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Federal Indian Policy

Mike Mansfield 1903-2001

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S. Res. 21

Whereas the policy of the 83d Congress expressed in House Concurrent Resolution 108, agreed to August 1, 1953, with respect to according Indians the privileges and responsibilities applicable to others, and to ending their status as wards of the United States, has been misinterpreted as proposing unilateral termination by the Federal Government of trusteeship over Indians prior to the time the tribes concerned may be willing and able to have removed from their tribal and individually allotted lands the protections of the trust restrictions against the encumbrance and loss of their lands now provided by law, without regard to the cultural differences and the economic disadvantages of the Indians concerned whereby they may be unable to compete on terms of equality with the non-Indian culture and economic advantages surrounding them; and further has been misinterpreted as calling for termination, without tribal consent, of tribal jurisdiction over its own members within reservation areas; and

Whereas the Secretary of the Interior on September 18, 1958, in Flagstaff, Ariz., stated that "no Indian tribe or group should end its relationship with the Federal Government unless such tribe or group has clearly demonstrated first, that it understands the plan under which such a program would go forward, and second, that the tribe or group affected concurs in and supports the plan proposed": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is declared to be the sense of Congress (a) that House Concurrent Resolution 108, agreed to August 1, 1953, 83d Congress, shall be interpreted as stating an objective, not an immediate goal; (b) that the relationship between the Federal Government and any Indian tribe or group should not be terminated unless such tribe or group has clearly demonstrated that it understands the plan under which such a program terminating Federal supervision and control would go forward, and that the tribe or group affected concurs in and supports the plan proposed; (c) that no consideration shall be given to forcing upon an Indian tribe or group a so-called termination plan which does not have the understanding and acceptance of a clear majority of the members affected; (d) that no Indian tribe or group shall be cast into the stream of American life until and unless the educational level of that tribe or group is one which is equal to the responsibilities which it is shouldering; (e) that the goal shall be that of eventually attaining a position of parity for Indians with other Americans, socially and economically; (f) that tribes or groups should receive appropriate Federal aid if they are to finally attain the objectives toward which they and the Federal Government are cooperatively striving; and (g) that the attainment by Indians of a position of equality in health and education is a matter of primary importance to these goals, including both projects to assist those adults who have never attended school and to provide adult Indians between the ages of 18 and 35 with salable work skills thus to free them of dependency on reservation resources.

Federal Indian Policy

FEDERAL RESPONSIBILITY TOWARD INDIANS

Mr. MANSFIELD. Mr. President, on Monday of this week my distinguished colleagues, the senior Senator from Montana and chairman of the Committee on Interior and Insular Affairs [Mr. MURRAY] and the junior Senator from Oregon and chairman of the Subcommittee on Indian Affairs [Mr. NEUBERGER], submitted Senate Concurrent Resolution 12, which calls for a restatement of Federal responsibility toward Indians and their tribal organizations.

These two Senators are to be highly commended for their initiative in attempting to revitalize and improve our present Federal Indian policy. In recent years the relationship between the Indians living on reservations in this country and the Federal Government has deteriorated at an alarming rate. I would not be honest if I did not openly admit that I have been quite critical about certain Bureau of Indian Affairs policies as they affect the Indians in my State. This disagreement has arisen largely from the misinterpretation of Senate Concurrent Resolution 108, as adopted during the 83d Congress.

I think all will agree that the Federal Government has a very definite responsibility to the Nations first citizens, the Indians. We have a responsibility to help them improve their economic and social status, so that they can compete with others in our society. We also have a responsibility to see that the Indian children are provided with adequate education and health facilities. Education and good health are vital if the Indian is to meet his other responsibilities.

There is general agreement that eventually the Federal Government will relinquish all responsibility to the Indians, other than the responsibility our Government has to every citizen. The major disagreement is over the matter of timing. Federal responsibility over an Indian tribe should never be terminated until the Indians themselves agree to it, and until they have fully demonstrated their ability to assume their new role.

In my estimation, the Bureau of Indian Affairs is trying to move too fast; and many of its policies on welfare, land sales, and relocation tend to thrust responsibilities on many Indians before they are ready, and to dissolve traditional Indian relationships. The answer to many of our problems pertaining to the Indians is through education, so as to show the younger people a bet-

ter way of life. Much progress has been made in this area, but we must also have coincidental advancements in the area of welfare and administration of Federal policy. I think we must recognize that we are going to have to take care of some of the elder Indian citizens for the remainder of their years, and I think we are responsible for discharging that responsibility well.

There are in Montana seven Indian reservations, with as many varied backgrounds and problems. We have a very unhappy situation at the present time; and it is my hope that a reversal of Senate Concurrent Resolution 108 and the speedy adoption of Senate Concurrent Resolution 12 will redirect and reinterpret our Federal Indian policy.

We are not recommending anything new or drastic in the area of Federal-Indian relationships. What we are actually doing is placing the views of the Secretary of the Interior on Indian policy in the form of legislation, and what I sincerely hope will be new administrative policy. Senate Concurrent Resolution 12 is still open for cosponsorship; and I hope that a number of my colleagues in the Senate will indicate their interest in sponsoring this measure.