

CUSTER DIED



FOR YOUR SINS

AN INDIAN MANIFESTO

BY VINE DELORIA, JR.

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3 * THE DISASTROUS POLICY OF TERMINATION

PEOPLE OFTEN FEEL guilty about their ancestors killing all those Indians years ago. But they shouldn't feel guilty about the distant past. Just the last two decades have seen a more devious but hardly less successful war waged against Indian communities. In the old days blankets infected with smallpox were given to the tribes in an effort to decimate them. In the past they were systematically hunted down and destroyed. Were an individual citizen to do this it would be classified as cold-blooded murder. When it was done by the U.S. Army it was an "Indian war." But during the past twenty years federal medical services have been denied various tribes, resulting in tremendous increase in disease.

The Congressional policy of termination, advanced in 1954 and pushed vigorously for nearly a decade, was a combination of the old systematic hunt and the deprivation of services. Yet

this policy was not conceived as a policy of murder. Rather it was thought that it would provide that elusive "answer" to the Indian problem. And when it proved to be no answer at all, Congress continued its policy, having found a new weapon in the ancient battle for Indian land.

The roots of termination extend backward in time to the early years of the Roosevelt administration. The New Deal ushered in a new program for the Indian people. The Meriam Report of 1928 had shown that Indian tribes were in a desperate situation. There had been no progress of any kind on the reservations since they were set up. The people were in the final stages of demise.

Pressures for reform coincided with the election of Roosevelt, who appointed John Collier as Commissioner of Indian Affairs. Collier was a well-known anthropologist of liberal persuasion. He quickly pushed the Wheeler-Howard Act through Congress in 1934 and gave the reservations their first taste of self-government in nearly half a century.

The Senate Interior Committee that handled Indian legislation kept alive its investigative powers over Indian Affairs by periodically renewing the original Congressional resolution which authorized it to initiate the Meriam Report investigation. The committee intended to ride herd on the programs of the New Deal lest any "foreign" influences should develop. It could not conceive of returning self-government to a people who should have disappeared long ago.

By 1943 the Senate Interior Committee was convinced that the Indian Bureau should be abolished. But the sentiment did not take hold in any discernible policy determinations because of the war.

The House Interior Committee, not to be outdone by its colleagues in the other chamber, authorized an investigation of Indian Affairs by a special subcommittee headed by Karl Mundt, Republican of South Dakota. The committee reported that the Wheeler-Howard Act was not accomplishing its task of bringing the Indian people up to the level of their white neighbors.

In 1947 the Senate Civil Service Committee held hearings on ways that government payrolls could be cut and expenditures reduced. The Republicans had captured Congress that autumn and they were looking for defenseless New Deal programs to trim. They found a natural in the Bureau of Indian Affairs.

William Zimmerman, Acting Commissioner of Indian Affairs, was asked to give testimony on the possibility of reducing personnel in the bureau by releasing some of the tribes from federal supervision. The committee was primarily interested in a consolidation of functions and the subsequent saving of federal funds.

Zimmerman was anxious to remain a neutral party and so presented the committee with a series of recommendations, none of which would have resulted in substantial savings.

He classified the existing tribes into three categories. The first class was composed of tribes that could immediately be terminated from federal services, providing certain protections were given them. The second class consisted of tribes that might possibly achieve self-sufficiency within ten years following an intensified program of development. The last class had an indefinite time period in which federal services were needed.

In view of the three categories it is clear that Zimmerman had assumed the tribes would make substantial progress under already existing programs and take on increasing responsibilities for those programs. He also assumed that Congress would adopt a rational and understanding approach to the subject.

So Zimmerman laid out the criteria by which he had classified the tribes:

. . . in making up these three groups of tribes, I took four factors into account.

The first one is the degree of acculturation of the particular tribe. That includes such factors as the admixture of white blood, the percentage of illiteracy, the business ability of the tribe, their acceptance of white institutions and their acceptance by whites in the community.

The second factor is the economic condition of the tribe, principally

the availability of resources to enable either the tribe or the individuals, out of their tribal or individual assets, to make a reasonably decent living.

The third factor is the willingness of the tribe and its members to dispense with federal aid.

The last criterion is the willingness and ability of the State in which the tribe is located to assume the responsibilities.

There was no doubt that Zimmerman regarded Indian consent and understanding as among the important factors to be considered in any alteration of the existing relationship. But there was also an emphasis on the willingness of the state to assume responsibility for the tribe and its members.

Zimmerman had prepared sample withdrawal plans, which he shared with the committee members:

I have prepared separate bills for the Klamath, Osage and Menominee tribes.

I took those as examples, as specimens, because each of them has substantial assets, each of them has a small degree of tribal control, and each of them has indicated that it wants to assume more control, if not full control, of its tribal assets and its tribal operations.

Each of those tribes further has prior legislation under which the Department supervises the operations. For that reason it seems to me best to suggest, *as types at least*, these three different tribes. [emphasis added]

The Acting Commissioner suggested three special plans by which the bureau might consider it possible to end federal supervision and enable the tribe to have some chance of success. For the Klamath, a rich timber tribe located near Crater Lake, Oregon, it was envisioned that all funds would remain subject to Congressional appropriation so that the tribal council would not be subjected to undue pressure for distribution by the reservation people.

A corporation to operate the massive Klamath forest by sustained-yield methods would be organized by the tribe. Officials would be subject to federal laws and courts for acts of

malfeasance, to guarantee proper administration of the corporation. Because of treaty rights of tax exemption the forest would remain untaxable until Congress provided otherwise in consultation with the tribe.

The plan advanced for the Menominee tribe of Wisconsin was similar. Earlier it had been awarded \$1.5 million in a claim against the United States and took its judgment in land, consolidating its reservation into one large tract. The Menominees had previously successfully resisted the Allotment Act and issued use rights to members of the tribe instead of allotments. In that sense only were they different from the Klamaths, who had an allotted reservation.

The Menominees had a sawmill with a dual purpose—to provide jobs for tribal members and income for the tribe. Zimmerman foresaw a fifty-year period of tax exemption on the Menominee forest as the most feasible proposal.

The Osages had already distributed shares of their tribal estate in “headrights,” allotted the land, and retained the subsurface mineral rights, which provided oil royalties to holders of headrights. The sample bill for the Osage provided that all funds administered by the Interior Department would henceforth be administered by the tribe, subject to audit at any time by Interior officials.

Proposals were also made that California and North Dakota take over the affairs of the tribes within their boundaries. The federal government would provide a subsidy to the states equal to what it had been spending on the Indians in the two states, to ensure that no programs be cut back. After a ten-year trial period the arrangement would be made permanent, unless Congress made other provisions. Part of the California proposal included the requirement that the state match a five-million-dollar development program for Indian families.

Every plan put forward by Zimmerman required that the tax immunity remain on Indian lands until the tribal enterprise was financially secure in its new method of operation. Plans also included provisions for approval by a clear majority of the adult

members of the tribes before they were to go into effect, and some proposals were not to be initiated by the bureau but had to come from the tribal governing body at its own request.

The suggestions were basically sound. They incorporated plans that had been discussed in the past between the bureau and the tribes. If carried out according to the original design, the program would have created a maximum of self-government and a minimum of risk until the tribes had confidence and experience in the program.

Unfortunately, the committee dropped Zimmerman's suggestions when it was discovered that the termination of even fifty thousand Indians would have had little effect on the Interior budget. Using the criteria of the committee—the reduction of federal expenditures—termination of Indian tribes was not a significant program. But discussion of the proposal provided the ammunition that would later be used to sink tribal ships of state.

Three years after the Senate hearings the House Interior Committee began a massive study of Indian Affairs. Unbelievably, it recommended using the philosophy of René Descartes, French rationalist of the 1600's, as a method of research:

As a multitude of laws often only hampers justice, so that a State is best governed when, with few laws, these are rigidly administered; in like manner, instead of the great number of precepts of which Logic is composed, I believed that the four following would prove perfectly sufficient for me, providing I took the firm and unwavering resolution never in a single instance to fail in observing them.

The first was never to accept anything for true which I did not clearly know to be such; that is to say, carefully to avoid precipitancy and prejudice, and to comprise nothing more in my judgment than what was presented to my mind so clearly and distinctly as to exclude all ground of doubt.

The second, to divide each of the difficulties under examination into as many parts as possible, and as might be necessary for its adequate solution.

The third, to conduct my thoughts in such order that, by commencing with objects the simplest and easiest to know, I might

ascend little by little, and as it were step by step, to the knowledge of the more complex; assigning in thought a certain order even to those objects which in their own nature do not stand in a relation of antecedence and sequence.

And last, in every case to make enumerations so complete, and reviews so general, that it might be assured that nothing was omitted.

In sum, the committee declared: "If we can order our treatment of materials in Indian Affairs after this fashion it should be possible to grasp firmly the essentials or the problems involved and to cope with them correspondingly well."

This insight was not the least of the committee's recommendations, however, as committee members fancied themselves to be powers of great historical importance. Thus they further proposed to use the Domesday survey of 1086 as the model for a twentieth-century investigation of Indian problems:

This extensive report on an entire nation should serve as a model for the administration of Indian Affairs today. There is a need for an exact, highly localized and thorough accounting of all Indian properties and Indian tribes as a complete allotment and dissolution of separate Indian tribal economic and political organization is contemplated. A survey along the lines of the Domesday project would furnish an inventory of all the basic facts needed to complete Indian assimilation. The Congress and Federal Government exercise the function of sovereignty over the Indians in the same manner as that by the King of England over his domains. The title to Indian lands and federal public domain lands would be clearly and precisely stated for every locality. Present day information on Indian property and population is generally piecemeal, confused, and probably unreliable. There is a real need for a Domesday Survey of Indian Affairs.

Little did the general public or the Indian tribes realize the bizarre theories underlying Congressional thinking on termination.

If any other group had been subjected to research techniques of the era of William the Conqueror the nation would have risen in indignation and called for an investigation. But in the

whimsical world of the Interior committees, Indians were such an unknown commodity that the ridiculous made sense, the absurd was normal.

With this contemptuous announcement of royal power of Congressional committees, the stage was set for the disastrous era of the Eighty-third and ensuing congresses and the termination period in Indian Affairs.

The way had been prepared for this era by the attitude of Dillon Myer, a Truman appointee as Commissioner of Indian Affairs, who started the bureau on the termination trail when he had assumed office in 1950. Myer had been in charge of the Japanese internment camps during World War II and "knew" how to deal with minority rights.

He embarked on a withdrawal program in August of 1952, before Congress had even authorized its great Domesday study. "At this point," Myer wrote to his bureau employees, "I want to emphasize that withdrawal program formulation and effectuation is to be a cooperative effort of Indian and community groups affected, side by side, with Bureau personnel. We must lend every encouragement to Indian initiative and leadership. I realize that it will not be possible always to obtain Indian cooperation."

"Full understanding," Myer went on, "by the tribal membership should be attained in any event, and agreement with affected Indian groups must be attained if possible. In the absence of such agreement, however, I want our differences to be clearly defined and understood by both the Indians and ourselves. We must proceed, even though Indian cooperation may be lacking in certain cases."

The policy from Commissioner to field clerk was to get rid of Indians as quickly as possible, treaties or no. When the termination hearings were later held, the bureau had much to say. It gave every possible excuse to get rid of the particular tribe which was under consideration by the committee.

The Republicans entered the White House in the 1952 election and assumed control of Congress for the second time in two

decades. Two conservatives were named to head the Indian subcommittees in the Senate and House: Arthur Watkins, a Mormon from Utah, headed the Indian Subcommittee of the Senate Interior committee and E. Y. Berry from South Dakota headed the House counterpart. Both Watkins and Berry were determined to bring Indian Affairs to a swift conclusion. They had sat too long as junior members of the subcommittees not to relish the opportunity which now presented itself. They wanted to take the helm and make policy. Together they decided to hold joint hearings on all Indian bills so that there would be no conflicts between the Senate and House versions of legislation. A decision by the Joint Subcommittee could pass both houses of Congress simultaneously, and opposition as well as public awareness could be held to a minimum.

On June 9, 1953, the first shot of the great twentieth century Indian war was fired when Representative William Henry Harrison, a descendant of an old Indian fighter of the last century, introduced House Concurrent Resolution 108 in the Eighty-third Congress. HCR 108 declared the intention of Congress to terminate federal supervision at the "earliest possible time." Green light for Watkins and Berry. They waited only until the following February before launching their attack. And supervision, as it turned out, meant services only.

February, 1954, saw the beginning of a systematic attack on every tribe in the nation. Gone were the four factors which Zimmerman had used in 1947 to classify tribal readiness for termination. Watkins' idea was to get rid of as many tribes as possible before the 1956 elections. He feared that if the Great Golfer were not re-elected the movement would be stopped by a President who might pay attention to what was happening in the world around him.

The first termination case—concerning small bands of Paiutes in Utah—set the precedent for the Senate Interior Committee, from Arthur Watkins, conservative Republican from Utah in 1954, to Henry Jackson, pseudo-liberal Democrat from Washing-

ton in 1968. The basic approach of the Senate committee never varied for fourteen years. Unbearable pressures, lies, promises, and threats of termination were made whenever a tribe won funds from the United States because of past swindles by the federal government. Whenever a tribe needed special legislation to develop its resources, termination was often the price asked for the attention of the committee. And if a tribe compromised with the Senate committee it was on the road to termination. Quarter was asked but none given.

In this first case, Watkins made sure that some of his Utah Indians were the first to go in order to prove he was not picking on Indians of other states. It did not matter that the Paiutes had not been mentioned either by Zimmerman or in HCR 108. Watkins was determined to demonstrate fairness, as if once he had irrationally harmed Indians from his own state he would be free to do whatever he wanted with all those elsewhere.

He forced consent, if it can be called that, of these small bands of southern Utah by promising them recognition by the federal government of their tribal marriages. But when the legislation came out there was no mention of tribal marriages, only of removal of federal services. The Paiutes had been too poor to come to Washington for the hearings, and when they found out what Watkins had done it was too late. They were placed under a private trustee who rarely communicated with them, and in a more restrictive trusteeship than they had known when under federal supervision. Thus did Watkins "free" his Indians.

In another case, the Klamaths had received a judgment against the United States for \$2.6 million. But they needed enabling legislation to spend it. Watkins withheld approval of the Joint Subcommittee until the Klamaths agreed to his termination bill. The state of Oregon was hardly consulted at all. Thus two basic factors of the four presented by Zimmerman for ending federal supervision were lacking from the very beginning. Termination of the Klamaths had neither tribal nor state willingness.

The Klamath bill had been so hastily written that it had to be amended to prevent a wholesale collapse of the lumber industry on the West Coast. Since it had originally called for immediate clear-cutting of eighty-million-dollars' worth of timber, the market appeared headed for total disaster because of the great quantity of wood that would suddenly depress the market. Strangely, there was no conspiracy to cheat the Klamaths, the legislation was simply so sloppily written that no one on the Senate or House committee realized what clear-cutting a massive forest meant. The committee members' only desire was to get the termination of the tribe over with as quickly as possible. If that meant cutting every tree in Oregon, they would have so authorized, simply to get on to another tribe.

In another example, the Kansas Potawatomi tribe was considered to be in such a low economic status that to assist it was felt to be too expensive. Better, the bureau said, to let the Potawatomis expire as private citizens than to have anyone find out how badly the federal government had shirked its responsibilities. Somehow they escaped the blow, although bureau assistance to them since 1954 has been nil.

In yet another example, the Alabama-Coushattas had a small reservation in Texas. They had been spared during the Texas Ranger sweep a century earlier because they had hidden Sam Houston when the Mexican government was after him during Texas' war with Mexico.

The bureau, meeting with the tribal council, told them the termination bill was concerned with forest management. They stated that any more cutting of timber on tribal lands would not be allowed unless the tribe agreed to the proposal. The tribe agreed, the law was quickly passed with little consultation with the state of Texas, and the tribe was placed under state trusteeship. There is still a question whether or not the constitution of Texas was violated.

Frantically the Joint Subcommittee searched for vulnerable and unsuspecting tribes for their termination program. Poor

tribes with no means to come to Washington and protest against proposals were in greatest danger. Absolute terror spread through Indian country as the power of the committee was arbitrarily used against the helpless Indian communities.

The Flatheads of Montana were saved only by the direct intervention of Mike Mansfield, who reminded the committee of the treaty rights of the tribe. The Florida Seminoles, 80 percent illiterate, were saved only through the intervention of the DAR's of that state.

Total relocation of the seven thousand Turtle Mountain Chippewas of North Dakota was considered. Watkins' plan was simply to relocate the Indians in a large city and forget about them. But the plan was blocked when North Dakota, in a fit of Christian charity, refused to provide any services whatsoever for the Chippewas should they be terminated.

The tragedy of the Menominee tribe of Wisconsin illustrates the extent of termination's failure. The tribe was one of the few paying for all its own services. The sum of \$520,714.00 was budgeted by the tribe for the reservation the year before termination. The tribe invested \$285,000 in construction projects, \$56,745.00 for education, \$47,021 for welfare, and \$130,000 for health. It set aside \$42,615 for law and order activities. The federal government, which was obligated to provide all of these services, actually spent only \$95,000 for roads and \$49,000 for education, on a matching basis with the state and tribe. The total federal cost per year for the Menominees was \$144,000 or \$50.85 per Indian. There was, consequently, not much to be saved by terminating them.

But they had won a \$8.5 million judgment against the United States in the Court of Claims and needed legislation to distribute it. In 1908 federal legislation was passed which had given the Forest Service responsibility for administering the Menominee resources on a sustained-yield basis. In violation of this law, local government foresters had decided to clear-cut the forest, and the income which should have come to the Menominees through

the years on a sustained-yield basis was deprived them. Finally, in 1951 they had won their judgment against the United States, and the money was deposited to the tribe's account in the U.S. Treasury.

The Joint Subcommittee, particularly in the person of Watkins, was outraged that the tribe had been vindicated. They were determined to silence the Menominees once and for all. When a bill passed the House Interior Committee, which authorized the distribution of the judgment money, Watkins attached a provision to the bill in the Senate, requiring the tribe to submit to termination in order to get the money. The Menominees objected to the provision and Watkins held the bill until the end of the year.

There are varying reports on the sequence of developments after that. In 1960, when the Menominees went to Congress to get an extension on the date set for final termination of federal responsibilities, Senator Frank Church, then chairman of the Indian Subcommittee of the Senate, inquired of Mr. Lee of the Bureau of Indian Affairs just how the Menominee termination had come about. The record, as of 1960, is enlightening:

SENATOR CHURCH: Mr. Lee [from Interior] will you take me back a few years and tell me how this business got started? It is my understanding that originally the Menominee Tribe recovered a judgment against the Government which required legislation to distribute to the members of that tribe.

MR. LEE: That is correct.

SENATOR CHURCH: Legislation was proposed to effect a per capita distribution of this judgment fund.

MR. LEE: That is correct, \$1,500.

SENATOR CHURCH: When it came to the Senate, the Senate amended the bill to provide that termination should take place in conjunction with the distribution of this money.

MR. LEE: That is correct. It was an interim step. In the meantime, Congress passed Senate Joint Resolution 108, which provided for the termination of certain tribes. I believe there were 10 tribes. Specifically—

SENATOR CHURCH: Was the Menominee Tribe one of the 10 tribes?

MR. LEE: The Menominee Tribe was one of the tribes. As you

have indicated, when H.R. 2828 was introduced in the 83rd Congress, it was passed by the House as a separate per capita bill of \$1,500 per individual.

The Senate amended it and tacked termination on it and sent it back to the House. There were a number of conferences on it and finally, they worked out a compromise. This gets into the second question as to whether or not there was approval by the Indians.

SENATOR CHURCH: That is my second question. Did the Menominee Tribe, after this legislation was passed, then approve of termination by referendum of any kind?

MR. LEE: No, sir. As I recall, there was no referendum. The tribal delegates can correct me on this. They had a group that was negotiating with the conferees here in Washington and they stood up in the committees and agreed to this termination, I think, on the basis that the termination was coming regardless because of the resolution requiring termination.

SENATOR CHURCH: For this particular tribe?

MR. LEE: For this particular tribe.

SENATOR CHURCH: The question of termination was never taken to the Indians and put to a vote?

MR. LEE: As near as I know, there was never a general vote on termination in the tribe. Am I correct in that?

MR. WILKINSON: I can add one clarifying point to that. The chairman of the Indian Subcommittee of the Senate went to the reservation and met with the general council.

SENATOR ANDERSON: Senator Watkins.

MR. WILKINSON: That is right. There were approximately 150 people present. They voted that day to accept termination. There is one item which I think bears on it, which I think influenced the tribe to vote that way.

They were told that they could not have a per capita payment unless they accepted termination. Based on that, I felt they accepted it.

SENATOR ANDERSON: Senator Watkins did go there, he did present the matter, he did discuss it, he came back and reported to us that the tribe was enthusiastic for termination.

Of course, the answer was they were enthusiastic for the \$1,500.

Senator Watkins had indeed gone to the Menominees and threatened the Indians. Recalling his visit, Watkins stated:

It was a very interesting experience. I appreciated your help in introducing me to those people and giving me the opportunity to see how they lived, how they felt about it. That was one of the most interesting experiences of the whole trip.

MR. WAUPOCHICK (a Menominee): We wish you could have stayed longer.

SENATOR WATKINS: I had the same experience visiting Europe, *the refugee camps of the Near East.* (emphasis added)

The Menominees had been so poor in comparison to other Americans that the only experience Watkins could relate his reservation visit with was his visit to refugee camps of the Near East after World War II.

The initial plan was for the Menominee forest to be turned over to the tribe for management. This plan was predicated on the fact that the Menominee tribe had over ten million dollars in the federal treasury. But the Menominees had to agree to termination in order to get a per capita distribution of that money authorized. Therefore the termination plan was based upon money that no longer existed.

Wisconsin strongly opposed the Menominees' termination. It was worried about the eventual effect of the plan on the community and the state. Mr. Harder, an official representing the Wisconsin Tax Commission, expressed the attitude of the state most concisely:

. . . I am concerned about that; because if they have to go to heavy taxation of their timberlands, that means they will have to cut on some other basis than their present sustained-yield method. And as soon as that happens, the forests will eventually deplete, and we may have a substantial welfare problem. That is a problem the State of Wisconsin now has with the Indians in the Bad River Reservation, where the lands were allotted, and the Indians sold their lands, and now they are on relief; in prosperous times as well as poor times. It is a continuing problem. And the State doesn't want anything like that to happen in this instance.

But Watkins, ideologically bound to traditional Republican myths, insisted that the state was more efficient than the federal government per se:

Of course it is admitted the Federal Government moves slower than anybody else. The State government would be far more efficient. That is one reason we think federal supervision should be terminated, one among many reasons, because we can't move as fast as we should.

The tribal attorney, Mr. Wilkinson, appealed to the record of the Senate Civil Service Committee in which the original Zimmerman testimony was presented. Watkins callously informed him:

If you want to comment on what he said, all right, but as far as I am personally concerned, and I think the rest of the committee, it is not going to make a lot of difference one way or another, except indicating that that far back this matter was discussed. So that there won't be any implication that certain parts of it haven't been brought up, I think that all of it should be included in this report and that will be the Chair's ruling.

So a reference to the Zimmerman recommendations which included the fifty-year tax exemption for the forest proved fruitless by the defenseless Menominees.

Their last argument was voiced by Antoine Waupochick, Chairman of the Menominee Advisory Council:

History records that the Menominees have been loyal to this Government and have stood by their bargains when they have relinquished land to the United States. We think that your action should be governed by a desire to see that history will record that Congress was loyal to the Menominee people.

There was, however, no appeal for the tribe, either to historic commitments made by the federal government or to common sense of the present. Even after liberal Democrats took over the subcommittee after the 1958 sweep and firmly controlled the Senate in 1960, the attitude remained the same—dogmatic and idealistic:

MR. GRIGNON [a Menominee]: . . . I believe if we are to terminate December 31, (the tribe was seeking an extension) with our economy so low where we cannot afford this county which is the cheapest for us to take, we will go until our money runs out. It is a question of what reserve we have in the fund.

SENATOR CHURCH: I think what Senator Anderson said was pretty wise. He suggested if you went on your own initiative, responsibility and resources, you might find a little resurgence of energy in the operation of the mill and things of that nature that might carry you along. It is the constant spoon feeding from the Federal Government that has held you back, is it not? You were getting ready for termination in 1954. Some tribes have terminated, you know, and they are getting along pretty well. But not the Menominees.

MR. GRIGNON: I believe one thing, Senator. If we were still making the kind of money as in 1958, I believe we certainly could terminate December 31, and be successful. If the economy was up, there would be no question in my mind.

Instead of providing assistance or admitting that a horrendous mistake had been made years ago, Frank Church admonished the Menominees to be more energetic.

But even Church, boy liberal from Idaho, had his moments of lucidity:

This is the thing that disturbs me. We have come to the nub of this morning. All of the reasons that are put forth in support of extending the termination date make it plain that a 6 month extension is patently insufficient. This is evident on the face of the statement you have made. You support the extension because you say you have a marginal economy. You are going to have a marginal economy at the end of 6 months because to make it any other kind of economy is going to be an effort that will extend over many years.

The first War on Poverty by the Democrats was conducted in 1960 against a defenseless Indian tribe that asked only for justice. These same Senators who cold-bloodedly created a pocket of poverty in Wisconsin would later vote for the War on Poverty with good conscience.

With termination came the closing of the Menominee hospital. The tribe was unable, with the additional burden of taxation, to keep up its health program. Deprived of medical services and with poor housing, the infant death rate continued to rise. By July 1964, 14 percent of the county, which was the former reservation area, was receiving welfare payments. The State

Department of Public Welfare estimated that Menominee county needed a transfusion of ten to twenty million dollars to bring it up to par with other Wisconsin counties.

How much did the Menominee termination save the federal government? By 1960 the costs simply to plan for termination had become tremendous:

MR. LEE: First, about how much money has been appropriated; there has been \$500,000 appropriated to reimburse the tribe for their termination expenses. We have spent, including the reimbursement termination expenses \$700,000 for special road construction, \$644,000 I mentioned on special adult education program. We have already reimbursed \$195,500 to the tribe for their termination expenses. We anticipate between now and the termination, if the termination does not drag on, another \$161,000. HEW, as I understand it, has committed \$510,000 for school construction. We have spent \$136,000 in addition to agency expenses which were previously carried by the tribe. We are in the process of completing a survey for about \$35,000. We have just made another assignment of a Bureau staff member mentioned this morning, of \$6,000. This will bring a total we anticipate of \$2,357,039 by December 31 (1960).

In addition to the \$2,357,039, however, in 1961 the federal government had to give the Menominees \$1,098,000 over a period of five years, to cover education and health subsidies for problems caused by termination. In 1966, because the county was rapidly going downhill, another law was passed giving the tribe another \$1.5 million over a three-year period. By 1964 the state of Wisconsin had granted the tribe some \$52,363 in special contributions to welfare costs. But by then the situation was so desperate that the state was forced to make a special grant of \$1 million to individuals in the county to keep their shares in the Menominee Enterprises from going out of Menominee hands and disenfranchising the tribe from its forest.

Clearly, with some \$5 million of special federal aid, over \$1 million in state aid, and a rapidly sinking economy combined with increasing health and education problems and a skyrocketing tuberculosis rate, termination has not been a success for the

Menominees. It has been a rationally planned and officially blessed disaster of the United States Congress.

Whenever a tribe has been terminated all federal assistance stops. The number of Indian people who have died because health services were unavailable is difficult to define, but must certainly run into a significant number.

With the advent of the War on Poverty the push for termination has slowed, but certainly not stopped. Chief advocate of termination is James Gamble, staff member of the Senate Interior Committee, which is the parent committee of the Indian Subcommittee. Gamble has remained in the background while Henry Jackson, Chairman of the committee, has had to accept public responsibility for Gamble's moves against the tribes.

Rarely does a judgment bill come before the committee but what Gamble tries to have a termination rider attached. So powerful is Gamble that Jackson might be characterized as his front man. But Jackson is busy with his work on the Foreign Relations and other important committees and so he accepts Gamble's recommendations without much consideration of alternatives.

The chief termination problem in recent years has been that of the Colville tribe of Eastern Washington, Jackson's home state. In the closing years of the 1950's the Colvilles received some land back. This land had been part of the reservation and was opened for homestead. However, when some of it remained unused, the tribe asked for its return. Termination was the price the Colvilles were asked to pay for their own land.

Analysis of the Colville termination bill as it is now proposed reveals Gamble's method of operation. The bill provides that the act will become effective after a referendum of the adult members of the tribe. No provision is included to require that a majority of the enrolled adult members vote in the referendum. Thus a majority of fifty voters out of the five thousand plus tribal members would be sufficient to terminate the tribe. Zimmerman's original proposal, which incidentally contained no

reference to the Colvilles, provided for a majority of the enrolled adults to *initiate* any movement toward termination of supervision. The bill is comparable to a corporation being required to liquidate on the vote of those present at a stockholders' meeting, with no majority of stock being sufficient to carry the motion.

After the referendum is taken, the members will find out what they voted for. The reservation will then be appraised by three independent professionals and the three figures averaged. The average value is the price the United States will pay the tribe for its reservation. Any other group of American citizens would not dream of selling their property without knowing what the price was. Yet, since Congress is presumed to act with good faith toward the Indian people, this bill is considered to be sufficient justice for them. Can you imagine Henry Jackson, sponsor of the bill, walking into the offices of white businessmen in Everett, Washington, and asking them to sell him their property, with values to be determined six months after the sale? Jackson expects, and intends to write into law, a provision for Indians to do exactly this.

Section 15 of the bill is a typical Gamble gambit. There is a provision that while the money is being distributed, the Secretary of the Interior can determine whether any member of the tribe is incompetent and appoint a guardian for him. Incompetency is never mentioned as a requirement for voting in the first part of the bill. But hidden in the middle is a provision giving the Secretary of the Interior unlimited discretionary power over Indian people. Theoretically the Secretary could declare all of the Colvilles incompetent and place them under a private trustee. They would then be judged too incompetent to handle their own money, but competent enough to vote to sell their reservation. Is it any wonder that Indians distrust white men?

The major tribes of the nation have waged a furious battle against the Colville termination bill. Fortunately the House Interior Committee has been sympathetic to Indian pleas and has to date not passed the bill. Another mood, however, can come

over the House committee and sentiment may turn toward termination. This uncertainty creates fear and resentment among Indian people.

Under consideration at the present time is another termination bill. In 1964 the Seneca Nation of New York finally received its compensation for the land taken for the Kinzua Dam. Kinzua, as you will recall, was built by breaking the Pickering Treaty of 1794, which had pledged that the Senecas would remain undisturbed in the use of their land.

But before the Senecas could get the Senate Interior Committee to approve their judgment bill they had to agree to section 18, a termination rider, which required the Senecas to develop a plan for termination within three years. The Senate was determined to punish the tribe for having the temerity to ask for compensation for land which the United States had illegally taken.

If termination means the withdrawal of federal services in order to cut government expenditures, then the Seneca termination requirement is truly ironic. The only federal assistance the Senecas received in recent years was a staff man assigned by the Bureau of Indian Affairs to assist them in problems caused the tribe by the building of Kinzua Dam.

The Seneca bill proposes to capitalize annuities payable to the Senecas under a number of treaties and pay the tribe outright. Annuities amount to very little, but the Senecas regard them as highly symbolic, as they represent the historic commitments of the tribe and the United States. They have more of a religious and historical significance than they do monetary value.

Section 9 of the bill provides that the act shall not become effective until a resolution consenting to its provisions has been approved by a majority of the eligible voters of the Seneca Nation voting in a referendum. Why the difference between the Seneca bill and the Colville bill as to voting requirements? Gamble and Jackson are responsible for the Colville bill. The Bureau of Indian Affairs drafted the Seneca bill.

Termination is the single most important problem of the American Indian people at the present time. Since 1954 the National Congress of American Indians and most inter-tribal councils of the various states have petitioned the Senate committee and the Congress every year for a change in policy. There has been no change.

Sympathetic Senators and Congressmen have introduced new policy resolutions to take the place of the old HCR 108—which, Gamble insists, is Congressional policy though such resolutions usually die at the end of each Congress. Rarely do these new policy statements receive more than perfunctory attention. None are ever passed.

Indian people receive little if any help from their friends. Churches have been notably unsympathetic, preferring to work with the blacks, where they are assured of proper publicity. The attitude of the churches is not new. My father was fired from his post with the Episcopal Church for trying to get the church involved with the termination issue in the 1950's. Had the churches supported the Indian people in 1954, we would be tempted to believe their sincerity about Civil Rights today. But when the going is rough, churches disappear from sight. Judas, not Peter, characterizes the Apostolic succession.

The response from the American public has been gratifying at times, disappointing at other times. Public support for the Senecas was widespread but the land was still taken and a termination rider added. Interest on the Colville termination has not been great because the problem of fishing rights in the same area has received all of the publicity. In general, the public does not understand the issue of termination, and public statements of termination-minded Senators make it appear to be the proper course of action.

Too often termination has been heavily disguised as a plan to offer the Indian people full citizenship rights. Thus the Washington State legislature has been continually and deliberately misled by a few urban and termination-minded Colvilles into passing a resolution asking for the extinguishment of the Colville

tribal entity and the vesting of the Colville people with "full citizenship" rights.

In fact, the Citizenship Act of 1924 gave all Indians full citizenship without affecting any of their rights as Indian people. So the argument of second-class citizenship as a justification of termination is spurious from start to finish.

In practice, termination is used as a weapon against the Indian people in a modern war of conquest. Neither the Senecas nor the Colvilles were listed in the original discussion of termination by Acting Commissioner Zimmerman in 1947. Nor were these tribes listed in House Concurrent Resolution 108, which outlined termination and mentioned tribes eligible for immediate consideration.

Both tribes have had to submit to termination provisions in legislation which had nothing to do with the termination policy as originally defined by Congress. The Senecas and the Colvilles got caught in the backlash of Congressional ire at the Bureau of Indian Affairs. The Senecas had money coming to them because of the gross violation of their rights under treaty. The Colvilles wanted land returned which was theirs and which had been unjustly taken years before.

In the case of the Colvilles the record is doubly ironic. The tribe rejected the provisions of the Indian Reorganization Act and was determined to operate under a constitution of its own choosing. At the same time, under the IRA the Secretary of the Interior has full authority to return lands to the tribe, but he does not have authority to return lands to non-IRA tribes. Thus failure years before to adopt a constitution under the Indian Reorganization Act unexpectedly backfired on the tribe.

When the Kennedys and King were assassinated people wailed and moaned over the "sick" society. Most people took the assassinations as a symptom of a deep inner rot that had suddenly set in. They needn't have been shocked. America has been sick for some time. It got sick when the first Indian treaty was broken. It has never recovered.

When a policy is used as a weapon to force cultural confronta-

tion, then the underlying weakness of society is apparent. No society which has real and lasting values need rely on force for their propagation.

It is now up to the American people to make their will known. Can they condone the continual abuse of the American Indian by Congressmen and bureaucrats who use an unjust Congressional policy to threaten the lives and property of Indian people? Is the word of America good only to support its ventures overseas in Vietnam or does it extend to its own citizens?

If America has done to us as it wishes others to do to her, then the future will not be bright. America is running up a great debt. It may someday see the wholesale despoilation of its lands and people by a foreign nation.