

THEODORE W. TAYLOR
706 N. FREDERICK STREET
ARLINGTON, VIRGINIA 22203
(703) 243-5136

July 21, 1986

THE GREAT FATHER

One morning in the 1950s the Associate Commissioner^D ^{OF BJA} took me up to the Hill to see Congressman E. Y. Berry of South Dakota. Berry had received complaints that an Indian named Edison Ward on Pine Ridge was taking advantage of his fellow Indians by selling his services to represent them at the Indian Agency. The Congressman said he wanted someone to investigate the situation and the Associate Commissioner said I was his nominee.

Two days later I arrived at Pine Ridge and met with the Superintendent. He explained that Edison Ward liked to argue with the agency. Some of his neighbors were more timid and reluctant to make a request of the agency such as to seek permission to sell their land. So Edison Ward would offer to present their case for them. There was nothing wrong with this unless Edison was misrepresenting the situation to his clients and promoting their petitions for his own enrichment.

The Superintendent loaned me an agency car, gave me general directions to Edison Ward's home, and wished me well.

I got to the vicinity where I thought the Superintendent had indicated that Ward lived and I saw a man nearby. This man was tall, solidly built, had red hair and blue eyes, and wore a cowboy hat and boots. I asked him if he could tell me where to find Edison Ward.

"I am Edison Ward", he responded.

I was flabbergasted! This man looked no more like an Indian than I did. I struggled to recover my composure and explained why I was there. While we were talking two seven year old, red-headed, blue eyed twin boys rushed up.

"Here are my two little Indians", Edison Ward said proudly.

Edison was $\frac{1}{4}$ Oglala Sioux, married to a non-Indian, so his two boys were one eighth blood. If you want to know how the investigation turned out you will have to come to the talk-back. This story is an introduction to the question "Who is an Indian?".

Who Is an Indian?

How many people with Indian blood are there in the U. S.? Perhaps 20 million. How many referred to themselves as Indian in the 1980 census? 1,400,000. How many are on or near reservations and served by BIA? 750,000 in 1980.

So, who is an Indian? As far as the U. S. census is concerned any one who says she or he is an Indian is counted as an Indian.

Most of the 20 million persons with some Indian blood live, work and play with their fellow Americans in communities all over the nation. Of the 1,400,000 identifying as Indian in 1980, only about half live on or near a reservation. The others live mostly in urban areas. The L A metropolitan area had about 82,000 in 1980, more than any Indian reservation except Navajo. California had over 200,000 Indians (1980 census) of which only 23,600 were served by BIA (12 %). In Florida there are 19,000 Indians, less than 2000 of them have any relation with BIA (Seminole 1426; Miccosuki 495). 11,000 of Florida's Indians live in cities such as Miami with 3000 and Jacksonville with 1500. In contrast, almost all of the 150,000 Indians in Arizona are served by BIA. This leads us to the question "Who is eligible for BIA services?"

Eligibility for BIA Service

Generally only members of federally recognized tribes living on or near a reservation are eligible for BIA services. In some instances, such as for BIA funded education, the law says they must have at least 25 percent Indian blood. This leads to the next question "Who is qualified to be a member of a tribe?"

Tribal Membership

Tribal criteria for membership vary. Anyone who can trace Indian blood to the 1906 Cherokee roll is qualified to be a member of the Cherokee Tribe in Oklahoma, no matter how small the percentage of Indian blood. A person at the BIA I talked to last week had a daughter with 27/168 Cherokee blood. She is a member of the tribe. Uintah and Ouray Utes in Utah require over 50 % Indian blood and at least 50% Ute blood. The Santa Clara pueblo in NM considers the children of a Santa Clara Indian man married to a non-Indian as eligible for membership, but children of a Santa Clara Indian woman married to a non-Indian as ineligible. Who are these Tribal Governments that establish these criteria?

Tribal Government

Aren't Indians citizens of the U. S. and the states in which they live? Yes, they are. Tribal governments constitute a fourth level of government - some have police power and tribal courts that operate within reservation boundaries; some do not and are under state law and order. Even those with police power and tribal courts have limited authority - a \$500 maximum fine, no authority over major crimes committed by an Indian, no authority over non-Indians, and the like. All Indians when off of the reservation are subject to state law and order. The source of services for other social services varies. 80 percent of Indian reservation children, for example, are in state public schools.

~~Most tribes on reservations are small in numbers of people. Of the 300 to 500 Indian reservations or entities, depending on how one classifies them, there are only 26 resevations with 5000 or more Indians. Small reservations often have little chance to develop viable economic or political self-sufficiency.~~

In view of the above limitations what is this talk we hear of Indian sovereignty?

Indian Sovereignty

Historically Indian groups were sovereign in a true sense. Now all Indians are citizens of the U. S. Congress has supreme power over Indian matters. Only those traditional forms that have not been affected by Congressional statutes or BIA approved constitutions continue in effect. Politically tribes are limited. Economically most tribes are not self-sufficient and are heavily subsidized. Tribal land is controlled by a federal trusteeship which can be changed only by an act of Congress.

Two Basic Historical Policies

The two historical policies toward Indians are (1) separation of Indians and non-Indians and (2) integration of the two groups. Both policies have been applied from the beginning of our government, sometimes one and sometimes the other being in ascendancy. Separation was dominant in the 1830s with the removal of the Five Civilized Tribes to Oklahoma, the establishment of Indian reservations with the objective of keeping the Indians in and non-Indians out, and to some extent the current "self-determination" policy and separatist movement on the part of a few Indians.

Integration was ~~also~~ an aim of Thomas Jefferson, the supporters of the Allotment Act in 1887, and the so-called "termination policy" in the 1950s expressed in HCR 108 in 1953. As noted above 80 % of Indian reservation children are being educated in state public school systems with state approved curricula which tends to integrate children culturally.

The Reservation System

Why are reservations overcrowded? That is, why do they have more people than the reservation resources and jobs available will support? In addition to the ^{percent annual} 2½% increase due to the high birth rate and the return of some Indians to the reservation to take subsidized jobs, resulting in a total of 4% annual increase

There are probably 10 times as many Sioux on the Pine Ridge reservation as can be supported by available jobs and resources.

overall for many reservations, there ^{may be} some perverse reservation incentives encouraging them to stay:

- Indian lands and houses are not taxed by the state as a result of federal trust status.

- Subsidized housing is often available.

- Free hospital and medical care ^{are} ~~is~~ provided by the U. S. Public Health Service.

- Free management of lands is available from BIA and income from such lands may be forthcoming without any personal effort. If a mistake is made the tribe can sue and recover damages.

- Sharing of claims awards to the tribe and in income from tribally owned resources is more certain, many Indians believe, if they remain on the reservation.

- Economic security is available through the extended family.

- Welfare payments are assured if no other means of support are available.

- They are among family and friends and familiar customs.

It's a wonder that as many ~~as do~~ leave the reservation for the uncertainties of the outside world!

Culture Change

The Navajo sheep and horse culture was borrowed from the Spanish; it is in part now being changed by coal and oil income. The Navajo centralized government of today is in stark contrast to the roving bands encountered by the Spanish adventurers. ~~Steel axes, pick up trucks, radios and TV, running water,~~
 electricity - all are the part of the lives of many Indians today. One thing is certain- all culture constantly changes. Even the Hopi culture is not immune. The Hopi, against the predictions of many anthropologists, have acceded to an All Hopi Council for dealing with mineral leasing and the settling of the land dispute with the Navajos on the ^{Hopi} ~~1882~~ reservation *established in 1882*.

The Future

In my view the smaller tribes and groups are actually a part of the surrounding society. They only have a facade of separateness and would collapse without active federal support. The general public and the tribal leaders should study whether or not such artificial separation is beneficial or harmful to the Indians concerned.

Larger Indian groups might become counties (as Menominee was for awhile) or Navajo might even be considered as a state - but the states with Navajo land might object to this. Some tribal groups could be incorporated as cities or towns under state law as is sometimes the case in Alaska.

We have noted that Indian blood is becoming thinner, that education is oriented to the dominant culture, and that Indian culture is absorbing much from the surrounding society. It should be noted that the dominant culture has absorbed much from the Indian culture as well.

Indians in culturally cohesive groups will probably retain traditional ways and views they find helpful as have the Hutterites, some German communities, and the Amish in this country. Our society is tolerant of differences. But such tolerance wears thin from time to time if the group is not self-supporting, as is evident in the 1887 and 1950s episodes in Indian policy.

So I suspect that Indian groups that continue as such will likely become increasingly economically and politically self-sufficient or they will disappear. There is no turning back.

Conclusion

The European invasion of North America is a fact. So is the Iroquois decimation of the Hurons a fact. Frontiersmen often acted reprehensively toward Indians; Indians often acted reprehensively toward the occupants of wagon trains. No one alive today was responsible for any of these events. I agree with Margaret

Mead that Indians and non-Indians must start with the present situation without accepting credit or guilt for the behavior of their ancestors.

This still leaves a tremendous challenge: high unemployment and social disorganization on many reservations; a high incidence of alcoholism and suicides; burgeoning population increase of up to ^{ANNUALLY} 4%_Λ on many reservations that is making the problems more critical each year; heavy federal and state subsidies to most Indian reservations; and Indians on skid row in many cities.

What ^{are} ~~is~~ society and Indian leadership going to do about it? That is the challenge.

Whose fault is all of this? As John Ewers of Smithsonian states perhaps all of us can share some of the blame - including the Indians. There has to be a will to take advantage of opportunities or no program or policy will achieve the intended result.

Past policy and Indian ability have also resulted in many successes: many Indians have moved successfully into the general society, many still retaining ties to their reservations; progressive and able tribal leadership is being displayed in many tribes today; Indians have occupied responsible jobs, including Ben Reifel, a Rosebud Sioux who was a congressman from South Dakota for 12 years; William Keeler, former chairman of the Oklahoma Cherokee and president and chairman of the board of Phillips Petroleum; Marvin Franklin, ^{former chief of the Cherokee Tribe} and Ross Swimmer, ^{former chief of the Cherokee Tribe} and Iowa Chief and a Cherokee Chief, who have been assistant to and Assistant Secretary for Indians in Interior; Vine Deloria, Jr., ^{Standing Rock} Sioux, author of "Custer Died for Our Sins", and many others.

Most Americans, both Indian and non-Indian, have a firm desire to make a reality of equal opportunity for all Indians to achieve social, political and economic parity with the rest of society. Many Indians who have assumed the full responsibility of citizenship have already attained equality and have taken their rightful place in America and its future.

Recommendations for consideration of tribal leaders and other policy makers:

1. Schedule the elimination ~~of~~ of the federal trust over Indian land and resources over a 10 to 25 year period. Accompany this by a repeal of the Trade and Intercourse Act.
2. Bring heirship records for individually owned Indian trust land up-to-date prior to transfer to county records.
3. Schedule the elimination of special federal subsidies and services from the federal government for Indians. Indian needs would be met by state or federal programs in the same manner as for other citizens.
4. Establish an Indian treaty review commission with tribal and non-Indian representation to make recommendations to the president, congress and the states concerning any remaining treaty rights (which will primarily deal with water, fishing and hunting rights).
5. Determine reservation boundaries which are in question.
6. Develop plans within each state for the operation of governmental authority over current tribal trust land. This could take the form of local government under state charter, county government, or a special form of government as might be developed by negotiation between tribes and the respective states. The final responsibility for decision would be with the state legislatures. The resulting mechanisms would go into effect when the special federal relationship terminated.

Actions of this nature would seem to me to work toward a solution of some of the problems outlined in this paper and to work toward the objectives stated by Chief Joseph of the Nez Perce in 1879:

Treat all men alike. Give them all the same law. Give them all an even chance to live and grow. All men were made by the same Great Spirit Chief. They are all brothers. The earth is the mother of all people, and all people should have equal rights upon it. x x x Whenever the white man treats the Indian as they treat each other, then we will have no more wars. We shall be alike - brothers of one father and one mother, with one sky above us and one country around us, and one government for all. Then the Great Spirit Chief who rules above will smile upon this land

Opening words

Alvin Falls, Principal Chief, Sac and Fox Tribe of Oklahoma, July 1985 issue of tribal newspaper.

". . . clinging to the idea that we should continue to be taken care of by the government . . . is a sad commentary of the once noble red man I feel that our tribal members have reached a point of education and sophistication to where we can pretty well chart our own course"

First reading

Wesley Benito, education director of the Apache tribe at Whiteriver, Arizona, Kansas City, Missouri, Times, Feb. 18, 1971.

"These kids can retain their culture and still make it in the white man's world. They don't want to be assimilated by the white man's society, but they want to compete in it. We want to be better than the white man. We've been playing a tax-eating role for too long."

Second reading

Chief Seattle, Puget Sound Tribes, A Speech to Governor Isaac Stevens of the Washington Territory, 1855.

"It matters little where we pass the remnant of our days. They will not be many. The Indian's night promises to be dark. Not a single star of hope hovers above his horizon. Sad-voiced winds moan in the distance. Grim Nemesis seems to be on the Red Man's trail, and wherever he goes he will hear the approaching footsteps of his fell destroyer and prepare/stolidly meet his doom, as does the wounded doe that hears the approaching footsteps of the hunter.

"A few more moons. A few more winters - and not one of the descendants of the mighty hosts that once ~~passed~~ moved over this broad land . . . will remain to mourn over the graves of a people - once more powerful and hopeful than yours. But why should I mourn at the untimely fate of my people? Tribe follows tribe, and nation follows nation, like the waves of the sea. It is the order of nature, and regret is useless. Your time of decay may be distant - but it will surely come, for even the White Man . . . can not be exempt from the common destiny. ~~We may be brothers after all. We will see."~~

Benediction

Chief Joseph, Nez Perce, 1879

Treat all men alike. Give them all the same law. Give them all an even chance to live and grow. All men were made by the same Great Spirit Chief. They are all brothers. The earth is ~~made~~ the mother of all people, and all people should have equal rights upon it. x x x Whenever the white man treats the Indian as they treat each other, then we will have no more wars. We shall be alike - brothers of one father and one mother, with one sky above us and one country around us, and one government for all. Then the Great Spirit Chief who rules above will smile upon this land