify extermination."

There is no shortage of examples of this unfortunate tendency. One which is still producing negative dividends occurred in 1913 when the Potawatomi Indians were resettled in Forest County. Instead of being settled together as a group, which would have provided a community which fit their patterns of culture, they were put on sections of land inter-mixed among the settlers.

The idea was that the Indians would learn all the social and economic habits of their white neighbors and thus be assimilated into society. This theory overlooked several things -- the Indians had a strong and historically-based concept of a group society, a culture they preferred over that of their new neighbors and no real desire to become farmers and members of another society.

And so today the Potawatomis along with the Winnebagoes still have a separate and distinct culture maintained despite their isolation from each other and a group of scattered land holdings which are worthless for the type of joint tribal enterprise that is proving so useful for other Indian tribes fortunate enough to have consolidated parcels of land.

Chief among earlier misguided policies was the allotment theory. This operated on the same theory that scattered the Potawatomis. It was felt that the Indian would soon become expert at and self-supporting through agrarian skills if only he had his own piece of ground which belonged to him personally rather than to the tribe collectively. And so, in 1887 the Allotment Act was passed which, in a manner similar to the Homestead Act, gave each Indian a small piece of tribal land -- between 40 and 160 acres -- which would become his to use as he saw fit after 25 years of occupancy. Along with the land went United States citizenship.

State histories are full of examples of what you might call active indifference to the needs of the Indians because of an assumption that the Federal Government should and would attend to all Indian needs. This attitude persists although the situation has changed, but Wisconsin did not stay in this traditional mold of Indian affairs.

And in many ways the State's increased awareness of its responsibilities toward Indians had its beginnings in the activities of a man to whom I felt personally very close and for whom I was named, Robert M. LaFollette. It was Robert LaFollette who brought into being the Menominee Forest Act of 1908 which protected the virgin forest resources of that tribe and set in motion a plan for the constructive use of these resources for the long-term benefit of tribal members.

This legislation was not his first act to assist the Menominees. In 1886 as a freshman member of the House of Representatives he was assigned to the Indian Affairs Committee which was asked to report out a bill allowing the sell off of the timber on the Menominee Reservation. He refused to report out the bill and afterwards reminisced that the lobbying pressure he received from those who wanted to exploit this resource was his first experience with this type of behind the scenes political activity.

The Menominee Forest Act enabled the tribe to cut, saw and sell timber from their forest themselves as they previously had not been able to do. This legislation then set in motion the creation of a long-term economic resource that has been the mainstay in the Menominee's struggle to establish themselves on a par with other Wisconsin counties.

But the pioneering efforts of Robert LaFollette did not result in any

large scale change in State attitudes toward Indians, in Wisconsin or in other States. It is interesting to note however that the concept of resource development that was the keystone of the Menominee Act of 1908 is one of the keystones of present policies aimed at providing the Indian of the 1960's with social and economic equality and self-reliance.

The State of Wisconsin has provided leadership in Indian affairs in the post World War II period. In 1947 the Governor's Commission on Human Rights was formed. The group had then, as now, a major concern with the problems of the State's Indian peoples. In 1952 the Commission published a Handbook on Wisconsin Indians and has recently published Wisconsin Indians which is an excellent examination of State Indian affairs in the mid-1960's. The Governor's Commission has done pioneering work in bringing the many and varied resources of the State of Wisconsin, both public and private, to bear on problems of the Indians.

Wisconsin is not alone in exhibiting a growing concern for Indian problems and in acknowledging State and local government responsibility for Indians as citizens with rights equal to those of their non-Indian neighbors. But Wisconsin has been a leader among the States that are now moving to meet the Indian problems that have for too long been ignored. And I believe this is what might be expected of Robert LaFollette's State and a State that has consistently led the Nation in progressive legislation to improve the lives of its citizens.

As is often the case in Government, it takes a little prodding to overcome inertia. In Indian affairs, one such prod was provided by the Supreme Court of the State of California. This court ruled in what we call a historic case, the Acosta case, that an Indian woman had as much right as any other California citizen to receive county welfare benefits. The Association on American Indian Affairs helped with the appeals on this case and the precedent was not ignored by other States.

But this precedent is important not so much for its welfare implications as for a broader principle involved: It put Indians on a firm and equal footing as State citizens entitled to the services and benefits provided their non-Indian neighbors.

Today we are in the midst of a gentle revolution in Indian-State relationship and you are looking at one of the revolutionaries. I mentioned earlier the fact that the Indian Bureau no longer wants to be the vehicle for all Indian action. We believe that some of the attitudes of the past, some of the responsibilities assumed by the Bureau have helped create a climate of dependency and repress local initiative. Too often the motto was "Let the BIA do it."

Now the time has come to divide this responsibility; not evade it. We must be partners in the drive to free the Indian people of the shackles holding them back from social and economic opportunities equal to that enjoyed by other Americans.

Last April, Secretary of the Interior Stewart L. Udall called a conference in Santa Fe, New Mexico to discuss how best to begin this revolution in Indian affairs. I believe this was a landmark conference.

And so we welcome the efforts of the States to become increasingly involved in Indian affairs. We not only welcome these new efforts, we are promoting them in every way we know how. And we welcome the many efforts represented by the programs of the Office of Economic Opportunity, and other Federal agencies. We welcome the increasing interest of private corporations and the foundations and we delight in the renewed interest that everyday Americans now express in the plight of the descendants of the First Americans.

We welcome all these groups and this interest for two reasons. First, only when he has viable options and alternatives can the Indian person really help plot his own future. A variety of interests provides a variety of options. And secondly, I believe the job is big enough that its successful completion will require all the energies we can muster from every segment of our economy, society and Government. As a bonus, I believe this kind of enterprise can revitalize the spirit of cooperation between levels of Government that is the hallmark of our system of Government.

As Secretary Udall said at the Santa Fe Conference:

"If the States are to assume more and more some of the functions and responsibilities that the Federal Government carries, we are going to have to work more closely with them. And what about the American business community and the American academic community? Have they done their part in terms of the American Indian people? Everyone weeps for the American Indian but how many have put blood, sweat and tears in helping the Indian people? I wonder if this isn't a fertile field where we can reach out and bring the finest minds of the universities and big business.....If we have failed to make progress -- if we have failed to move as fast as we should -- there is enough blame to go around.....Let's be frank about it. There is enough work for all of us to do if we work in concert."

Within the next few months you will see the Congress begin debate on a whole series of legislative proposals designed to make reality of the hopes we share for the Indian people. Beginning last summer I held a series of regional meetings with Indian tribal leaders asking them what they felt was necessary in the way of changes in laws and regulations to make the best use of their energies and resources. Where necessary their recommendations are being translated into legislative language for introduction in the 90th Congress in the immediate future. This omnibus legislation, as it is called, seeks first and foremost to release the restrictions that have seriously hindered the development of Indian resources. These restrictions were established to conserve Indian lands and at that moment in history they probably made the difference between survival and extinction for a number of tribes. But that phase of need is past. The present and future calls for a release of these restrictions so that the capital these resources represent may become the foundation of a viable economy to the tribes deriving from investment in profitable development enterprises.

In 1908 Robert LaFollette saw in the Menominee Forest a resource that could be the mainstay of the tribe. Other tribes have similar resources in minerals, soil or location. Too often our present laws and regulations make it easier for the tribe to lease that resource to non-Indians than to develop it themselves. Development corporations, combining Indian assets with outside managerial skills may be a means of getting maximum returns from Indian resources. For example, are the Indians of northern Wisconsin able to take the best advantage of the growing recreational demands of our affluent society? Are they going to provide merely some of the labor in this growing industry or are they going to have a piece of the action? Are they going to have the legal tools to make effective units of land now checkerboarded or idle because of divided ownership?

We hope that Omnibus may provide the tribes with some of the tools to build a new and secure future. But tools alone are not enough. For many Indians these will be times of stress and uncertainty; we will be asking for decisions and the choosing of alternatives. We can offer advice and counsel but we cannot, we must not, make the decisions which the Indian people must make. Confidence in the support of the total community, a knowledge that the world outside knows how they feel and cares how they feel may be an essential buttress to the decision-making process.

And so, State-Indian relationships will be a key to the success of future Indian undertakings. The State and all its subdivisions must be an integral part of the Indian future. As Secretary Udall has said, this job will take all our energies and most of all it will take Indian energies and Indian initiative.

The Indian people are ready to come into full partnership in this democracy. They cannot do this job alone and neither can it be done for them. What we are seeking is the formula for cooperation between citizens and between governments that will do the job.

Even with such a formula this job will take time. The conditions that must be corrected were developed over 150 years; they will not disappear overnight. But "the longest journey begins with a single step." We must begin now on this journey for full partnership in the American ideal of equality and self-reliance for all Indian peoples.

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BROTHERHOOD AND THE FIRST AMERICANS

H. Richard Rasmusson
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Like many preachers, I have had a blind spot. Always when I have preached on brotherhood, I have preached about the Negro. The needs and plight of other minorities escaped me.

But I am being corrected. Travelling this past summer through the great West, both Northwest and Southwest, I became aware of our first Americans. Then a friend got me interested in the problem and began needling me to preach sometime on the Indian American.

Did you know that there are 400,000 Indian Americans living in these United States? This is only half of what were here when the first white man came to the new world, but still more than most people realize. Some people think the Indian problem is disappearing because the Indian is disappearing. How wrong these people are.

I write with hesitation on this matter because it is exceedingly complex. It is complex because the Indian Americans are located in 26 states and in Alaska; they live on lands (not necessarily good land) which, if put together, would be larger than six New England states. They are divided into 250 tribes, living on as many reservations. And as a government bulletin puts it, "In actuality, there is not one Indian population; there are many Indian populations. They present differences in customs, languages, resources, concepts of religion and culture as great as those existing between the French and the Norwegians, the British and the Italians, or the Spanish and the Dutch."

But there are certain principles of justice and humanity and these I want to use in our consideration of the present plight of the Indian American, and whom we should have discovered in his plight and need long ago.

I

The first aspect of justice and humanity that needs stressing as we face the Indian problem is the need to operate in the framework of the democratic process as concerns the Indians.

Senator Richard Neuberger of Oregon has asked pertinently of all Americans the question, "What's a treaty with the Indians worth?" He has said: "Congress has now authorized an immense dam which will inundate Celilo Falls. Work is about done on this \$348,000,000 project near the Dalles, Oregon...The dam

→ J. JAMES F-ID-LIB. ←

came first. The solemn treaty between the Government and the Yakimas came second. It is a clear disregard for the ultimate desires of these original inhabitants of North America, who had believed they were making a pact with the Great White Father to last for "as long as the river runs, as the sun shines, and as the snow is on the mountains."

"Why was the dam started first, and then the faded treaty considered last?"

"This seems to me to betray our utter disregard for the elemental rights of these people who are the descendants of the people the Pilgrim Fathers, and Lewis and Clark found on this continent. The salmon fishing at Celilo Falls amounts to virtually the oldest cultural heritage of the Indians of the Northwest..."

"Public opinion in the nation should insist that a treaty with Indians be accorded the same respect as any other treaty... The United States, through its United Nations, often upbraids the Russians for violation of treaties, and rightfully so. Yet our country was in the position of violating a treaty with the Yakimas when it started construction of a dam first and negotiated with the Yakimas afterward... **A PLEDGE ADDRESSED TO WARRIORS IN FEATHERED BONNETS IS AS BINDING AS ONE MADE TO AN ERMINED RULER ON A THRONE.**"

"This is a moral frontier on which much pioneering remains to be done."

The 1955 convention of the National Congress of American Indians, among many other decisions, asked one--the repeal of H. C. R. 108, which declares that it is the policy of the Congress to terminate federal responsibility for carrying out its obligations under treaties and agreements with Indians; and two--the endorsing of Senate C. R. 25 of the 84th Congress, 1st session, which requires consultation with Indians on any legislation affecting their welfare.

And let it be remembered that in his 1952 campaign, Mr. Eisenhower pledged, "to consult with the Indian people of this country and to give them every opportunity for a full expression of their desires, suggestions, hopes and aspirations."

In all decency, let this be done!

II

Another aspect of justice and humanity is concern for a decent economic existence for the Indian. Man doesn't live by bread alone, but neither does he live long without bread. Chris-

tianity has been called the most materialistic of the world's religions because it faces the bread and butter problem and deals realistically with man's existence in a body. "Give ye them to eat." "Heal the sick."

Anyone who has been in the Southwest knows the life there is in water. Where there is water, there is vegetation, growth and the possibility of a people living even on poor land being able to make a fair living. But denied water, there can be only poverty.

Here for example, are the Pima Indians of Arizona. When the Gila River Reservation was established in 1859 by an act of Congress, it was specifically stated that the waters of the Gila and Salt Rivers should be for the use of its wards, the Indians. But powerful, selfish white interests, indifferent to the claims of humanity and justice, denied the Indians their right.

Then a heroic Presbyterian missionary by the name of Dirk Lay fought this injustice into the very Congress of the United States, and in 1924 Congress passed a law authorizing the building of Coolidge Dam across the Gila River and the act clearly stated that the dam was to provide water first for the Indians. But again injustice was done to the Indians and he didn't get his opportunity for a decent agricultural existence.

As Dr. Fey of the Christian Century tells the story, political pressure was exerted on the Interior Department from white Arizonians that the Indians did not need all the water Congress had given them. The Indians protested through legal channels, but were never given a fair chance to present their case. Am I talking about terrible Russia? No! I am talking about the United States. The Gila River Decree, which is still operative, has been described as "one of the greatest crimes in history."

Let us write our representatives in Congress and the Commissioner of Indian Affairs, Mr. Glenn L. Emmons, that adequate educational programs be set up preparing Indians to leave the reservation and find work outside when he/she so desires; expansion of job opportunities for competent Indian workers; adequate water rights, where these are now denied; loans for farming and ranching to those who wish to farm; farm bureau assistance to Indians on crop rotation, better methods of farming, better housing, etc, etc.

The government has been relocating Indians. In each of the past two years it has relocated about 2600 people, including both workers and their family dependents. This we are happy to

know. Funds for relocation have now been raised to \$900,000.00. This is good news, too! Here is a new kind of D.P. program for the church to get interested in. What is your church doing about it? Let us be concerned with the words of Christ: "Give ye them to eat."

III

The third aspect of justice concerns health. Growing out of malnutrition, inadequate dental care, uncorrected physical ailments, the health of the Indian is pitiful.

Consider these startling facts: the tuberculosis death rate for the Indian is nearly six times that of the general population. Pneumonia and influenza kills four times as many as the general population. The typhoid fever death rate is four times as high. There 91.7 deaths of Indians under 1 year of age, per 1,000 live birth, compared with 31.5 among other children. Among the Navajos, diarrhea enteritis is twenty times higher than general population. The average life expectancy of the Indian is just a little more than half of the non-Indian of the nation. Among the Papagos in Arizona, it is 17 years against 63 for the nation as a whole.

I am happy to learn that whereas in 1911, appropriations for Indian health were only \$40,000, in 1955 it has been increased. Let us hope that now that legislation has been enacted transferring the health activities for Indians from the Department of the Interior to the Department of Health, Education and Welfare, effective July 1, 1955, frontal attack will be made on this disgraceful situation.

It's a big problem that should have been tackled realistically and humanitarian-wise long ago. The fifty-one hospitals, with a total bed capacity of 3,900, must be increased. Training for health programs should be enlarged. Indians in school should be equipped to bring to their people methods of sanitation and personal hygiene.

But the root of the matter is a more decent economic existence for the Indian. As a government bulletin recognizes, "Poor diet is a direct result of a low economic base... Inadequate income makes for insufficient housing which leads to crowding and facilitates the spread of disease."

Let us insist that our leaders follow through on this matter, attacking it with information, science and love. "In as much as you did it to one of the least of these my brethren, you did it to me," says the Christ. Shakespeare makes one of his characters say:

"We came into this world like brother and brother.

And now let's go hand in hand, not one before another." May this be our spirit toward all whom we, from our position of relative advantage, speak of as minorities. And may we become politically active, doers of what is right for all men.