REMARKS OF ASSISTANT SECRETARY OF THE INTERIOR JOHN A. CARVER, Jr., AT 7:30 P.M., APRIL 17, 1961, BEFORE THE ANNUAL MEETING OF THE ASSOCIATION ON AMERICAN INDIAN AFFAIRS AT THE INTERCHURCH CENTER, NEW YORK CITY

Before I joined the Department of the Interior, I spent four years on Capitol Hill where I was Administrative Assistant to Senator Church of Idaho. He was Chairman of the Senate Indian Affairs Subcommittee, and I fancied I knew quite a bit about American Indian Affairs.

As Assistant Secretary of the Interior with direct supervision over and responsibility for the Bureau of Indian Affairs, I have had a great awakening. I have come to realize that I don't know really as much as I thought I did when I was on Capitol Hill.

And it is disturbing to contemplate that I don't know as much now as I did three months ago. If this is true, then I ought to be glad I wasn't invited here six months hence. By then, at the present rate, I will know nothing at all about Indian matters.

Tonight I want to review with you some of the analytical processes I have applied to my job of supervising the Bureau of Indian Affairs. To put it another way, I want you to come with me while I retrace my Pilgrim's Progress toward an intelligent understanding of Roles and Responsibilities in the field of Indian Affairs.

As a lawyer, I hope I can be forgiven for inquiring first into the basic constitutional, legal, and judicial authorities for the program which occupies the talents and time of 11,000 Bureau employees. For I feel, as I talk tonight with this highly knowledgeable and experienced group of citizens drawn together by a common interest in Indian Affairs that we will not really communicate unless you know what kind of tests I am likely to apply to program suggestions made to me, whether by you, the Bureau, or the Congress.

In a larger sense, until the Interior Department, the Congress, the States, the Indians and the Indian interest groups like your own all have the same understanding of what the Federal Government can properly do, and what it cannot legally do, we simply won't be able to make progress at all in achieving the goals of a better life for a particular underprivileged segment of our population that happens to be of Indian blood.
Let me give you an example of what I mean:

Recently the national press, including the New York Times, carried reports of a charge made in my own State of Idaho that up to 70% of all the Indians on the reservation at Fort Hall were near starvation. Well-intentioned citizens in nearby communities organized caravans to take food to the "starving" Indians.

Now of course the Indians weren't all eating as well as they might like, but they weren't starving. From the standpoint of normal welfare standards, the Indians on the reservation were receiving assistance of various kinds exactly as non-Indians off the reservation. No application or referral for welfare had gone unattended, and in general the situation was probably at least the equivalent of, and possibly superior to, that which prevailed among the welfare and assistance recipients in the surrounding non-Indian communities.

But I sensed immediately that the citizens generally were applying different sets of standards. In Pocatello which adjoins the reservation, the community expects the needy to at least walk down to the Court House to apply for relief: recipients of money aid get little aid or comfort if they spend one check before the next one is due. The same good people, however, seem to expect of the Federal Government something entirely different, something comparable to the old rations system as to Indians--in other words, it is taken for granted that the Bureau of Indian Affairs has a special responsibility toward the Indians because they are Indians, and whether they live on or off the reservation.

Well, do we?

No one can deny that the Federal Government has broad affirmative responsibilities toward Indians. But does it have these because they are Indians, or are our programs rooted in some more substantial soil than ethnic origin or the accident of Indian ancestry.

I pondered this question as I flew toward Idaho to look into the Fort Hall situation, and I jotted down these notes as the basis for a talk to the Indians, community leaders and interested citizens at Eagle Lodge at Fort Hall.

"The role of the Federal Government.

"(a) We act within the laws, and carry out programs prescribed and appropriated for by the Congress.

"(b) The laws do NOT:

(1) Confine the Indians to the reservation.

(2) Give us an affirmative welfare responsibility toward Indians as Indians, any more than toward any other ethnic group.
Relieve the states, counties, or municipalities of any responsibility they owe to their citizens generally as to any Indian living off the reservation, either as to welfare, law enforcement, education, or anything else.

"(c) The laws DO:

(1) Give to the BIA the responsibility of managing trust property.

(2) Give the Indian tribes certain self-governing power on the reservations.

(3) Authorize and appropriate for welfare, education, and law and order programs within reservations, in recognition of the IRA separateness of the tribe, and in recompense for the tax exempt status of the trust property."

I have no idea that you will all agree with everything in the hasty outline I scrawled while six miles up in the clouds.

However, if we turn our attention to another situation I've grappled with--the Miccosukees, or Trail Seminoles--you can suffer with me the difficulties of applying formulary tests to the demands for Indian programs. The Miccosukees, numbering several hundred, are Indians of the Everglades who have never made formal peace with the white man. They have no reservation. As the white man's roads and canals reach into the hitherto trackless swamps they've called home, the colossus of government in the persons of highway engineers and right-of-way men for roads and drainage projects threatens to overrun them. Without acknowledged legal title to their lands, they claim a status and assert rights which are not taken seriously. The compassionate among us see their desperate plight, and demand action.

Should this action be provided by the Indian Bureau? If so, and we undertake to give services to the Miccosukees just as we do the Shoshone-Bannocks at Fort Hall, how do we rationalize our actions? Here there is no trust property; here there is no treaty; here there is not even a reservation.

Maybe it is at this point that I can repeat an observation I heard from a Briton on a radio program once--the trouble with you Americans is that you think every problem must have a solution. But if we work out some pragmatic way to help the Miccosukees, and I'm determined that we shall, and if we find no other way to rationalize than to admit that we've helped Indians with no justification better than the frank admission that it is because they are Indians, we will be the better off, as I hope to demonstrate in a moment, if we are honest with ourselves and invoke the right to abandon consistency on occasion.

In other words, I think the Indian business demands some ground rules. We won't always stay within them, but I think it is high time we tried to formulate them, at least.
Why is it high time?

It is high time, I submit, because in my opinion we are not only not making progress toward a better life for the Indians, more self-sufficiency, less emphasis on Indianness, but on the contrary we are losing ground.

Let me catalogue a few problems that have come to my desk within the last weeks to demonstrate the accuracy of this pessimistic view:

Item: Geometrically increasing numbers of Bureau people struggle with the enormous task of determining the ownership of allotted lands through and after successive probates, while thousands of acres of land go out of cultivation each year because with hundreds or thousands of fractional owners, the land has no owner at all. This can only get worse, unless new ground rules are set.

Item: A tribe of Indians whose members are wealthy by any standard—into the hundreds of thousands of dollars each—look to the Bureau to seek an appropriation to build them a few miles of road.

Item: Untold hours and dollars of Departmental effort go into the abstruse inquiry of Indianness and tribal membership, as Indian claims are prosecuted to judgment and the possibility of per capita distribution looms.

Item: The Indian population is exploding, and I'm not referring to the land of which New Delhi is the capital. A clipping with the news that the Indian population had increased 45% in the ten years from 1950 to 1960 came to my attention, but diligent inquiry into the question of whether the census takers had any statistically sound way of telling brought a negative reply.

So I'm going to set forth some of my nominations for ground rules—I invite you to join in the game, for as I've said I've been here only 87 days and each day I know less.

Number one, I suggest, is that Indian programs should be tied wherever possible to the fact that the Federal Government retains a trust responsibility over Indian real property. So long as the title is in trust, and tax exemption status applies to the land and its fruits, the Federal Government can justify performing special services for Indians. Many a Federal program is based on this concept; for one example, take aid for federally impacted schools.

The minute we abandon this anchor, the lid is off Pandora's box. The Veterans Administration can give us some lessons about the importance of clinging to standards. Service-connection, of course, is not the only test of eligibility for certain disability benefits, but it is a useful starting point.

Special Federal services to Indians as Indians may be necessary, and I don't rule them out. But we must live with the inexorable corollary that we will isolate the Indians more and more from the mainstream of American life which, after all, is centered still around the local communities, counties and States. All I ask is that we be honest with ourselves about our programs and their implications.
My second ground rule or guide line for policy and program formulation is that we ought, wherever we have a clear choice, to move in the direction of tribal management programs. I think it highly unfortunate that in so many cases there have been per capita distributions dissipating capital assets of tribal governments which were ready, willing and able to manage wisely for the continuing benefit of the tribal members. The allotment acts were a cruel and misguided hoax, based on a premise of an agrarian Indian society unrealistic at the outset, and archaic today. Some of the trust responsibilities reserved to us with respect to individual Indians are impossible to justify on any rational basis in their across-the-board application. I've been told we have trust responsibilities over the property of a United States Congressman.

Thirdly, we must recognize and agree that "termination" as a descriptive term is semantic nonsense. As a ground rule, then, let us say that we will cease talking about termination, defensively or offensively. The word is a dishonest word, which confuses ends with means, and conveys no real meaning.

Termination, in the limited sense of chopping off of special Indian services, and abrupt abandonment of the trust responsibility for Indian property, is not, and cannot be, a justifiable end of itself.

Naturally, we want the Indian people to have full legal, economic and social opportunity, but we do not espouse the notion that this can be accomplished by the surgery of simply chopping off our programs on a date certain. I wish I had time here to outline what I think "termination" as that kind of goal has cost us in the Menominee situation in Wisconsin.

The President himself has promised that the Indian land base will be protected, credit assistance will be given, and we will encourage tribal planning for economic development.

Another ground rule, and these aren't in any order of importance, is that our programs must be better tailored to the needs of the individual reservation or tribal situation. We must show more imagination in matching our programs to the potential of tribal assets, whatever they may be. If, as is the case on some reservations, the only real resource is the human resource, then we must face up to the fact, and concentrate on training, education, location of new job opportunities. If the resources are material, land, water or mineral, our development assistance must be realistic, and flexible, and responsive to the particular situation.

Fifth, we must get far away from paternalism. We have the duty of promoting self-government under tribal constitutions. To my way of thinking, freedom of self-government includes freedom to make mistakes. We must get out of tribal politics, and stay out of tribal politics.
But ground rules aren't enough. We still must examine deeper. We must exorcise some ghosts; we must face a harsh and unpleasant reality which casts a bitter shadow over this whole subject.

The United States is conscience-stricken about its treatment of Indians in the past. Is it possible that we are beating our breasts and wearing the hair-shirt for the way the pioneers drove the Indians from their lands and herded them to the reservations so that we won't have to face the more stark shame of the way we are treating Indians today. How many Americans in cities like Pocatello or Butte or Rapid City call upon the Federal Government to get more food to the Indians while tolerating discrimination ranging from the patronizing, to the hateful restaurant window-card "No Dogs or Indians".

Across the length and breadth of this land officials who ought to know better--judges, lawyers, welfare workers, health officers, and private citizens--(I'll resist the temptation to include congressmen) automatically, unreasonably, unthinkingly assume that if a person appears to be an Indian or says he is an Indian or is said to be an Indian, a different set of rules and regulations immediately comes into effect. Call the Indian hospital if he's ill; send the bill to the Government if he must be institutionalized; blame the tribe or the Bureau or both if he breaks a law like shooting a deer out of season.

Why are Americans who have fought the hardest to erase this pattern from the fabric of American life for Negroes, Jews, and other minority groups quite often found in the vanguard of those demanding special treatment for Indians?

There is a real split in our national thinking about the problem. Alaskans, for example, are proud of the fact that with only a minor exception or two they have no Indian reservations. We have full integration, they boast, of all the native groups, Indian, Eskimo, Aleut; an Eskimo is President of the Alaska Senate. Yet the most extensive educational system the Bureau of Indian Affairs operates is in Alaska, just for Indians. Alaskans continually demand that we do a better job, build more facilities, get more teachers.

Are we educating Indians in Alaska because they are Indians? Or is it another form of transitional governmental assistance given a new State? If the latter, should the schools be restricted, as they generally are, to the natives and Indians?

These are hard questions--and on the surface, at least, it seems that the facts support a statement I recently made at a sub-cabinet level meeting in the White House. We were discussing discriminatory practices in public programs and I said that in one sense, at least, the Government was carrying on basically discriminatory programs itself.

The foregoing, I confess, is the way my own thinking has developed about the Government's role and responsibility toward American Indians. It may be that it is a strange one. I supervise, in a general way, the operations of a Bureau in the Interior Department whose mission it has been (and still is) to serve the needs
of Indians, period. Not much attention has been given to whether we have carried out our programs because we thought Indians should have special treatment because they were Indians. The Department, I think, hasn't often asked whether its programs should be rationalized on standards applicable to other government programs dealing with the welfare of individual citizens. We have shut our eyes to the fact that some aspects of the system itself amount to discrimination.

But I hope I bring to my administration something more than an analytical approach, for at root and heart it remains a human problem.

I think the Department is making real progress toward making its program more human, more responsive, more efficient. I am convinced that from the President, down to the Secretary, to me, and to the Acting Commissioner, we now have leadership which is knowledgeable, understanding and compassionate toward human beings, including Indian human beings.

You are familiar with the techniques being applied to the task of improvement, such as the appointment of the five-man task force by the Secretary, headed by Mr. W. W. Keeler. Let me say that the energy and interest of the Secretary himself has infused a new enthusiasm in the Bureau which has made it a new and exciting place to work. We haven't had bad policies in the past nearly so much as we've had an absence of policy. Previous Secretaries and previous Congresses have in effect told the Bureau to run the Indian business in such a way that no problems would be referred up to them.

The task force has been meeting not only in Washington, but throughout the country. Your officers have met with them, and so have tribal representatives. I know that the result will be a strengthening of our programs at the reservation level. Indeed this is one of the principal objectives of my Secretary. He frequently reiterates that we must have more brain power at the reservation level. I know that your association has often called for us to take the wraps off the agency superintendent. You are on the right track. I hope that we will have a far better rapport with your association and others similarly motivated. I think we can be helpful to the Congress.

Your own role and responsibility you will work out for yourselves. Perhaps you will not accept my premises or analyses. I hope, however, that where we do see eye-to-eye, we can pool our efforts. If you agree, for example, that we ought to have a greatly expanded program to eliminate discrimination near reservations, to emphasize the commercial exploitation of authentic arts and crafts, to assist Indians in learning the techniques of self-government, then you can be of mighty assistance to us in a joint effort.

I hope you will.

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