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## ABSTRACT

As the fourth volume in a five-volume series of position papers on Indian education, this publication presents seven papers relative to the technicalities of the financial, political, and legislative problems of Indian education. Papers are titled as follows: (1) "State Responsibilities for American Indians--Minnesota" (the question of Federal versus State funding); (2) "State Responsibilities for American Indians--Texas (the success of the Tigua Indians of El Paso, Texas in gaining State support); (3) "Jurisdictional Problems of Indian Controlled Schools" (the problem of providing Indian people with the monetary, informational, and manpower resources to secure effective control of Indian schools); (4) "Public School Financing Considerations for American Indian Education" (numerous educational finance models are presented); (5) "Federal Financing of Indian Education" (documentation of the laws and programs earmarked for Indian education with an explanation of the way in which both can be subverted); (6) "Sources of Financial Aid for American Indian Students" (emphasis on Federal sources other than BIA higher education funds); (7) "Federal Treaty Responsibilities for Indian Education" (consideration of the types of educational provisions found in treaties in view of the future of Indian education). (JC)

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## ABSTRACT

As the fifth volume in a five-volume series of position papers on Indian education, this publication presents six papers relative to future concerns in Indian education. Papers are titled as follows: (1) "Bilingual and Bicultural Education for American Indians" (revitalization of Indian "life" principles via bilingual/bicultural education is proposed as a key to future Indian education); (2) "Indian Community Colleges" (the potential of reservation based community colleges is discussed in terms of total community development); (3) "The Need for Education Programs for American Indians in Prison" (a review of the initial success and ultimate failure of the San Quentin educational program is used to make a plea for Indian oriented prison education); (4) "New Potentials for Modern Indian Economic Development" (utilizing modern techniques and traditional Indian ideologies, a case is made for developing reservation economies centered on food production and energy conservation); (5) "Education and the Urban Indian" (specific urban problems are identified and suggestions are made for improving urban Indian education); (6) "Long and Short Range Goals for Indian Education" (differentiating between goals and objectives, a framework for developing long range goals and short range objectives is presented). (JC)

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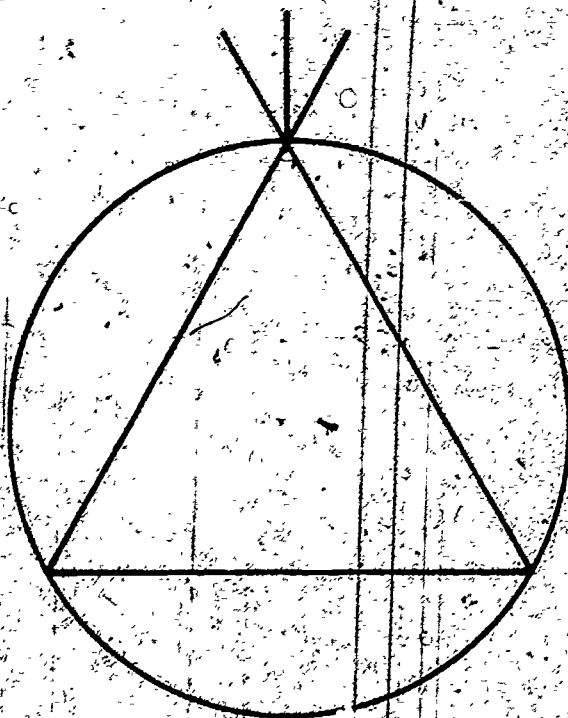


# Indian Education Confronts The Seventies

*Five Volumes*

Volume V

## Future Concerns



Navajo Community College  
Tsaile, Arizona

American Indian Resource Associates  
Oglala, South Dakota

This five volume series of Position Papers on Indian Education has been printed by the American Indian Resource Associates in conjunction with the Navajo Community College of Tsaile, Arizona. The papers were prepared under a contract between the Office of Education and the Navajo Community College, OE-0-73-7094, which was in turn subcontracted by the Navajo Community College to the American Indian Resource Associates, Oglala, South Dakota, Mr. Gerald One Feather, President.

The respective papers have been edited for publication by Vine Deloria, Jr, Golden, Colorado who supervised the preparation of the papers and the format of the five volumes. Copies of the longer and unedited original papers are available through the Indian Education Office of the Department of Health, Education and Welfare. The opinions expressed herein do not necessarily reflect the position or policy of the Office of Education, the Navajo Community College, or the American Indian Resource Associates and no official endorsement by any of the parties should be inferred. The papers are presented in an effort to open discussions of the future of Indian education by presenting some fundamental and provocative papers on selected topics of importance in the field of Indian education.

We would like to express our appreciation to Mr. John Tippeconic of the Navajo Community College and Mr. Larry LaMoure of the Office of Education for their assistance in developing these volumes.

Vine Deloria, Jr.  
Golden, Colorado

Indian Education Confronts The Seventies

Volume V

# Future Concerns

*Edited by Vine Deloria, Jr.*

## TABLE OF CONTENTS

Introduction . . . . .	1
I.. Bilingual and Bicultural Education For American Indians . . . . .	1
Anthony F. Purley University of California at Los Angeles Los Angeles, California	
Education using the values of the base culture and language in the learning process of a different language and culture are of prime consideration if education is to be meaningful to students within a dominant society.	
II. Indian Community Colleges . . . . .	36
Gerald One Feather Black Hills State College Spearfish, South Dakota	
Indian community colleges are the cutting edge of solving many of the problems of how we refine programs in higher education for American Indians. A review of the beginnings of the community college move- ment and a discussion of the native philosophies involved.	
III. The Need for Education Programs For American Indians in the Prisons . . . . .	80
Adam Nordwall Red Lake Chippewa San Leandro, California	
Indians in prisons are the most neglected portion of the Indian community in every aspect but none so serious as that of the education which is, in a real sense, edu- cational or rehabilitative. A review of the San Quentin program which tried to develop an ongoing educational program for Indian prisoners substantiates the viability of such a program.	

IV. New Potentials for Modern Indian  
Economic Development . . . . . 111

Wallace G. Heath, Technical Director  
Lummi Aquaculture Project  
Marietta, Washington

Economic development of Indian reservations must be viewed from a viewpoint within the traditional Indian culture as a total community experience. Even the most traditional of Indian customs may in fact be a different and badly needed technique for management of specific problems of development of new problems.

V. Education and the Urban Indian . . . . . 147

Joann Sebastian Morris  
Saginaw Chippewa  
Los Angeles, California

A review of the many problems of urban Indians leads to suggestions of how to bolster the fragile hold that Indians have in the urban areas. A concentration on educational programs is considered as a means to support the development of better expression of community concern among urban Indians.

VI. Long and Short Range Goals  
For Indian Education . . . . . 164

Dr. Cecil Corbett  
Cook Christian Training School  
Tempe, Arizona

## INTRODUCTION

by

Vine Deloria, Jr.

Perhaps the most exciting aspect of Indian education is that of facing the future. Over the past decade Indian Affairs have virtually exploded with developments and education has been the primary field in which progress has been made. In a sense, we have been catching up with the rest of American society in recent years and as we see Indians gain more control over the institutions that govern their lives we shall find that it is necessary to redefine the manner in which education is understood in the Indian community.

Tony Purley presents the case for reconsideration of bilingual and bicultural education. It seems that we cannot emphasize too often the futuristic dimensions of this aspect of education. Many tribes are making a great effort to relate their culture and customs to the educational process with the hopes that they can develop a contemporary understanding and appreciation of both the Indian world and the non-Indian world within which it must live. Other tribes are



using bilingual and bicultural programs to revive traditions and customs that have been allowed to lapse over the past years.

One question that bilingual/bicultural education seems to bring forward is the relative values of cultures that can be expressed in the different languages. One of the major errors of past Indian educational efforts has been the acceptance by non-Indians that the academic content of education must necessarily follow Anglo-Saxon culture and learning techniques. We understand today that different cultures have different contents, use different languages to express meanings and have different views of the world. Tony Purley surveys for us the relative values of considering education from two viewpoints and illustrates the types of problems that we can anticipate.

One of the most neglected areas of contemporary Indian education is that of the education of American Indians in the prisons. Theoretically the prison experience is designed to "rehabilitate" people and prepare them for the world outside. Adam Nordwall points out that the world outside has never understood the Indian and that the prison experience of most Indians is the most sophisticated form of crushing cultural beliefs and behaviors that the White man has yet designed. For if the prisons are designed to correct, admittedly belatedly, the errors in education which the prisoners should have received in their younger years, how can it possibly relate to American Indians who have never at any time shared the same view of the world.

Nordwall reviews the program which he developed at San Quentin and points out how the various teaching techniques developed in the prison course contributed to a general improvement in the attitudes and achievements of the Indian prisoners at San Quentin. It would

appear that the most desperate educational problems of American Indians are in the prison programs and it would also appear that the most potential of any educational programs also exists in the prison situation. We should consider, therefore, the development of specialized programs for American Indians who are in the prisons and hopefully learn from this extreme learning situation how to deal with the less critical problems of Indian education.

Another area of future concern which appears to be very exciting is that of reservation community colleges. Gerald One Feather's essay on the development and theoretical basis for Indian community colleges deserves a lot of attention. For nearly a decade, Indian educators have puzzled at the high dropout rates, the difficulty that Indians have in adjusting to the new large college environment, and the relevancy of the academic courses that are taught to Indian students in the colleges when they do undertake higher education.

The community college movement, beginning first at the Navajo Community College and spreading rapidly to other Indian reservations across the country, seems to be a realistic answer to many of the problems of higher education. The Indian community college eases the trauma of higher education for many Indian students who are very traditional and not likely to be eager for the desperate competition that is found at most colleges. By using the community college as a means of providing the first several years of college for many Indians, the failure rate of Indian college students can be greatly reduced and the perennial problem of defining a major area of interest can be solved by allowing sufficient experimentation by Indians at the community level before the hard decisions must be made.

The additional strength that community colleges bring, according to One Feather, is that they can be tailored to fit the community's need for professional services and personnel. Rather than expect a student to choose from a variety of courses from a smattering of subject fields that may or may not relate to the immediate problems of his reservation, he can choose, at the community college, major areas of study that relate directly to his place in the community and the several vocations that he may choose to pursue. We must certainly give careful consideration to the many positive and unsuspected strengths of the community college as it is being developed by local Indian people everywhere.

Wallace Heath is one of the key figures in the development of the Lummi Aquaculture program. The Aquaculture is a unique economic development program in that it seeks to build upon the innate cultural strengths of the tribe rather than seeking to import into the reservation setting a mechanical and foreign concept of economic development. Using the Lummi situation as an example, Heath then review the efforts at Yuma, Pyramid Lake and finally the Northern Cheyenne reservations to jump beyond traditional concepts of economic development into new areas of activity which conserve tribal physical assets while developing tribal human assets.

The ancient relationship of Indians to the earth can be translated, according to Heath, into modern programs of great productivity and the tribal traditions which served the Indian communities in former times can be sustained with modern management and administrative talents to provide for many tribes a viable social and economic alternative to the fragmented concepts of community and economic development which have been foisted upon Indian people in recent years.

By adapting the assets of the land and people through an awareness of the latest theoretical scientific developments the Lummi and other tribes have been able to vault ahead a generation in their conceptions of how communities should relate to their lands and develop themselves.

The subject of urban Indians has received considerable attention in recent years as the question of providing services for Indians who have left the reservations has arisen in conjunction with the transfer of services to H.E.W., H.U.D., O.E.O. and other government agencies. Part of the urban problem seems to be the relative frequency of movement found in urban areas which is not found in reservation areas. When Indians move into the city they are confronted with the fact of being a tiny isolated family or a lost individual among a multitude of people better prepared than they to face the complexities of modern life. Indian centers have tried to perform some of the basic functions of community life for Indians in the cities but the problems would seem to be overwhelming.

Joann Morris suggests that one way to attack the problems of urban Indians is to find a way for the ongoing institutions of the city to support and promote Indian efforts to preserve a unique identity in the urban environment. By concentrating on a positive image of the great Indian heritage in the schools and institutions in the cities, perhaps we can "Indian-ize" the nature of the adjustment of Indians to the metropolitan experience and thereby develop for urban Indians a feeling of belonging that they do not find now when they approach the vastness of urban America.

Finally, we are confronted with the necessity of defining goals for tomorrow. Definition of goals is a responsibility of every group in the nation and Cecil Corbett believes that it is just as

important how we think of analysing problems and defining goals as it is to be able to articulate the goals once we have decided their content. The multi-level aspect of finding our way in a society that increases in complexity while passing through history with its nearly automatic tendency to invoke change is a process which we must first understand before we attempt to plan our future.

## BILINGUAL AND BICULTURAL EDUCATION FOR AMERICAN INDIANS

by

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I. An Overview

Numerous observations, reviews, hearings and the resultant reports abound concerning American Indian education in the United States. Many well documented publications and studies indicate that generally American Indian children do not achieve scholastically as well as the Euro-American children in schools throughout the country regardless of the criteria for evaluation and measurement. Senator Robert F. Kennedy, in the hearings before the Special Subcommittee on Indian Education in December of 1967, made the following introductory statement:

...But the real question -- the question which has brought us here today -- is, what happens to those children once they enter school? How long do they remain in school? Do they, in fact, receive an adequate or even a satisfactory education? What happens to them after they leave? The few statistics we have are the most eloquent evidence of our own failure:

Dropout rates are twice the national average; the level of formal education is half the national average; achievement levels are far below those of their white counterparts; and

legislature is pliable and will respond if Indians generate enough enthusiasm for something. By and large, however, little thought has been given to the future.

#### Overview

"Although the Indian is well known in Minnesota through folklore and place names, and although most people when asked express some curiosity, some interest, and real sympathy for the group, there exists considerable misinformation and misunderstanding about the Indian in Minnesota. Many intelligent and well-informed persons still picture the Indian in a teepee, while others believe he is the recipient of an allowance paid by the Federal government. Few realize that the Indian is a citizen both of the nation and of the state and that as such he is entitled to share in all the benefits and privileges of that citizenship."

So began a report by the Governor's Interracial Commission of Minnesota entitled The Indian in Minnesota dated 1952. This statement is as true in 1974 as it was over twenty years ago. And that is the essential nature of the relationship between Minnesota's largest minority group and the general public -- unchanging. A review of the historical circumstances of White settlement in Minnesota will demonstrate that the Indian situation here has been dominated by Indian -- Federal relationships as in other places. The general public and the state government have usually been interested spectators feeling pity, sorrow, and shame -- but always anxious to be relieved of the burden of retribution for the resources the Indian population was compelled to provide for Minnesota's 'civilization'.

the Indian child falls progressively further behind the longer he stays in school.

These children are taught, it now appears, by many who are indifferent about the fate of these children; and this indifference finds its way into the hearts of the children themselves. As the Coleman Report on the equal educational opportunity revealed in 1966:

Only one percent of Indian children in elementary school have Indian teachers or principals. One-fourth of elementary and secondary school teachers--by their own admission--would prefer not to teach Indian children. Indian children more than any other group believe themselves to be "below average" in intelligence. Indian children in the 12th grade have the poorest self-concept of all minority groups tested. These children often abandon their own pride and their own purpose and leave school to confront a society in which they have been offered neither a place nor a hope. And the consequence of this inadequate education is a life of despair and of hopelessness...<sup>1</sup>

One result of the Indian Education Hearings was the implementation of numerous compensatory bicultural and bilingual educational programs on all levels of education where there were Indian students enrolled, even in institutions where there were no Indian students enrolled. While these attempts are encouraging, unfortunately the efficacy of these compensatory programs is subject to question for a number of reasons:

1. Compensatory bicultural programs tend to ignore the unique cultural integrity of contemporary American Indians;
2. Compensatory bilingual programs are designed to compensate for the Euro-American language structure and do very little toward supplementing the American Indian structures;
3. Compensatory bicultural and bilingual educational programs are based upon a mythical idealized standard of social and educational behavior against which American Indian "reaction behavior" is measured.

To understand the present reaction to the compensatory education programs set up by educators, one needs to consider that historically



American Indian education has focused upon the criteria necessary to promote the Euro-American personality whose very nature include making the American Indian children over into Euro-American personalities by forcing them to conform to school-sanctioned Euro-American culture and abandon their own culture.

In other words, the idealized standard of behavior has brought about a defined norm that supports the assertion that even American Indians are equal under the law and must be treated as such. This view of the norm equates Euro-American groups and appears to do just the opposite for American Indians. Educators applying this assertion tend to describe American Indian behavior as deviations from the "equal" norm rather than describing the behavior as it is within an American Indian norm. The results are tragic. The importance of ethnic values in thought and motivation that might influence the American Indian's reception to teaching are minimized to a point where his reception to anything educational is negative.

As school processes are implemented within the prescribed standard of the school environment, deficiencies in rapidly meeting these standards become apparent for Indian school children and school personnel alike. As these deficiencies develop, educators too often attempt to counter problems with special or compensatory education programs such as ability grouping systems and track systems which tend to lock in Indian children and exclude them from effective participation in the total educational program offered by a school. Compensatory programs can facilitate learning for Indian children if they can be designed to meet the educational deficiencies of Indian children as rapidly as possible within an educational approach that would assure that the culture, language and learning criteria of all

children, as well as those of the parents and the educators are accepted and valued.

In summary, programs designed for American Indians by educators, based upon the unrealistic findings of behavioral science, as well as education, tend to:

1. Minimize or actually destroy functionally adequate systems of behavior because they are viewed as inferior and inadequate.

2. Impose a system of behavior without recognizing the existence of already functioning systems within the American Indian communities.

To facilitate American Indian education, educators and the Indian people themselves must:

1. Use already existing processes of the American Indian cultures to teach additional cultural forms.

2. Reconsider and evaluate present processes to facilitate the development of a bicultural and bilingual individual who is capable of functioning in both cultures.

3. Offer compensatory experiences for all Americans through inter-cultural programs. This should include students, teachers, parents and other community members.

4. Consider that educability for American Indians, as well as educators, should be regarded primarily as the ability to learn new behavior patterns and a new language within their familiar cultural base.

## II. A Redirection and a Reorientation

The preceding section of this paper concerning the education of Indian children through normal efforts as well as through compensatory

educational programs has shown that no significant improvement has been noted in the educational achievement of Indian children. Most of the evidence appears to indicate a need for a reorientation and a redirection of educational programs conceived by educators, as well as by Indian people themselves.

The attitudes, values and the thinking of American Indians concerning Indian education is diverse, especially where Native cultural aspects are involved. There are commonalities that suggest a new radiance of Indian thought and ideologies that are illuminating attempts at the revitalization of once effective fundamental "life" principles of tribal groups and societies. Despite the imposed modernity of the non-Indian systems, many Indian people still maintain and still function within a basic social institution of man, "the tribe," which is still a living reality for Indian people. It is through this common reality that Indian people are developing new mortar for old foundations and thus hope to give strength to kinship ties of common customs, traditions, legends and stories.

There has been much encouragement from concerned people everywhere. A portion of President Nixon's message to Congress, July 8, 1970, reads:

...It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.

The attempts at the revitalization of American Indian "life" principles within the educational context are threefold. One, Indian "life" principles shall be one, but not the same within the context of contemporary American society. Two, reconciliation of the present

American educational systems with those of American Indian "life" systems is altogether pointless at this time; rather a means of co-existence must be developed within the diversities of the two systems on a equal basis. Three, Indian people are no longer willing to permit educational transactions on their behalf by non-Indian government agencies; they prefer to participate and have equal voice in educational policies and programs that involve their children.

The improvement of the effectiveness of special school programs for Indian children and the need for more school personnel sensitive to the needs of American Indian children within the cultural context of the Indian children, as well as within the cultural context of the educators, must reflect a basic philosophy of social and academic adjustment designed to enable the educators and the American Indians to relate to reality and cope with the mainstream of American and Indian community life through specific educational experiences, approaches and techniques that relate to the needs of all people.

To develop the efficacy of the compensatory bicultural educational programs, the first priority is to attempt to change the attitudes of school personnel and school administrators. The attitude of school administrators toward compensatory type programs for Indian children is such that if the use of Federal or other funds cannot be applied to general support funds, they are not interested.

In the "Harvard Educational Review," (Vol. 41, February, 1971),

J. T. Murphy states:

The attitude of the professionals who staff the state and local school systems was little different. They were 'dismayed' to learn that ESEA was not general aid, and in a national survey of school administrators in May 1966 approximately 70 percent stated that Title I funds should not be allocated on the basis of poverty.

The securing of special program support funds does not insure

quality education for Indian school children. However, with additional funds it is possible to change the existing special education programs so that they become two way processes that alleviate existing inequalities rather than reinforcing those inequalities inherent in the present programs.

Effective redirection of current individualized instruction, basic to bicultural education programs, can be accomplished by incorporating an approach approximating the "systems approach" utilized by private corporations for the training of corporate personnel.

The "systems approach" to education includes the careful integration of several subsystems. In establishing an education program, the first step is to determine what the end product must be. Explicit behavioral objectives are necessary before content and method can be specified. Output behaviors become guidelines for the determination of content. Expected behaviors must be identified through a task analysis separating those behaviors that are absolutely essential to learning or performance from those that are incidental. (Teach each other what needs to be known and minimize the nice things to know.)

The "systems approach" consists of input, development and change, output, performance and teaching control. Appropriate feedback is essential. As a system its individualized instructional methods allow the teacher and the student to move at their own rate of learning, developing the specific behavior needed for educational success. The "systems approach" facilitates the (1) design of educational programs that meet the unique needs of the students, the teachers, the community and the tribal requirements, (2) operation of schools more efficiently, (3) adaptation of teaching and curriculum to the changing requirements, (4) a constant check and evaluation of curriculum based on realistic

community cultural criteria, (5) the development of better teaching and learning methods.

Much of what is called education is really a socialization process. Because of this there is a real danger of further unintentional ethnic isolation of Indian school children. The classroom teachers hold a key position in the effort to prevent such isolation.

The teachers are too often victims of historically supported patterns of assumptions that support attitudes such as: the culture of the Indian school children impairs the cognitive development so that they must abandon their substandard culture; Indian school children are nonverbal, Indian children are lazy and unmotivated, etc. While some of these assumptions may have a degree of truth, the criteria used to make these assumptions need to be considered and re-appraised.

To facilitate the sensitizing of school personnel they must be involved in the designing and planning of the special compensatory programs. They should stress effective functioning techniques that assume that a person is of value and he is an active agent in his environment rather than just a reactive one. The program design should be planned to meet the unique needs to each individual school child as well as those of the teacher..

The process of Indian education should be "teacher-pupil-content" interaction which will facilitate the development of effective cultural ego processes. The processes should recognize that each Indian student and each teacher is an individual and not just one of the individuals in a class. They accept each pupil and each teacher as an independent personality. The processes assist each pupil and each teacher to learn to live as a cooperative member of a family and of a community.

Each pupil and each teacher learns to become a competent human being who can love, work and play effectively. The ultimate goal will be pupil self-direction and teacher self-examination.

In the final analysis, the reorientation and redirection should work toward helping teachers, who encourage their students and themselves to make value judgments of their learning and teaching behavior, who help one another as students and teachers toward commitments for doing what they have planned together, who will not excuse one another when they fail their commitments, but will work together to recommit until they finally learn to fulfill a commitment.

### III. Ingredients of a Bicultural and Bilingual Educational Program

Reappraisals of traditionally held views of the American Indians, are major activities of contemporary Indian people in their efforts toward the revitalization of their customs, traditions, legends and values. The results of these reappraisals may startle many educators as well as the other non-Indians as a whole. Indian people are no longer willing to accept their "way of life" as a subculture of the dominant American society. Neither are they content to be part of the European oriented minority groups whose intent is to join the mainstream of the American society. Assimilation is no longer the goal, if indeed it ever has been for the American Indians. Their demand is to have their culture systems accepted as equal and coexistent with all cultures of the world. Finally, they are insisting that they be recognized as Indian people and that they are indeed what they are.

The reappraisals have reinforced the resistance of Indian people

to the sameness of education that has not been to their advantage.

Estelle Fuchs, writing for a report of the Institute on "The American Indian Student In Higher Education," clash of cultures--St. Lawrence University, July 10-28, 1972, makes this observation:

...Teachers are also very dedicated to egalitarianism. They are devoted to the American ideal of equal opportunity for each according to his ability. They are so egalitarian that they refuse to see differences, generally speaking. School teachers throughout this country will say to you, 'Oh, my Indian pupils?' (they will say the same thing about their black pupils.) I do not see black, white, yellow, or red. I see children.

Each of you have heard this, you may have even said: 'I am dedicated to the notion that this country is designed to give everyone an equal chance and I refuse to see differences because differences mean prejudice.' What teachers do not see is that this is precisely the opposite. Not seeing differences denies people the right to be what they are, if they do not happen to be what you are. This is exactly the case in American schools, because most of the teachers are non-Indian. Most Indian children will have to come out of an experience in which the fact that they are Indian is ignored in their formal education in the school system.<sup>2</sup>

Indications from the dynamics of tribal reappraisals regarding the education of tribal children affirmatively support the above observations of Estelle Fuchs. It appears that any bicultural education program must consider teacher attitudes a priority as an "end product" in a total education program.

Bicultural education assumes that two cultures are being taught equally as part of the total educational program of any school system which boasts of bicultural curricula. Unfortunately, bicultural education where it involves American Indians always means that the White culture is teaching Indian culture as if it were always the subculture. In such a system the culture of the White or other non-Indian teacher is never really considered as different even though the Indian students as well as their parents consider the White culture representative, the teacher, as being different.

"Different" then, must be a key consideration. In the past,



similarities of the non-Indian and the Indian life ways have been a major emphasis in Indian education. This is not to imply that cultural similarities are not important. It does, however, imply that similarities become different when they are considered within two sets of criteria set up by two different systems. Too often the criteria of the non-Indian teacher, as well as many Indian teachers take precedence over the criteria understood by Indian students coming from their own environment within the Indian community.

An example taken from a personnel experience in a multi-ethnic secondary school located on an Indian reservation in New Mexico may illustrate what I mean. The English teacher, a young White liberal-oriented individual, in an effort to teach and instill a sense of responsibility in his class, attempted to put on a one act Christmas play for a school assembly. As a prelude to play practice he assigned a theme on responsibility to the school to be written by each class member and handed in within a certain time period. Those who did not hand in a theme within the period of time set by the teacher were not eligible to try out for the play.

Needless to say, the teacher did not receive a single theme from any Indian student, although the non-Indian students responded very well. The problem was that there were six non-Indian students in that class that handed in the completed assignment and he needed sixteen people for the cast not including the stage crew. He then proceeded to lecture the class on the importance of Christmas and the holiday season. He included in essence, how uninterested and unresponsive the Indian students appeared to be. The Indian students, he maintained, felt no responsibility toward the school and that good people everywhere always were responsible and that he was trying to

show them the true meaning of the Christmas season and assist them into the "real" American way of life so that they could catch up. To make a long story short, the play never came about. Behavior problems increased where there had been very few problems if not any within the teacher's classroom and the teacher resigned by the end of the semester.

Let us consider the above situation in terms of responsible behavior from two sets of criteria:

Teachers and Six Non-Indian Students	Indian Students
1. Criteria for play eligibility seemed fair for students wishing to participate.	1. Criteria for play eligibility was neither fair nor unfair, In fact it was not important. The Indian students had no wish to participate because of Tribal responsibilities during year-end activities.
2. Christmas is an important holy holiday for the teacher and the non-Indian students in the class.	2. Christmas has no real significance for most Indian people in the sense that it does for teacher and the six non-Indian students.
3. Only good people are responsible.	3. All people are responsible--good and bad.
4. Teacher assumes his is the real American way of life.	4. Individuals each have their own "way" and Tribal ways pre-date the teacher's whether real or not.
5. Teacher assumes that all want to assimilate into the American way of life.	5. Indian students want to be a part of the American way, but also remain within their own way of life.

It was a tragic situation; it is, however, a situation that is constantly repeated in every classroom in the country, whether there are any Indian pupils involved or not.

A solution to that teacher's dilemma might have been to first determine what end product he desired and what end product the

students desired within the range of their experiential background. It would seem that the importance of responsibility was the end-product. Unfortunately, the importance was considered only within the framework of the teacher's own concept. The next step would have been a task analysis. List on the board all the possibilities that "responsibilities" would imply. Then from the list, in cooperation with the students, the least essential possibilities would be deleted. The teacher's input as well as the students' input is considered in this step. The determining of the essential or nonessential items on the list is considered in light of the experience of the teacher and the students. Experience includes aspects from two cultures and sets up criteria for later feedback, evaluation and replanning of the lesson plan or curriculum. Feedback is an essential next step. Feedback is more expansive than the initial steps. It includes opinions from other students, other teachers, the community as well as the original teacher and the original group of students. Evaluation is then based upon the feedback received. The evaluation supports the replanning of course intent and keeps it flexible enough to permit all persons involved to benefit.

The above process includes a more realistic bicultural input into a bicultural curriculum and allows for a truly flexible program of teacher self-examination, student evaluation and progressive curriculum planning. More importantly, it allows the teacher to be different within his or her own culture context as well as the Indian students to be different within their own culture context, yet still operate within the total American culture environment.

In the final analysis, with a little inquiry, the teacher in the above described situation could have found that most of the Indian

students on the eleventh grade level in the secondary schools of New Mexico have Tribal responsibilities within their villages. Responsibilities deemed somewhat more important than a school play that would have taken time that was already allotted to ceremonial obligations within the Indian Tribal systems. Year end and midwinter solstice and ceremonial activities are at their busiest during much of the school year.

Although much of what is important to Indian people in these ceremonial activities is held in the strictest confidence, there are some areas in which concepts can be discussed and utilized without violating the secrecy surrounding ceremonial activities as a whole. Using the concept of responsible behavior in light of the religiosity of Christmas and midwinter solstice ceremonies, similar responsible behavior concerning teachers, Indian students and other non-Indian students can be included in classroom or school activities. Church Christmas programs, as well as other Christian religious holidays require participation by young people just as midwinter ceremonies require the participation of Indian young people. To participate in ceremonial activities may require a somewhat greater degree of responsibility; nevertheless, the fact that responsible behavior is required be it in a church choir singing reverently or be it in a clan kiva singing reverent songs, these same responsible activities involving young people in different systems are a source of rich bicultural education. The classroom teachers are the keys to an effective or noneffective bicultural educational program. It only remains for the teachers to be accepting of the different values placed upon learning concepts by students and the people from which they come. That is while the expectations of responsible behavior

from the non-Indian frame of reference and the Indian frame of reference are the same, the teachers must recognize that these same expectations are reached through different sets of criteria and even their own criteria may differ from that of both student groups.

The ingredients of an effective bicultural curriculum must include teacher attitudes, curriculum, teaching techniques and community input and feedback. The reorientation of teacher attitudes has been discussed. The discussion also incorporated elements of curriculum, teaching techniques and community input and feedback. Some attempts of expansion of the implementation of possible curricula will occupy the emphasis in the next paragraphs.

Government agencies, along with the administrators of school systems in which there are Indian young people enrolled, are planning new bicultural curricula in light of millions of dollars of anticipated Federal funds. Such programs are presently being planned and developed without proper consideration of the native values and morals. The same criteria that resulted in the stagnation or failure of previous attempts at bicultural education are again being utilized. Even the same non-Indian people as well as the same "out of touch" Indian people are involved in the planning.

The prognosis of present efforts, unless backed by better research with input from the Indian communities and "in touch" Indian educators, is the reinforcement of the isolation of Indian education from the so-called "normative" education activities which in the past have tended to negate the utility of educational projects and programs designed to assist Indian people. The Indian people have already withdrawn from active involvement with current educational programs in many instances.

Until recently all responsibility for the education of Indians has been assumed by the Bureau of Indian Affairs. There are approximately 4,000 Indian children of school age in Minnesota. Of this number 2,500 are attending public schools of the state... In the communities where the number of Indian children is large, the Federal government is giving financial aid... to the public school. This plan is one of the best methods of approach to the solution of the problem of the state having ultimately to take over the education work among Indians... The whole question is one of cooperation between the state and the Federal government, and since all the Indians are now citizens, the consequences to the state are clear and unmistakable... Our Commission recommends the gradual assumption by the State Department of Education of this responsibility.

With the 1936 JOM contract, an Indian Division, within the Rural Division, of the State Department of Education was created. The purpose of the new division was to supervise the administration of the JOM contract. It had no other function. In so doing, the Indian Division relieved the BIA staff of the burden of negotiating individually with each school district enrolling Indian children.

Under the Johnson O'Malley authority the State of Minnesota has been paid \$10,986,860 spread over the years as follows:

<u>Fiscal Year</u>	<u>Contract Amount</u>	<u>No. Students</u>
1937	\$ 82,900	N.A.
1938	100,000	N.A.
1939	100,000	N.A.
1940	100,000	N.A.
1941	100,000	N.A.
1942	100,000	N.A.
1943	140,000	N.A.
1944	140,000	N.A.
1945	140,000	2,128
1946	140,000	2,232
1947	140,000	2,233
1948	167,150	2,330
1949	226,910	2,513
1950	288,000	2,460
1951	310,000	2,471
1952	310,000	2,600
1953	325,600	2,602
1954	300,000	2,610
1955	300,000	2,727

The curricula philosophy that needs to prevail dictates a careful utilization of team approaches to achieve well-coordinated, productive and integrated application of any proposed curricula. Each sub-system within the total curriculum plan of any school system will be to complement the transmission of new values and concepts and encourage the development of skills to the students, the teachers and to educational and other agencies. Practices must be implemented that develop the process of thinking independently, planning, evaluating and making choices in the light of new orientations regardless of the origin of the students.

Any proposed bicultural curricula must strive to eliminate the above situation by stimulating and assisting in the development of vigorous and viable curricula which reflect the thoughts, the needs and the participation of Indian people in planning their educational needs.

Bicultural education programs should weave a developmental current to induce educational systems where there are Indian children enrolled and play major roles toward a total curriculum program that meets the needs of Indian people as well as all other people. For purposes of effective development and centralized focus, however, curriculum planning and promulgation must necessarily be worked out by the local individual school systems according to the needs of their students and their communities.

Current thoughts about curriculum content focus upon the following basic areas. Research programs must also be envisioned pertinent and supportive to these fields.

## A. American Indian History

Unfortunately, attempts toward the development of Indian history immediately takes the Protestant form. That is, the Indian history curricula presents the recapitulation of what the European immigrants have done to the American Indians as a whole. So in essence, they are really histories of White America. Hopefully, contemporary efforts in Indian history will focus on the Indian side of history. That is, to include what Indian people were doing, what responses were indicated, and what Indian people deemed important without including the White man's actions from the time of their advent on his continent. This does not imply that European behavior should not be examined in America. It does imply that historical events regarding Indian people be presented from the Indian point of view. Indian behavior with other tribes or within their own tribal entities needs to be emphasized.

There is also a need to focus upon the histories of local tribal groups. Current efforts focus on the general history of the Indians as a whole. These efforts tend to distort the historical involvement of local tribal groups and they usually favor the Indian groups that may have appeared more noble, more colorful and were more verbal. For instance, the disaster of Custer at the Little Big Horn is better known and has fame out of proportion to its importance when compared with Captain Jack's Modocs in California where more American troops were killed, more military effort was expended and fighting lasted a much longer time. Another instance is the lack of coverage of the exploits of Popé, whose group was among the first to attempt the complete removal of the European conquerors.

In summary, every effort should be made to include local Indian community input as well as the input from the non-Indian community.



B. American Indian Literature, Art and  
Music--and Relevant Non-Indian  
Literature, Art and Music

Course content concerning the literature, art and music of both the Indian culture and the non-Indian culture must be developed from the input and the feedback of the two cultures involved. Flexibility must be the emphasis. Resources must include knowledgeable people from the two cultures. The goal of these courses must be the development of human beings capable of coping with the expectations of both systems as well as each individual culture system. These kinds of courses must not be allowed to teach Indians to be Indians nor Whites, however, both cultures must be examined and presented equally and encouraged to develop strengths differently within their own spheres of influence.

C. American Indian Religions and Philosophies--  
Anglo and European Religions and Philosophies

These areas are sensitive areas in which to develop courses.

Both cultural groups must be willing to make some concessions to the examination of religious concepts and philosophies without destroying the secrecy or the sacredness of the two different religious systems. Building contents of courses in philosophy is not as difficult; however, this must be approached with some caution as some tribal systems may not permit the examination for possible course content of any of their beliefs, especially if such an examination might weaken the tribal entity. Curriculum specialists and teachers should keep from making value judgments, especially in these areas. Agreement with concepts is not a requisite; however, acceptance with as little judgment as possible should be the rule when attempts are underway to develop curricula in these areas.

D. American Indian Mythology and Folklore--  
Euro-American Mythology and Folklore

The development of courses within these areas is essential to an effective bicultural program. These areas offer the richest sources of bicultural concepts. The limit of the resources for course content will be determined by the teachers' own adequacy in using the resources available to them. The development of courses within these areas might facilitate the development in the religious and philosophical areas. In many instances, Indian mythology is very often closely related to religions and philosophies. In some cases they may be the same thing.

E. Indian Languages and  
Non-Indian Vernacular

One of the most important ingredients in a bicultural effort is the teaching of languages. To combat the educational needs of children with limited English speaking abilities, Congress in 1965 passed the Bilingual Education Act under Title VII of the Elementary and Secondary Education Act. The act was primarily designed for immigrants from Cuba and other Latin American countries and to assist those school systems in which the children of these immigrants were enrolled.

It was not until 1967, that a special Senate subcommittee conducting hearings regarding Indian education, concluded that American Indian children also had special and unique educational needs. The hearings brought about far reaching results in Indian education. The implementation of language programs by school systems under the Bilingual Education Act took on new aspects. The act was seen by the Bureau of Indian Affairs schools and the public schools which had Indian children enrolled in their systems, as a new source of funding with which to solve the problems of "educationally disadvantaged

Indian children." With the new source of funding, the panacea of bilingual education has been translated into an abundance of research, curriculum development and special demonstration projects involving American Indian children. The efforts of the late 1960's and the early 1970's have yet to be thoroughly evaluated.

With few exceptions, bilingual education programs have not substantially improved the educational attainment or scholastic ability of Indian children. As an example, while there are greater numbers of Indian children graduating from secondary schools they are still the least prepared when compared to non-Indian peers to cope within the world of work or to seek education beyond the secondary schools. Those Indian young people who enter institutions of higher learning enter through the back door with special education programs set up by the colleges and universities. The dropout rate for Indian students from higher education institutions is higher than any other group with remedial problems. This, then, constitutes an even greater "national tragedy."

There is some question as to the effectiveness of current bilingual education programs for Indian children. It is essential to examine in depth, how the existing bilingual programs have articulated with the total school curriculum for American Indians and what presently constitutes a bilingual education program for Indian students in the school systems in which they are enrolled.

As a prerequisite to examining existing bilingual programs, it is important first to consider what is meant by bilingual education within the context of the Bilingual Education Act and second, to evaluate how the concept of bilingual education has been applied in American Indian education.

Bilingual education is defined as:

...instruction in two languages and the use of those two languages as mediums of instruction for any part or all of the school curriculum. Study of the history and culture associated with a student's mother-tongue is considered an integral part of bilingual education.<sup>3</sup>

The terms of the legislation are addressed to a student whose mother tongue or first language is some language other than English. English would be taught to the student as a second language, thereby ultimately providing a situation in which both languages could be used to teach any part or all of the school curriculum.

In applying this definition of bilingual education to the special language needs of American Indian students, it is important to recognize the different needs of students of different American Indian cultures. If we were to think of bilingual education in the literal definition of the Bilingual Education Act, the educational needs of Navajo students come most closely within the terms of the act. For most Navajo children the Navajo language is the child's first language and English is a second language. In contrast, Pueblo culture in general has not been as isolated from Euro-American society as the Navajo. Pueblo children usually enter the educational system with some degree of fluency in both English and their native language. There are Indian children who come to school with limited speaking ability in English and almost no fluency in a native language. This situation sometimes results from mixed marriages. For example, an individual from Acoma might marry an individual from another pueblo, but of a different cultural group, perhaps Hopi. Both parents may be fluent in their own languages but their children will more than likely speak English as a first language. The use of English as a predominant language is also seen in public schools where Indian

children from different tribal groups attend school.

It is apparent that there are difficulties in applying the narrow scope of bilingual education defined in the Bilingual Education Act to special language needs of American Indian students. Although all American Indian students may share a need for special language programs, there is considerable variation in the needs from one Indian culture to the next and indeed, sometimes from one student to the next.

Bilingual education as it currently exists has not met these needs because of an inherent English language bias. Although bilingual education assumes education is occurring in two languages, English is the language of the school, English is the first and only language. The student's first language, his native language and the culture associated with it, have very little place in the total school curriculum as it exists today in bilingual programs.

Bilingual education should mean education which takes place in two languages, with each language separate and existing on an equal basis. However, that is not nor ever has been the intent of bilingual education. In a bilingual program it is English that is given the greater degree of importance. The only reason for the inclusion of the native language is as a device to support the teaching of English. The reason for the dominant degree of importance of English is that the total school curriculum is designed to be taught to speakers of English.

Unfortunately, most bilingual programs have been designed essentially to meet the English-oriented curriculum needs of the various school systems who enroll Indian school children.

Bilingual education projects that have been implemented seem to share a set of education assumptions which have been found to

preemate almost all of American Indian education. These assumptions are that American Indian students are educationally disadvantaged. Their cultural heritage constitutes cultural differences which for American Indians means a deficiency that they bring to the educational system.

American Indian students are not competitive; therefore producing in order to achieve a better grade than one's classmates doesn't provide teachers with a "device" for motivating learning. Indian students are not conscious of time; therefore, assignments aren't dutifully finished.

Perhaps these "cultural differences" become educators' excuses for not including themselves and their students sufficiently in the learning experience for them to be motivated to achieve and complete assignments. These same "cultural differences" can be seen as assets in a learning situation where the teacher and the students plan the outcome of the learning experience.

To more effectively implement American Indian student programs to solve the detriment of cultural difference, educators have sought bilingual curriculum materials to bridge the gap between two cultures. The repetition of the materials during the pattern practice drill while teaching English as a second language will erase the accent and putting Dick and Sally in a hogan will take the student from where he is.

Implicit in bilingual education programs for American Indians and in Indian education in general is that the bridge is bought and paid for by the Euro-American society. Its entrance is in the tidal flats and it rises from the flats of native cultural deficiency through scholastic achievement to participation in Euro-American culture. It's a one way bridge up and out of cultural disadvantage. Construction

which would enable traffic to flow in both directions is only what seems to be an empty promise for most Indian parents.

Both at Taos, New Mexico and Acoma, New Mexico, pueblo communities have rejected native language and cultural instruction being provided in the school. They feel that the home is where the child learns his language and his cultural heritage. Parents want their children to learn English in school. This situation will probably remain so long as the bridge remains a one way street. In essence, bilingual education for American Indians presently exhibits the same general shortcomings of Indian education.

1. Research emphasis has been on the development of culturally biased curriculum materials in native languages and ESL. That is culturally biased toward an English oriented curriculum.

2. Most teacher training programs have stressed training usage of new curriculum materials rather than establishing teacher-pupil-content relationships.

3. Cultural differences particularly in values in Indian culture have been viewed by educators as detriments to learning rather than as equal attributes with possible positive implications for learning.

4. The solution to cultural differences always implies a coming down to meet the needs of the Indian student, never a meeting between two separate but equal means of coping with situations.

5. Instruction in native language and culture occupies a disjointed packet of curriculum. It is taught as a subculture within Euro-American culture. Euro-American and Native cultures are rarely presented as two equal cultures.

6. Indian parents and Indian communities still have minimal input into educational programs used in the schools their children attend.

The Bureau of Indian Affairs frequently puts uninformed Indian people in policy making positions so that programs can be said to have Indian input. This is not the same as parental and/or community involvement. As late as 1973 an educational program under the direction of an Indian program coordinator had its curriculum materials confiscated by the community government because of the lack of Indian community input in the determination of the end product of the curriculum materials.

Bilingual educational program development has been made the approach with which to solve the problems of Indian education. The general trends of research and program development and their shortcomings have been discussed..

It is then important to suggest some ways in which bilingual education can be redirected and reoriented in order to facilitate the achievement of American Indian students.

There are a number of widely agreed upon premises concerning language and its relationship with culture.

1. Language is a communication system that exists as a part of a cultural system.
2. Verbal language and accompanying gestures are the predominant medium through which the ideas, the values, the thoughts, the feelings and the history of a people can be reflected.
3. Language and culture are integrally related.
4. Adequate instruction in the grammar and usage of a language must include a consideration of the ways in which the cultural system affects how words may or may not be combined in order to communicate a message.

Incorporation of these premises into a language program for both



Euro-American culture and the Native culture would create a situation in which both languages form equal and integral facets of a total school curriculum.

These premises can be implemented by teachers using a modified systems approach that would facilitate the integration of the two cultural systems operating in a given school situation. The two systems for a language lesson involve the teacher, the students, their respective languages and cultures and the learning experience involved.

Teachers and students within their culturally influenced experiential background, together determine the end product of the educational experience. Together they determine explicit behavioral objectives and objectives specify the content of the language learning activities and the method of attainment. Teachers and students together must identify expected language behaviors through a task analysis. All participants in the learning activities have a responsibility of providing feedback and evaluation.

The same approach is equally valid for community and parental involvement in educational planning. The two systems for this situation would involve more individuals and their input. Using this approach and the language premises discussed, the bridge that educators of Indian students have attempted to build could be transformed into a passage back and forth between two cultures.

Indian parents recognize that their children must acquire skills in school that will permit them access to the Euro-American society. It is doubtful that very many teachers of Indian students recognize that their frustration with the behavior attributed to cultural differences in their students reflects their own cultural needs.

In addition to the above areas, such areas as the Indians in

urban society, the political and legal status of the American Indian, Indian community development and tribal law can be developed to certain degrees within a flexible bicultural curricula. A sample course outline for a secondary school is presented in the following pages. This sample is only indicative of what can be included in a bicultural education program. The outline can also be applied in sections as well as adjusted to different grade levels. The outline is general and is designed as an overview for the limited resources and limited opportunities of most secondary schools in which there are Indian students enrolled.

#### Development of American Indian Resources

This course will acquaint the students with a variety of developments in American Indian resources. The historical review will include: a study of the principles of traditional Indian resources; the impact of European conquest; and 20th century development. Special emphasis will be upon American Indian contributions and resources.

#### Development of American Indian Resources Course Outline

##### PART I: HISTORICAL PERSPECTIVES

- A. Pre-Columbian organization centers of culture and evidence of resource organization; Mesa Verde, Casa Grande, Mexico, Peru, Central America.
- B. Early European Contact Treaties, firearms, fur trade, food; 1500 to 1780.
- C. U.S.; Indian Commerce; 1780 to 1880.
- D. Early Reservation Period; 1880 to 1930.
- E. New Deal to Termination; 1930 to 1960.
- F. 1960 to present Termination to Self Determination.

##### PART II: PROCESS OF RESOURCE ORGANIZATION

- A. Indian Resources.
  - 1. Land
  - 2. Water
  - 3. Natural Resources

4. People
5. Markets Capital
- B. Non-Indian Resources.
  1. Government
  2. Private Enterprise
  3. Capital
  4. Technology
  5. Markets
- C. Elements of Interaction.
  1. Cultural, Racial
  2. Politics
  3. Opportunities
  4. Poverty and Need

### PART III: POLITICS OF DEVELOPMENT

- A. Tribal Governing Bodies
  1. Process of Priority Listing.
  2. Effects of Instability
  3. Tribal Income and Per Capita
- B. Federal Agencies.
  1. BIA, HUD, HEW, DOL, etc.
  2. Effects of Changing Indian Policy
  3. Process of Priority Listing
- C. Private Industry.
  1. Employment
  2. Natural Resource Depletion
- D. Philanthropy and Development

### PART IV: MODEL FOR INDIAN DEVELOPMENT: A GAME

- A. Parameters of Resources (Reservation Profile).
  1. Land, water and natural resources
  2. Population--size, income, demographics
  3. Revenue (tribal)
  4. Land Ownership--assigned, allotted, tribally owned, non-Indian owned
  5. Proximity to markets and transportation
- B. Selecting Priorities and Goals.
  1. Education--training
  2. Housing
  3. Maximize tribal income or maximize individual income
  4. Wage economy
- C. Strategy of Development.
  1. Organization of tribal resources
  2. Organization of Federal resources
  3. Organization of private non-Indian resources
- D. Projection of Impact on Tribe.
  1. Economic
  2. Social (Indian--Non-Indian)
  3. Cultural impact

#### IV. Evaluation and Summary

Bicultural and bilingual education of American Indian people in the United States is a vital social enterprise. Today it embraces formal education at the preschool, primary, secondary and even higher educational levels. The nature and scope of Indian education is complex and increasing in its vastness. A more critical examination of present bicultural and bilingual education programs is essential.

Current research on evaluation, methods and techniques and the status of the various bicultural and bilingual education programs is meager or nonexistent. Agencies concerned with research in aspects of Indian education have been unable to secure any studies that are currently relevant to the evaluation of bicultural and bilingual education programs for Indian people.

To provide a more favorable climate for more valid research in evaluation of special programs, several things must occur. One, the highest priorities in bicultural and bilingual education must be given to the educability of Indian young people, including both initial and continuing educability. These priorities must come about without being limited by traditional concepts and learning theories as they concern Indian people. This is especially pertinent as the present education structure requirements in specific schools and professions are spiraling and that the Indian population has the greatest bulge of educable youth in proportion to the total Indian population.

Another priority is to correct the misconception that academic education and special bicultural and bilingual education present an either or choice to the Indian student who needs more attention. The unfortunate stigma that is attached to Indian people in relationship to bicultural and bilingual education must be removed. Bicultural

necessary to apply the rules of a system of law that had its genesis in the eastern Mediterranean area and was brought to fruition in Medieval England. Unfortunately Indian concepts and attitudes have no impact on our system of jurisprudence. Thus while the Indian marches to a different drum beat and clings to his cultural heritage he must keep in step with the white man's law in seeking to get a state or the Federal government to respect his rights.

Under our concept of law all aboriginal rights stem from the prior exercise of sovereignty by aboriginal groups over the lands they formerly occupied. Their use, occupation, and dominion of land areas has been universally recognized as continuing on until the conquering sovereign or its successor terminates the right of possession or ownership. Termination in a legal sense can occur through military action, treaty, or legislative or executive fiat. A fundamental corollary of the right of the sovereign itself has this power and it cannot be accomplished through the actions of private citizens, corporations or even state governments. While it is too late to assist many small impoverished Indian groups in the United States to receive recourse in the Indian Claims Commission because of the statute of limitations, it is possible that there are many existing Indian titles in the United States that are still valid though unrecognized and not presently being asserted.

A perfect example of this situation existed with respect to the Tigua Indians of Ysleta, Texas some years ago. This small band had miraculously survived as a distinct and viable cultural group within the confines of a modern city. They had never been given any substantial government assistance and would probably have continued to exist with the Indian culture and attitudes totally masked by the large

and bilingual education does not eliminate all other forms of general or liberal education, nor does it limit the learning abilities.

The third thing that must occur is the realization of all participating individuals and agencies that the lack of a solid foundation in the basic communicative and computational skills is the greatest deterrent to Indian educability. In addition, we must inform school personnel, Indian children and Indian parents that cultural elements are included in any and all educational endeavors.

The fourth needed action is to remove the inflexibility forced upon special education programs since most bicultural and bilingual education programs are inflexible because everything is prescribed by law. Less rigid definition of allocations is needed to extend compensatory education of every kind so Indian people will have improved educational opportunities everywhere.

In light of the conditions and limitations described in the preceding paragraphs, future efforts must be toward emphasis on innovation in relevant research accompanied by more actual experimentation in Indian education.

In response to a felt need for a clearer definition of Indian education goals and an overhaul of the educational process, in terms of more adequate measuring procedures and well defined objectives, the following methodologies for evaluation of special education programs for American Indians are offered:

1. The first method suggested here has already been discussed in a preceding section of this paper. However, it bears a review here in that it appears to be one of the more effective perpetual evaluation procedures. This procedure is referred to as the "systems approach" to education. This approach to education includes the careful

integration of several systems and factors. In essence, the integration and interaction of vital bicultural or bilingual components results from a systems design that insures the most efficient and effective learning for the teacher, the individual student, other school personnel and the different communities through specific prescribed programs leading to the achievement of mutually arrived at behavioral goals. Steps for implementation include stating the output specifications in terms of behavioral objectives, synthesizing the objective among the various disciplines, developing appropriate materials and measurement instruments and selecting media. A task analysis is a vital part of the "systems approach." The task analysis as applied here facilitates appropriate feedback. Feedback, in this case, is information concerning the adequacy and efficacy of the education, program in meeting the needs of the teacher, the pupil and the community. The system in operation also focuses on the individual teacher and the Indian students as individuals having specific and unique strengths and weaknesses. It determines the abilities and skills acquired within their own cultures, of the teacher and of the students. It also identifies those that need to be mutually developed. Assessment is continuous and it starts the individuals, the teacher and the students into the development process where each should start. It allows the teacher and the students to move at their own rate and compares the progress of their own development from one period to the next. The "systems approach" provides a framework for collecting the information needed to:

- (a) design bicultural and bilingual programs that meet the needs of the teacher, the students and the communities,
- (b) operate bicultural and bilingual programs more efficiently,

- (c) adapt instruction and curricula to the changing requirements,
- (d) provide a constant check and evaluation of educational procedures based on realistic life related criteria,
- (e) and develop improved methods of attaining educational objectives.

2. The second suggested method is of more recent design. It is the cost benefit analysis for evaluation. In determining costs in bicultural and bilingual education, many basic factors have not been quantified. There have not been any clear guides for measuring school outputs. The costs benefit system basically included information collection, analysis and experimentation as ways of efficiently expending money. It is a perpetual program accounting system. It assist expenditure decisions away from the incremental type and allows for analysis of the cost of input, developmental process, output and the prognosis of output success with data needed to analyze and assess alternative patterns of resource allocation. It assists in determining the cost of the teacher's time and the student learning experiences and what the contribution of those learning experiences might be back into the community over a set number of years in the future. The system evaluates and facilitates forecasting, programming and budgeting.

3. A third suggested method for evaluation is the utilization of consultants. Consultants as presenter here would be a committee of community leaders, educators and students who would periodically evaluate the bicultural and bilingual program. In addition, Indian people representing tribes whose children are enrolled in the school system or Indian people from throughout the country knowledgeable of such programs could be utilized as consultants for evaluation purposes.



4. One final method of evaluation is the periodic self-evaluation of school staffs and school administrators regarding educational program content, staff effectiveness and staff attitudes. This method includes student participation in evaluation of program content and staff effectiveness. Student peer group evaluation of one another through group encounters may be a valuable part of this method.

In view of some experiences concerning the evolution of bicultural and bilingual education programs for Indian people, hopefully the following recommendations may be given priorities in the future.

1. Research to develop a more accurate picture of the status of bicultural and bilingual education programs for Indians.

2. Research in bicultural and bilingual education standards for teachers. So little is known about the training and sources of recruitment of teachers.

3. More relevant studies to explore the values, attitudes and motivation necessary beyond basic educational skills. Studies to be bicultural in nature and should include teachers, students, and bicultural communities.

4. More demonstration projects in Indian education resource development and training focusing on bicultural and bilingual curriculum, school organization, and the role of Indian communities.

In summary, future possibilities for the development of evaluation procedures for bicultural and bilingual education is to circumvent the structured school system in order to give Indian people concrete experience in coping with the expectations of the dominant culture as well as their own Indian cultures. To discourage the tide of dropouts we must explore the possibilities that are available for the constructive use of human talents in the interest of the Indian

communities and that of the non-Indian communities.

The focus of this paper has been on the recognition of the revitalization of once effective fundamental "Indian-life" principles as a reality: that the American Indian people want their culture to coexist as equal to other cultures and that no longer are they willing to be a subculture having others negotiate for the future of American Indians.

In addition, the proposed curricula ideas, approach systems and evaluation procedures have been based upon the premise that learning experiences must be developed to provide for individual needs, whether it be for the educator or the Indian student. An instructor-student learning approach is essential so that instructional materials and activities are culturally interrelated and well coordinated to achieve positive and productive growth for the Indian people and their teachers.

Hopefully this paper will produce the following advantages for bicultural and bilingual programs:

1. A high degree of student-teacher involvement, in which Indian students and teachers see and feel a direct relationship between staff instructional processes and their own educational objectives.
2. Maximum staff and student utilization and effectiveness through the cooperation and input of local tribes and agencies.
3. Administrative control through specifically defined program content.
4. Curriculum content modification through feedback.
5. Extensive program evaluation.

### Footnotes

1. U. S. Senate. 19th Congress Committee on Labor and Public Welfare. Subcommittee on Indian Education Hearings. The Study of the Education of Indian Children. Hearing held December 14-15, 1967, Washington, D.C. and January 4, 1968 in San Francisco, California, Washington, D.C. G.P.O. 1969.
2. Clash of Cultures. A report of the Institute on "The American Indian Student in Higher Education," St. Lawrence University, July 10-28, 1972. Canton, N.Y.: 1972.
3. Southwest Educational Development Laboratory. Bilingual Schooling in the United States, Vol. 2. Austin, Texas: 1970.

### Bibliography

"Bilingual Education For American Indians," in Indian Education Curriculum Bulletin, No. 3. Washington, D.C.: 1971.

Cite, Inc. Introductory Readings To The Cite Bilingual Curriculum. Los Angeles: 1970.

Coombs, Madison. The Educational Disadvantage of the Indian American Student. (ERIC/CRESS) Las Cruces, N.M.: New Mexico State University, 1970.

Havighurst, Robert. American Indian and White Children. Chicago: University of Chicago Press, 1955.

New Mexico State Department of Education. The Native American Speaks. Santa Fe, N.M.: 1973.

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## AMERICAN INDIAN COMMUNITY COLLEGES

by

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### Overview of Indian Higher Education

A significant development is that Navajo Community College has been involved in the Indian education movement nationally. In fact, in many ways we are setting precedents in spite of numerous obstacles. Many other tribes are studying our operation, and the Sioux of the Dakotas already are making proposals to Congress to establish their own college. Based on justification of need, Congress should consider every request.<sup>1</sup>

These were the words of the late Dr. Ned A. Hatathli, President of the Navajo Community College. He was in the forefront of a community college movement that has grown in an unprecedented rate during this past year everywhere in Indian country. The Navajo Tribal Council created their own community college and admitted their first students in January 1969, using portions of the facilities of the new Many Farms High School made available by the Bureau of Indian Affairs. It was the first Indian college established on an Indian reservation by an Indian tribe in the twentieth century.

In order to properly emphasize this achievement we must remember that it was only in 1963 in the Higher Education Act of 1963, that

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junior colleges were specifically mentioned in a Federal law earmarking funds for education.

This year across the nation two year institutions have enrolled more students than the four year institutions. Indian people have boldly moved to develop higher education institutions on their own terms as part of this movement. With limited resources, several Indian tribes have developed a network of higher education institutions which offer universal educational opportunities to all their tribal members.

Heretofore, Indian tribes have had no opportunity to control their educational system at any level from pre-school through college, so the breakthrough at the higher education level was hardly expected. Indian people in the community college movement feel that they must have their own means of educating tribal members and that this system must be controlled by community people. Future leadership and the ultimate survival of the tribe will depend upon the success of the higher educational institutions in meeting the expanded expectations of community members in helping them find solutions to their everyday problems.

The biggest challenge in educating Indian citizenry will be in realizing the philosophy held by Indians that education is a lifelong process--from birth to death. The importance of language, history, social values, religion and economics within the tribal context are vital to any permanent educational effort. The basis of human growth is to utilize the roots of self-identity of a group in maintaining a common language, tradition, values, land and political system.

Nancy Lurie, an anthropologist from Wisconsin, has defined social identity as:

The total distinctive clustering of roles, the cultural inventory and social systems experienced by a group and derived from the group's own viable historical tradition of changes through time.<sup>2</sup>

Indian education must first come to grips with the problem of social identity before it can expect that other forms of technical education will have any effect. When we say that education is a lifelong process we are talking about that social identity which changes and expands throughout life and education for Indians must be understood in those terms.

### Two Community College Systems

In the past, repeated efforts have been made to bring Indian students into the University system. In spite of continuing the efforts, the result has been a heavy dropout rate. In a recent assessment of higher education programs by the Bureau of Indian Affairs, 21% or 2,736 students responded to questionnaires out of a total student population of 13,000 and they indicated that there was a dropout rate of 28.5%.<sup>3</sup> Of those polled, 67% responded that the greatest problem encountered in college was an inadequate preparation for college resulting in poor study habits and lack of motivation.<sup>4</sup>

As a consequence of this pattern of failure, the characteristic picture of social and economic reservation life continues to be one in which a very small group of educationally qualified Indians is thinly spread in unrelated programs while a large group of non-Indian outsiders occupy practically all professional, policy and middle-income positions available on the reservation. The vast bulk of the Indian people are either unemployed or qualified only for subprofessional work with poverty or near poverty level incomes. Indian people have little or no job security and are especially limited in their educational opportunities for upward career mobility. This situation is representative of all Indian reservations in the country differing only in degrees

of poverty levels.

The purpose of developing a higher education system on the reservation is to provide educational opportunities to tribal members and residents which suits their personal needs, unique cultural knowledge and results in economic job placement.

Presently, there are two different systems of the community colleges in Indian country. One is the Navajo Community College which has the conventional centralized facilities and a centralized student body. The other is the Dakota community colleges which rest upon two fundamentally different assumptions.

Unlike the conventional institution, the Dakota system is decentralized geographically in order to provide students with course offerings on a rotating basis in the far reaching Indian communities of the reservation. The Dakota Community Colleges are closely integrated with the job generating agencies and ongoing community economic development efforts. There is often an integration of culture and skill courses in the curriculum and continual effort is made to create job opportunities enabling students to climb career ladders. The second assumption is that the Dakota system can be almost economically self-sufficient by pooling ongoing tribal programs and resources to minimize extraordinary funding needs.

Indian people expect the community college to deal with the social, economic and educational problems on the reservations. The community college system has become so immersed in the enormity of the situation that no one has yet developed any solutions. While the different reservation situations differ, Pine Ridge can be taken as a typical example of the problems facing community colleges in Indian country:

50% of the Indian population is under 18 years of age

64.1% of the Indian population is under 25 years of age

16.7 is the median age for the Indian population

36.6% of the labor force is unemployed

38.4% are full-time employed, of which 13% is temporary

25% of the labor force is part-time employed, of which 77% is temporarily employed

56% of the Indian population completed the 8th grade or less

25% of the Indian population completed 1-3 years of high school

63% of the Indian households have an annual income below \$3,000.<sup>5</sup>

On the Navajo Indian reservation where conditions are worse, the annual per family income is \$680.00 per year.<sup>6</sup> Because of their large Indian population, the statistics would be more severe for the Navajos with as many as sixty to eighty percent of the Navajo adults lacking a job.

The future of the higher education system on any Indian reservation will have to be based upon three unique features. First, the concept of cultural self-determination which used the strengths of the Indian people to help them grow and attain their greatest potential. Cultural pluralism, which seems to be the emerging understanding of society today, will probably become the ultimate goal of Indian people.

The second feature of Indian community colleges is that with the exception of the Navajo Reservation, many Indian tribes are too small in population and area to justify a conventional college with its centralized facilities and full-time student body. Yet, tribal people on these reservations are in dire need of a local higher education system.

Already other Indian people with needs for higher education have been requesting more educational opportunities and services from the higher education systems and the demand has surpassed the supply. New



institutions must be formed which will keep in step with the expectations of Indian people and allow a creative thrust to emerge from the Indian community itself.

Thirdly, the unique tribal-Federal relationship that guarantees Indian tribes the right to govern themselves must be sustained and expanded. There can be no further narrowing of the concept of community self-government under the guise of clarifying legal rules and regulations of the Bureau of Indian Affairs which always seems to result in the restriction of the free exercise of Indian rights by Indians.

The future can be determined by the extent that the emerging higher education systems on various Indian reservations collectively utilize their resources to influence the national Indian community, Federal government and community college movement. Based upon the past two years' record, the Indian community colleges will continue to gain enrollment and their community services programs will continue to expand into many Indian communities.

#### The Navajo Community College System

The power and authority to create their own tribal higher education institution was first exercised by the Navajo Tribal Council through legislative action.

In June 1868, the Navajo Tribe and the United States Government entered into a treaty which gave legal recognition to the Navajo Nation and enabled them to deal with the Federal government. In the treaty they reserved the right to control their internal tribal affairs and it was in the exercise of this function that they were able to establish their own college by Tribal Council action.

The Navajo Tribal Council authorized and chartered the Navajo

Community College as an institution of the Tribe, but controlled by a Board of Trustees. The college could only exercise the powers granted to it by the Tribal Council. In implementation of these powers, all policies of the college were to be made by the Board of Regents in promoting the objectives and goals as set forth in the Charter.

Eight Navajo Indian men comprise the Board of Regents ranging in educational experience from limited schooling to college degrees. These men, who had no previous knowledge of operating a college, had the maturity, wisdom and knowledge about their own people which guided them to make decisions on policy, personnel, development, planning and finances.

Fund raising and development were a problem of immediate importance since there was no precedent for the Bureau of Indian Affairs to fund an Indian-owned and Indian-operated institution of higher learning.

The Navajos sought Federal legislation to obtain a permanent funding base for their operation and facilities. The Navajo Community College Bill was introduced into Congress. It was held up in its first attempt at passage but was reintroduced in early 1971. Congress gave final passage in late November 1971 and the President of the United States signed it into law on December 15, 1971.<sup>7</sup>

This legislation provided \$5.5 million for construction and an annual operating fund on a per capita basis for eligible students equal to that of the Bureau of Indian Affairs post-secondary operation.<sup>8</sup> The Navajos discovered that they had been shortchanged in funds when it was revealed that the Bureau of Indian Affairs had arbitrarily submitted their own request for appropriations to Congress without consulting the Navajo Community College and for funds less than what the Navajos and the Bureau had agreed upon. Referring to this action, Dr. Hatathli commented:

If the BIA and the Department of Interior are to continue to direct our funding needs without consultation, then the self-determination policy merely is more of the lip service which has been the sad Navajo-Anglo relationship for more than 100 years.

When the Navajo Tribal Council authorized and chartered the Navajo Community College, the following philosophical policies were established to guide the course of the new institution.

1. For any community or society to grow and prosper, it must have its own means of educating its citizens, and it is essential that this educational system be directed and controlled by the society that it is intended to serve.
2. If a community or society is to continue to grow and prosper, each member of that society must be provided with an opportunity to acquire a positive self-image and a clear sense of identity.
3. Members of different cultures must develop their abilities to operate effectively, not only in their own immediate societies but in the complex of varied cultures that makes up the larger society of man.
4. In light of the difficulties experienced by traditional education programs in meeting the needs of individuals and societies, it is important that Navajo Community College make every possible effort to search out and test new approaches to dealing with old problems.
5. To assure maximum development and success of individual students, the Navajo Community College accepts the responsibility of providing individualized programs and of assisting students with their academic and social adjustment.<sup>10</sup>

These policies were guides in the development of curricula for all the programs for the institution. The Navajo Community College offered its programs in primarily three areas: Transfer, Vocational-Technical and Terminal.<sup>11</sup>

The student in the transfer program can move into a regular four year college or university after completing the first two years of college at the Navajo Community College. These students, who also earned an Associate of Arts degree, have been accepted with full credits at major universities in Arizona, New Mexico and Colorado in the past years. The student can take a parallel curriculum that offers transfer credits

held some lands in trust for them. During the 1940's, the United States of America quietly shut down its field operations in Louisiana, closed its hospital, conveyed the trust lands to individual Indians and left Louisiana and its Indians to get by on their own.

Through the efforts of Jim Bowmer, a prominent Texas attorney and former president of the Texas Bar Association, and public spirited citizens of the State of Louisiana, the Federal government after being reminded that it had once extended essential social services to the Louisiana Coushatta, has once again assumed responsibility for them.

### The Tortugas

In 1850 United States Boundary Commissioner, Bartlett arrived in the El Paso Valley to begin his job of surveying the new boundary between the United States and Mexico. Bartlett noted that drovers, wagon masters and other employees of the commission, discharged in El Paso after their trek across Texas from Galvestan, were harassing the local citizenry including Mexicans and Indians. To escape this harassment the many Mexican nationals who desired to remain in New Mexico founded the new community of Mesilla on the west bank of the Rio Grande near present day Las Cruces, New Mexico. The Mesilla community consisted entirely of Spanish and Mexican families, refugees from Dona Ana, New Mexico and from Socorro and San Elizario in Texas.

At the same time a satellite community of Indians, now known as Tortugas, was founded on the east bank of the Rio Grande across the river from Old Mesilla. The Indians of this community were Tiguas and Piros from the Ysleta and Socorro Pueblos of Texas. The Indians were probably induced to establish the Pueblo Tortugas in 1850 or 1851 to provide a source of field hands for the Spanish community of Old

in some seventeen course areas: Anthropology, Art, Biology-Botany-Zoology, Chemistry, Earth Sciences, Economics, English, General Science, History, Mathematics, Navajo Studies, Physical Education, Political Science, Physical Science, Psychology, Social Science and Speech.

In the Vocational-Technical courses, the student participates in such activities as working on the college's demonstration farm, learning to manage small businesses or taking auto mechanics.<sup>12</sup> The Vocational-Technical program also consists of welding, nursing, business and drafting-design. Along with these courses, the student can participate in the college's own program of Community Services wherein Community Agriculture Education deals with farm and livestock operations.

Within the Vocational-Technical curriculum the following Associate of Arts degrees are offered: Agriculture, Animal Science, Auto Mechanics, Forestry, Nursing and Welding. The ultimate goal of the college is to improve the economic conditions in many Navajo reservation communities by training Navajos for the employment available in these communities and to develop and improve the natural resources.

Overall, the majority of the course offerings at the Navajo Community College are devoted to a curriculum of vocational-technical training intended to provide job skills to help ease the critical unemployment situation on the reservation. The Vocational-Technical shops have had an open-door policy by admitting students whether they had a high school diploma or could even speak English. The industrial and private sector of the Navajo reservation were involved to assist in planning a curriculum which would provide employees for work as soon as the technical skills were acquired.

In the academic areas, paraprofessional aides are prepared for jobs in teaching and nursing careers on the reservation. The main barrier in developing the academic curriculum was that language skills in

the English language were deficient. This deficiency created problems in communication in the English language for the instructors. Almost half of the 120,000 Navajos do not read, write or speak English. At present, the College is teaching English as a second language to help their students achieve their greatest academic potential. All Navajo students are required to take courses in Navajo language and culture beyond the requirements established for their college program, but they are allowed to choose courses to meet their own needs and abilities.

The following chart gives an indication of the number of students at Navajo Community College who receive services in the three areas of curriculum offered by the college. These enrollment figures cover the spring and fall sessions during the development years of 1969 through 1971.<sup>13</sup>

#### The Dakota Community College System

##### Lakota Higher Education Center

In November 1969, the Oglala Sioux Tribe in South Dakota invited staff members from the University of Colorado to serve as resource persons for the development of education services on the Pine Ridge Indian Reservation. The Tribe informed the University that while many preliminary efforts had been made to get South Dakota state colleges and universities to provide educational resources, nothing had begun to develop.

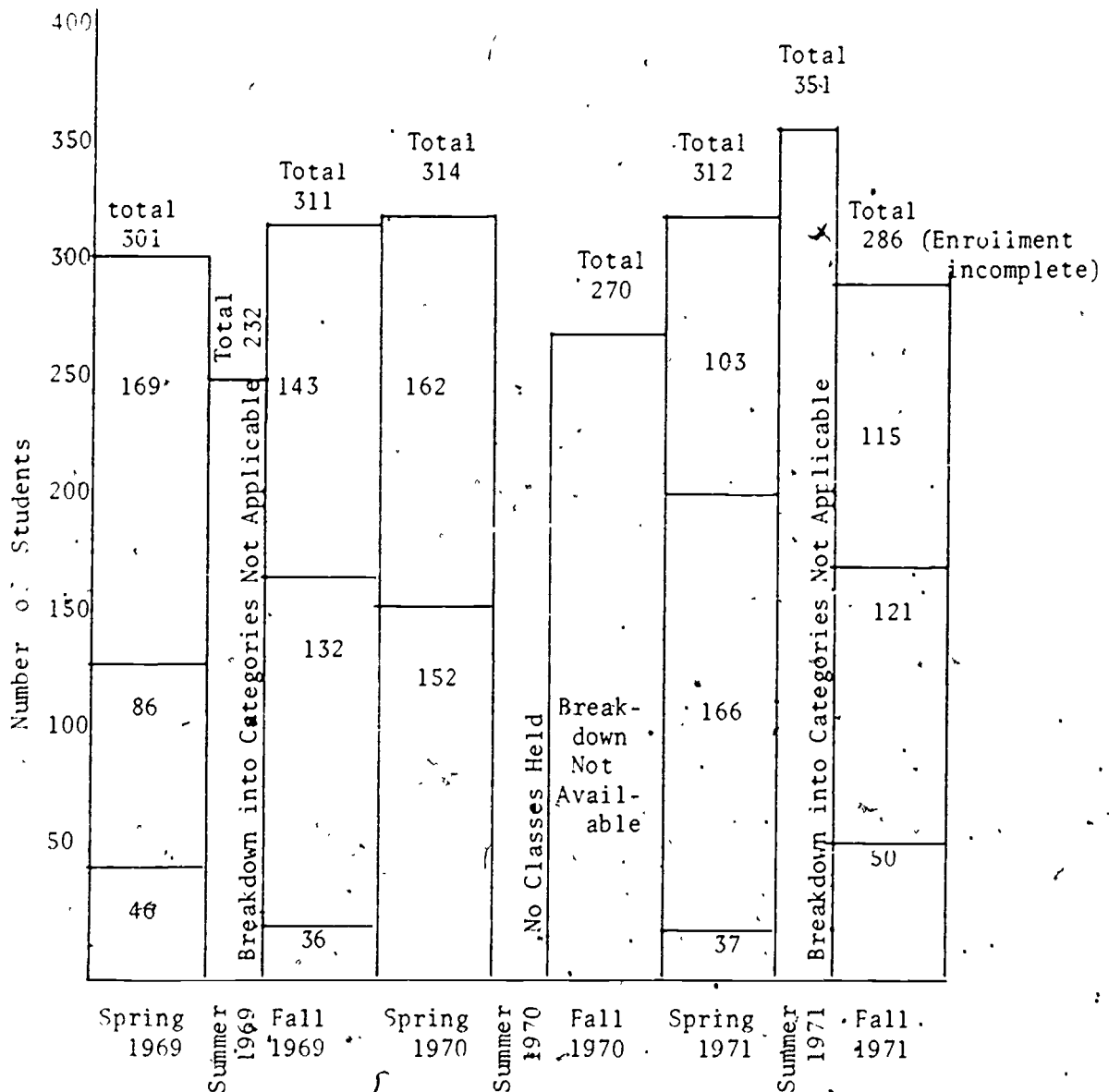
After some discussion the University of Colorado agreed to contract with the Oglala Sioux Tribe to provide an education component for the tribe's New Careers Program funded by the U.S. Department of Labor. It was a program designed to provide new career opportunities for Indians within the Bureau of Indian Affairs and the Public Health agencies,

# NAVAJO COMMUNITY COLLEGE

Enrollment by Field of Study from Opening Date - On Campus Programs only.

Voc-Tech
Transfer
Other

Other - includes General Educational Development (General Equivalency Diploma), Special and Undecided Students.



the major Federal institutions on the reservation. In addition, the Tribe created new positions designed to build support for the tribal administration. Career ladders were also designed to guarantee opportunities for advancement in the Federal agencies. Education courses were scheduled to increase job skills and educational certification and insure continuing career ladder advancement.

By the summer of 1970, college courses accredited through the University of Colorado were being offered on the Pine Ridge Indian Reservation with a total credit enrollment of 94 persons and with 12 persons auditing courses. The University began to expand its activities on the reservation by providing financial support for University students and professors, both permanent and itinerant personnel. These people worked on the reservation participating in learning, teaching and training persons to teach and provide services at every level. Among those areas covered were early socialization of the child, literacy, adult basic education and vocational preparation.

Participants worked for certification for an Associate of Arts degree or helped in recruitment for an advanced higher education degree on a university campus.<sup>14</sup> In effect, the extension of the University campus onto the reservation by providing an educational experience was operating at several levels. The program began serving as a bridge to the university campus experience for many of the reservation residents.

In bringing higher educational opportunities to the reservation a new concept was introduced. People realized that the Tribal Council could go beyond a state line and receive services from any other state or its institutions if that state or institution was willing to provide the services. This concept is far-reaching since it allows an Indian tribe to deal directly with institutions in other states. This type of



legal relationship came within the scope of tribal sovereignty. In a matter of time, there was a branch campus established by the University of Colorado on the Pine Ridge Indian Reservation with the approval of the Tribal Council.

The Oglala Sioux Tribe was a treaty tribe but is also formally organized under the authority granted in the Indian Reorganization Act of 1934. Under this Act, any Indian tribe or reservation that desired to could organize and establish a constitution and by-laws for the management of its local affairs. The Act allowed an Indian tribe the right to employ legal counsel, the right to exercise a veto power over any disposition of tribal funds or other assets, the right to negotiate with Federal, state and local governments and the right to be advised of all appropriation estimates affecting the tribe, before such estimates are submitted to the Bureau of the Budget and the Congress.

Under its Constitution and By-laws therefore, the Oglala Sioux Tribe had the authority to establish tribal institutions by passing enabling legislation and granting a charter spelling out their powers. The Ordinance approving the charter for the operation of a higher educational institution stated:

Now therefore, be it resolved, that the Oglala Sioux Tribal Council does hereby charter and establish a public corporation to be known as the Lakota Higher Education Center which shall be able to establish and operate institutions granting post-secondary degrees and certificates, especially that of the Associate of Arts, and/or enter into agreements with public or private agencies to offer higher education on the reservation, and to generally coordinate and regulate all higher education on the Pine Ridge Reservation, and issues to the Center the charter attached herein and incorporation by reference herein, to take effect immediately, all in accordance with the terms and conditions of the charter, which shall regulate the affairs of the Center.<sup>15</sup>

The charter empowered the Lakota Higher Education Center to grant post-secondary degrees and certificates (particularly the degree of Associate of Arts) to develop curricula leading to such degrees

or certificates and to enter into agreements with all public and private agencies. The agencies included all universities and colleges that could provide higher educational opportunities. This tribal legislation was passed by the Tribal Council on March 4, 1971.

The Tribe had also requested that the Black Hills State College, Spearfish, South Dakota expand its services to the Pine Ridge Indian Reservation. The South Dakota college was located some 150 miles from Pine Ridge. In the fall of 1970, Black Hills State College began to offer college courses on the reservation by accrediting qualified local professional people to teach courses. During the academic year of 1970-71 the student enrollment in both the University of Colorado and Black Hills State College coursework reached a total of 240 students.

The Tribe was succeeding in developing a "college without walls" in operating this type of delivery system throughout the reservation. But soon the University of Colorado reached its maximum capacity for a branch operation and Black Hills State had exhausted its limited resources. The Tribe had no major funding source or facilities to handle the additional number of anticipated students. It became apparent that the Tribe had to find additional funding and form a stable, permanent accrediting system.

The immediate need was to provide for an anticipated increase in student enrollment for the upcoming academic year. The Tribe met with the South Dakota Board of Regents in May 1971 to seek additional educational resources and the Board of Regents took the position that they would authorize five Associate of Arts degrees to be implemented on the Reservation only. However, they would not commit any state funds to the project because they felt that they had no jurisdiction on the Reservation.

The five degrees authorized to the Lakota Higher Education Center were:

- Associate of Arts in Business
- Associate of Arts in Education
- Associate of Arts in Lakota Studies
- Associate of Arts in Social Services
- Associate of Arts in General Studies

These degrees were to be supervised and monitored by the Black Hills State College for the Lakota Higher Education Center but the Tribe still had to obtain adequate funding to pay for the accrediting system. During this period the Tribe appealed to the Bureau of Indian Affairs which made available a grant of \$200,000 and a scholarship fund of \$25,000 for the fiscal year 1971-72.

With the charter granted from the Tribe a Board of Directors was established to implement a program to support the degrees authorized by the South Dakota Board of Regents, and to seek funds from both governmental and private agencies. This Board of Directors was composed of five persons elected by the Indian people. Each board member represented a geographical area of the Reservation. The President of the Tribe and a Tribal Council member or appointee from the current Tribal Council were also made board members.

Since the Lakota Higher Education Center was chartered under tribal law, it was also necessary to charter the college as a nonprofit organization under the laws of the District of Columbia in Washington, D.C. to insure the Center a tax-exempt status with the Internal Revenue Service. This dual chartering was made necessary because the IRS does not recognize a nonprofit charter issued by Tribal Councils. It is an important legal question which needs clarification.

A process of decentralization began taking place when four study-centers were placed in reservation communities under local advisory boards to assist in the developing of policy to deliver education

courses to each Indian community. The central offices of the college, its main library, and its media center were situated at Pine Ridge Village with a book mobile service operating to and from the study-center sites. During the academic year, several new degrees were added to the original five:

- Associate of Arts in Mental Health
- Associate of Arts in Building Trades-Carpentry
- Associate of Arts in Building Trades-Electricity
- Bachelor of Science in Nursing

The student enrollment continued to rise from the 240 students in the fall semester of 1970 to the present current enrollment of 485 in the fall semester of 1973.

While the Lakota Higher Education Center operated its classrooms using multi-purpose facilities eliminating building costs at a minimum funding level was still necessary. During the fiscal year, 1971-72, the Bureau of Indian Affairs became reluctant to provide any funding for the following 1972-73 fiscal year stating that they had no authorization from Congress to grant funds to the Lakota Higher Education Center. The Board appealed to the Senate Appropriation Committee for financial assistance. The following exchange took place between the Committee and the Bureau of Indian Affairs personnel testifying:

Committee: Question. What are fiscal year 1973 funding plans to assist the Lakota Higher Education Center at Pine Ridge, South Dakota, and the Sinte Gleska College Center, at Rosebud, South Dakota, in moving forward in the higher education and career development work they have undertaken? The Pine Ridge Center has been in operation since June 1970 and the Rosebud Center since January 1971. Over 240 students were enrolled in Pine Ridge and over 200 at Rosebud according to a report received last fall. What is the Bureau's program on a long-range basis for these institutions? Can the Rosebud and Pine Ridge center serve as models for development of similar centers on reservations throughout the country and if so, will the Bureau move in the direction of accomplishing this?

Bureau: Answer. For fiscal year 1973, the Bureau is planning to provide 75 percent of the funding support for the Sinte

Gleska College Center (Rosebud). and the Lakota Higher Education Center (Pine Ridge). The Bureau agrees to provide support in future years to the extent of available resources. Technical and consultative assistance is being provided by the Aberdeen Area office and our Washington office. In addition, we are working with the U.S. Office of Education, Bureau of Higher Education, to seek funding for program development in union with Black Hills State College.

The Bureau views the development of reservation higher education community colleges as a relevant approach to Indian self-determination in higher education, and would support the philosophy of local implementation.<sup>16</sup>

#### Sinte Gleska Community College

After watching their neighboring reservation succeed with its community college, the Rosebud Sioux Tribal Council passed a resolution in December of 1969 authorizing contacts to be made for the development of a community college. Most of 1970 was spent discussing the community college in the twenty-one communities on the Rosebud Reservation. The Tribe made the community college a priority in their 1971 fiscal year grant from the Office of Economic Opportunity. The college was finally established and was incorporated as a nonprofit organization under both the Rosebud Sioux Tribe and the State of South Dakota.

In February 1971, the Sinte Gleska Community College opened its doors to 154 students taking 26 courses. During the Fall semester of 1971 there were some 240 students taking 26 courses. The college continued increasing its enrollment and a year later in the Fall of 1972 there were 294 students taking 44 courses offered by the college.

The college adopted this statement as its philosophy:

The Sinte Gleska College was founded upon the philosophy of Indian control and determination of their own destiny. The founding persons desired to see their children given the opportunity to continue their education in an environment which would likely lead to success. Too often, they had seen young people leave for college and soon return home frustrated and defeated. The present Board of the College wishes to offer quality education to their own such that they can succeed in the Indian and non-Indian world. Some

may choose to go on to a non-Indian institution or some may remain at home and work. Whatever the person chooses the Board feels the Indian student should have the skills intellectually, emotionally, interpersonally, and technically to succeed. The Sinte Gleska College is to be the mechanism by which the Indian person can gain these skills.<sup>17</sup>

This college became the second higher educational institution developed on a Lakota Indian Reservation in South Dakota. Their accreditation, administration, finances and degree offerings would be the same as the Lakota Higher Education Center. With some exceptions the Sinte Gleska College has been seeking additional funding and financing on their own merits. Some joint funding has been done during this past year with the Lakota Higher Education Center and joint staff utilization policies have been followed in programs like the Professionals Development Act program, the baccualerate nursing program under the Public Health Services and the mental health program under the Institute of Mental Health. Outside of these joint ventures, the Sinte Gleska College is independent in all aspects. The college is striving to provide a new type of higher educational system designed for a reservation environment.

#### Philosophy and Objectives of Community Colleges

The Lakota Higher Education Center was established with four basic goals:

1. To create opportunities for all Indians to receive post-secondary education under the most positive conditions.
2. To radically invert the present economic and social pyramid, with Indians at the base and outsiders occupying the middle-income professional, and policy-making positions, through career ladder training and job restructuring.
3. To maximize the student's ability to cope with his own identity and the mainstream by the creation of materials and a curriculum enabling him to bi-acculturate himself for effective action both in his home culture and off-reservation.

4. To demonstrate the effectiveness of a model for educational and career development in rural poverty areas in the United States and elsewhere.<sup>18</sup>

The above objectives were defined to deal with the situation in which Indian people find themselves. On the Pine Ridge Indian Reservation, as in other rural poverty areas, the local population finds itself unqualified for existing middle-income jobs, effectively handicapped in efforts at self-determination and development through lack of qualified administrators and leaders and limited in attracting industry or developing latent resources through the same absences of trained manpower.

Manpower training programs at the post-high school level open to the bulk of the population is essential if Indians are to take advantage of present jobs and create or attract more jobs. Since the reservation job structure will continue to call for post-high school training and credentials, opportunities must be devised to open such training to all Indian residents. The training must also provide a bridge curriculum in preparing them for college-level work. Since many students are able to take only three or four courses per semester, it is imperative that economic benefits are not withheld and made the reward of a four year degree. This postponement would require an inconceivable motivation in the student since it would mean that he would have to complete six to eight years of work before receiving any economic benefits from his education. It is essential therefore, that training be done in conjunction with a career-ladder restructuring effort that would offer meaningful salary and responsibility increments as a result of qualifying in both education and experience.

A local system of higher education certification must be organized to reach the two-fold goal of manpower training and job restructuring. The present lower echelon of workers, as well as the majority of the

unemployed, experience immense difficulty in leaving the reservation for higher education. Most individuals have family responsibilities and others lack the self-confidence and sophistication to place themselves in an alien environment for a long period of time. A large number also require remedial work and counseling which few schools can provide.

Those potential students without family responsibility and with recent high school diplomas would benefit by an initial exposure to higher education within the reservation environment. The majority of them face a cultural and academic shock of major proportions in the large state universities and find little understanding there of Indians. Attendance at an on-reservation college would insure them exposure to academic life at a gradually progressing rate. This type of student would also benefit by concentrated exposure to materials and reflections on their own heritage and people as an integral part of the college experience.

Since the reservation and reservation cultures are permanent social facts in any foreseeable future, the educational system must not only relate to this reality but also provide a forum in which cultural development through reflection, research and discussion can occur. This need is magnified by the circumstances of the average Indian's ambivalence concerning his identity. It is unlikely that he will succeed in finding himself psychologically in the dominant culture if first he does not develop his tribal identity as a cultural and personal fact of his existence. This identity can be either a building block or a barrier, but it cannot be psychologically conjured away. Therefore an objective of a higher education system would be to foster coursework which meets the demands of both societies. The culture of



both societies must be treated as viable factors in a day-to-day life on the reservation. If this polarity of choice can be avoided the consequent isolation of the student from either his cultural life blood or economic life line can be eliminated.

### Cultural Self-Determination

The American public has a history of exploiting Indian culture while studiously avoiding the Indian spiritual heritage. Recently American youth has been attracted to Indian spirituality and the ecology movement has pointed to the respect for the environment which is so much a part of Indian philosophy. White America has increasing accessibility to and appreciation of Indian culture, while the Indian people themselves are desperately seeking ways to prevent further erosion of their own heritage.

The only contact with cultural programs on Indian self-identity which the Indian student has are the Indian studies programs in colleges and the limited stirrings of bilingual-bicultural programs in elementary and high schools. The interest of Whites is good but it leaves unresolved the problem of the American Indian of preserving and developing their cultural heritage for themselves. This development needs to be conceptualized in a new language context and become a part of the Indian student's understanding of his cultural environment.

Attempts by the Federal government to obliterate Indian culture have contributed largely to present-day reservation problems. Various Indian ceremonies were outlawed, nuclear families were forced to live apart by the policy of allotting them lands separately, political structures were first abolished and then recreated in the 1930's to give tribes decision-making powers. Many Indian adults still remember

the punishment they received for speaking their native language in schools. Indian people have passively but continuously resisted efforts by the Federal government to assimilate them. Deprived of control over their own educational, political and religious institutions, the Indian people were at best holding their own. But a constant erosion of traditions occurred because there was no opportunity to develop and expand their culture. More importantly the psychological and social patterns and values of Indian life have remained strong, and today as opportunity avails itself cultural learning is becoming more viable.

The possibilities of strengthening the Indian culture and the chance of its adaptation to present conditions are in fact very real. In a sense, the heritage and land are the only real natural resources on which a new beginning can prosper. But above all, an understanding by the Indian people themselves of the content, value and importance of their heritage can provide for a basis of reservation development.

In a college curriculum, there must be a balance achieved between skilled training and cultural learning that enables the Indian student to function properly in the reservation society. The cultural emphasis of language studies, tribal government, tribal history, traditional philosophy, religious ceremonies and social organizations should not interfere with the technical skill training.

It is important to see the philosophy of the Indian higher education system in relation to the people serviced by it. On the one hand, the cultural knowledge philosophy follows the policy of "separate but equal" in their relationship with White America. Tribal languages and courses in traditional philosophy, religion and social systems of the reservation, Indian communities are vital to the effectiveness of the

Indian Groups on  
State Reservations

Indian Groups  
Without Reservations

New Mexico

1. Tortugas (Tigua, Piro, Manso)  
(in Las Cruces)

Comments: No information available.

Montana

1. Metis & others (near Antelope)
2. Metis & others (near Hewitt  
Lake NWR)
3. Metis & others (near Greatfalls)

Comments: The State of Montana does not have a state agency dealing with Indian services. There is, however, a Coordinator of Indian Affairs whose address is: Capital Post Office, Helena, Montana 59601.

Utah

1. Southern Paiute (near Cedar  
City)

Comments: The State of Utah within the Department of Social Services has a Division of Indian Affairs directed by Bruce G. Parry, whose address is 102, State Capital Building, Salt Lake City, Utah 84114. The Division of Indian Affairs does not extend special Indian service delivery to Indian citizens but does provide planning and technical assistance to non-Federal Indians in the state of Utah.

Arizona

1. Tonto Apache (at Tonto)
2. Yaqui (near Phoenix)
3. Yaqui (near Tucson)

Comments: The State of Arizona has a commission of Indian Affairs whose address is: 1645 W. Jefferson, Phoenix, Arizona 85007.

Oregon

1. Alsea, Molalla, Umpqua &  
others (near Springfield)
2. Alsea, Molalla, Umpqua &  
others (near Rosenberg)
3. Alsea, Molalla, Umpqua &  
others (near Gold Beach)

higher education system. Instructors with traditional knowledge are important on the academic faculty and in most instances bilingual teaching of the college coursework is important. For many students it is important that cultural concepts be transmitted using the tribal language. The Navajo Community College has a program, Navajo Studies Program, whose purpose is to:

...cultivate and encourage pride in being a Navajo and pride in being an Indian. The program is designed to show the vitality and beauty of Navajo and Indian culture, not only in terms of the past but so that one can face with greater confidence, the opportunities and challenges of the future.<sup>19</sup>

Navajo Studies cover a number of separate areas which when taken together include:

1. The teaching function, with regard not only to the Navajos but also to other tribes.
2. The use of Navajo elders and others in obtaining first hand accounts of Navajo people, life and culture.
3. The collection of these original materials and their publication in books written by Navajos, for Navajos and about Navajos.
4. Visits to various historically and ceremonially important Navajo places, as well as trips to other tribes and reservations.<sup>20</sup>

At the Navajo Community College, the Navajo Studies program offers thirty-one courses generating sixty-three credit hours. The Lakota Higher Education Center and Sinte Gleska Community College offers an Associate of Arts degree in Lakota Studies. The student has the option to follow one of the following majors:

1. teaching of the Lakota language
2. teaching of the Sioux culture
3. teaching of Lakota arts and crafts
4. teaching of Lakota music and dance

At present, there are twenty-nine courses approved that generate eighty-one credit hours. The Indian Studies program has the following statement for its purpose:

Indian Studies programs in recent years have tended to be tentative in organization, curriculum and objectives. These programs have been lacking in content, methods and supportive materials. This is due to the fact that Indian Studies is without the tradition enjoyed by other academic disciplines.

There is no central higher educational institution to which teachers of Indian children may turn for assistance. As a result, Indian children are most disadvantaged in their own culture and receive limited understanding of their heritage. Teachers of Indian studies are finding themselves in the position of being the experts in the area, but yet individually feeling a lack of expertise. Any development and any growth must come from within the Indian Studies program to meet the needs of teachers of Indian children.<sup>21</sup>

Haskell Junior College is operated by the Bureau of Indian Affairs and maintains a Division of Indian Studies and has this statement on its programs:

The specific concern of the program is the enrichment of the total curriculum with offerings specifically oriented to the culture and needs of the Indian student. The Department of Indian Studies will synthesize the unexcelled history and culture of the American Indian with the necessary offerings of the traditional academic and vocational curriculum. This will assist the student in identifying himself in a positive manner with the history and culture of the Indian people. This vital link may provide the force necessary to retain and project the pride and dignity of Indian America.<sup>22</sup>

But at present Haskell Junior College does not offer a degree program although an Associate of Arts degree is planned for the future. As a result the present offerings are on an interdisciplinary basis and are elective in nature. The program utilizes the expertise of the Indian community in each cultural area to deal with specific course content such as languages, crafts, religion and philosophy. There are twenty-six courses that generate seventy-one hours and they deal with general cultural areas and tribal communities. In addition, another twenty courses covering ninety credit hours in the tribal languages of the Creek, Cherokee, Hopi, Choctaw and Kiowa tribes are offered.

#### Jurisdictional Problems

The most immediate problem faced by the growing Indian higher edu-

cation institutions has been that of jurisdiction. Few people can relate the legal status of the institution to tribal sovereignty, state sovereignty and Federal jurisdiction. The difficulty seems to involve the legal status of the tribe. One legal writer noted that,

The general rule is that the Indian tribes, once independent, sovereign nations, each retains as much of that sovereignty as has not been given up in treaties or taken away by legislation enacted by the conquering power. This would be simple enough if questions of governmental authority arose only in a context of tribal versus Federal power, but the fact that we generally think of states and the Federal government as the only sovereignties in this country puts the tribes in a position that is difficult to conceptualize.<sup>23</sup>

One can easily understand the general concept of sovereignty but the difficulty comes with the application of specific problems to the theory of tribal jurisdiction and its relationship to Federal or state jurisdiction. Cases involving state jurisdiction are often the most difficult to resolve because states can negotiate with different tribes differently. No two states have the same application of their laws to a common tribal problem. Many states assume that because Indian reservations are located within their territorial boundaries that all state laws are automatically applicable to the Indians.

Most often the problems that arise between tribal and Federal jurisdiction concern Federal legislation and the administrative policy derived from it. Too often Congress overlooks Indian tribes when considering legislation to meet national problems. When Federal law omits Indian tribes then implementation of policy deals only with state governments. In many instances the state government in implementing national legislation finds itself without authority to deal with the Indian tribes within its boundaries. Therefore Indian tribes cannot take advantage of the resources made available by the Federal government.

The other problem with Federal legislation is in eligibility

requirements. Often Indian tribes cannot meet the requirements to become eligible for the resources made available. Indian tribes have to appeal to Congress to have the law amended making them eligible to receive assistance.

Beginning in the summer of 1971, the Dakota community colleges inquired about their eligibility for participation in the Title III, Extension of Programs to Strengthen Developing Institutions, Higher Education Act of 1965. The Dakota colleges had to meet the general criteria of:

1. being isolated from the main currents of academic life
2. struggling for survival
3. making a reasonable effort to improve the quality of its teaching and administrative staffs and of its student services
4. the college has to be in operation five years

The Dakota community college system met the first three criteria but the five year provision disqualified them from the program. The five year requirement restricted eligibility to those developing institutions that had already existed for five years or longer when the legislation was enacted.

The legislation therefore conflicted with the 1969 Report of the Committee on Labor and Public Welfare of the United States Senate Special Subcommittee on Indian Education which recommended the following regarding Indian community colleges:

1. Recommendation 34: The subcommittee recommends--The Bureau of Indian Affairs should provide continuing support for the community college on or near Indian reservations, such as the Navajo Community College.
2. Recommendation 37: The subcommittee recommends--that Title III (Developing Institutions) of the Higher Education Act be strengthened so as to include recently created higher education institutions attended by Indians located on or nearby reservations as eligible for assistance under that title.<sup>24</sup>

The Indian tribes involved requested that an amendment be made to the legislation to allow them to qualify for Title III funds. In

the Education Amendments of 1972, the following amendment was made:

The Commissioner is authorized to waive the requirement set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by institutions located on or near an Indian reservation or a substantial population of Indians if the Commissioner determines such action will increase higher education for Indians, except that such grants may not involve an expenditure of funds in excess of 1.4 per centum of the sums appropriated pursuant to this title for any fiscal year.<sup>25</sup>

As a result of this amendment, the Indian programs supported by Title III funds for fiscal year 1973 was over three million dollars.

The Indian colleges were funded as follows:

Navajo Community College (Arizona).....	\$475,000
College of Ganado (Arizona).....	76,000
DQU University (California).....	100,000
Standing Rock (North Dakota).....	100,000
Turtle Mountain (North Dakota).....	100,000
Lakota Higher Education (South Dakota).....	100,000
Sinte Gleska (South Dakota).....	100,000 <sup>26</sup>

The rest of the funds were allocated to other higher educational institutions not controlled by Indians.

In 1968, the State of South Dakota passed legislation to establish statutory authority for the creation of junior colleges. This law made it possible for South Dakota citizens to establish junior colleges on their own initiative. But this option could not be used by South Dakota Indian people because of jurisdictional problems. The state code read:

#### Chapter 13-41 Junior Colleges

13-41-1. Courses at junior college level authorized--Independent school districts are hereby authorized to establish, maintain and offer courses of a junior college level, subject to the limitations and provisions contained in this chapter.

14-41-2. Independent school districts authorized to establish junior colleges--Distance from Institution of higher education--Those independent school districts which have a high school one hundred twenty-five statute miles or less from a South Dakota institution of higher education shall be ineligible for the provisions of this chapter. All other independent school districts shall be eligible.

13-41-3. Resolution, petition and school district election on establishment--Proceeding on approval by electors. Upon a resolution of an eligible independent school district board, or



upon a petition filed with said board, containing the signatures of not less than ten per cent of the registered voters in such district at the last annual election of said district, the question of establishing a junior college by said district shall be submitted to the electors of said districts for approval at the next annual election of said district and if approved by a majority of the electors voting thereon at such election, said independent school district board shall proceed to establish such junior college.<sup>27</sup>

At the present time, therefore, the state and the tribes must come together and do a great deal of work on the jurisdictional problems involved in the community and junior college areas. The state must acknowledge that Indians are citizens of the state but also receive special status because of their Federal relationship. When the Federal government channels funds to the states through some of the education acts the states must allow the funds to flow through its structures to the tribes because of their dual status as Federal protectorates whose citizens are also state citizens.

Indian tribes have taken the safest route by using their tribal sovereignty as the basis for dealing with the United States because no definite channel has been established in this area to give them services from the states without clouding the issues in other areas of jurisdiction. It will be a long time before the Indian community colleges can establish an efficient and meaningful relationship with Federal educational agencies. The ultimate need is to clarify the role of the Federal government in the development of the Indian community colleges.

The Bureau of Indian Affairs defines its permanent responsibility for Indians in its manual as follows:

...shall direct, supervise, and expend such moneys as Congress may from time to time appropriate for the benefit, care, and assistance for the Indians throughout the United States for the following purposes: General support and civilization, including education.<sup>28</sup>

As part of its program of education for Indians, the Bureau operates post-secondary programs at Haskell Institute, Lawrence, Kansas and the Institute of Arts at Santa Fe, New Mexico. A third vocational-technical institute, the PolyTechnic, at Albuquerque, New Mexico has been added in recent years. These three institutions have moved toward a junior college status during the past year but they continue to be funded on an annual basis by Congress based upon a per capita student-cost per year. This is the same formula by which the Navajo Community College receives funds.

The development of Federal educational policy has been moving slowly in the area of contracting educational services with Indian tribes. The only educational services that can presently be contracted are either elementary or secondary schools operating near or on Indian reservations. There is a vacuum in post-secondary education. Recognizing the vacuum, Indian tribes have emerged to assume responsibility in providing post-secondary educational opportunities to its tribal members.

The relationship of the Federal government and the Indian tribes in the field of education can be analyzed into these areas: Federal responsibility, intra-Federal agency relations and Tribal goals and programs.

The Federal responsibility for the comprehensive education of Indians is clear but the Bureau of Indian Affairs has not made a major effort to deal with post-secondary education. Their argument is that if post secondary institutions are operating near or on Indian reservations, these can receive contracts to provide educational services to Indian tribes. Since there are no institutions in this category at present, the Bureau cannot contract for educational services in

higher education.

The Education Amendments of 1972 to the Higher Education Act of 1965 authorized the Commissioner of Education to deal with Indian community colleges. This authorization made the Office of Education a partner in the education of Indians in post-secondary programs. So although the Bureau of Indian Affairs has previously had sole responsibility for the education of Indians with the amendment, this responsibility is being shared with the Office of Education.

During the past year, the Bureau of Indian Affairs has frequently taken the position that Congress did not authorize them to deal with any Indian community colleges except the Navajo Community College. On the other hand, the Bureau of Indian Affairs has discouraged other Indian community colleges from seeking their own legislation authorizing the Bureau of Indian Affairs to give them appropriations for education services in the post-secondary programs.

The second problem concerns intra-Federal agencies who deal with Indian community colleges. These agencies operate with no consistency in their policy regarding post-secondary programs. On each reservation the Indian community college finds itself dealing with most if not all of the following agencies: Department of the Interior, Bureau of Indian Affairs, National Park Service, Department of Health, Education and Welfare, Office of Education, Institute of Mental Health, Public Health Service, Office of Higher Education, Office of Vocational Education, Action, Office of Economic Opportunity, Department of Justice, Department of Agriculture, Department of Commerce, Department of Labor and the Department of Housing, Urban and Development.

Indian community colleges have cooperated with most of these agencies in one or more of their programs on the reservations. But

these agencies often work at cross-purposes to each other and to the programs of the community colleges. Often the inflexible criteria of the agencies results in a duplication of services and the resulting confusion creates insurmountable roadblocks when the community colleges try to get certification of credits for the students. Unless there is better coordination between Federal agencies in Washington, D.C. it is unlikely that such coordination will occur on an Indian reservation.

Indian tribes have maintained that the Federal government has a responsibility for the education of Indians and that the development of Indian community colleges does not relieve the government of this overriding responsibility. Many Indian leaders feel that the Commissioner of Education in H.E.W. has been asked to assume a part of the general Federal responsibility for Indian education. There has not been a clarification of this sharing of the trust responsibility, however, and many people feel that this clarification should come from the White House and not from the Indians.

During the past year the Office of Education has received legislative authority to centralize all Indian educational programs for elementary, secondary and adult participants through the Indian Education Office and its national advisory board. However, in the area of higher education, there needs to be an office to centralize all Indian higher education programs. This office could secure intra-Federal agency coordination for programs that affect community colleges.

Indian educators have been looking at Howard University, which was established to train leadership for the Black man and more recently at the Federal City College which was established for the District of Columbia and is supported by Congressional appropriations as models for the Indian community. It is feasible to think that Congress can make the necessary appropriations for Indian tribes for the establishment

of higher education institutions. Indian programs must receive some formal recognition from the Federal government comparable to Howard or Federal City College.

### Accreditation

For an Indian community college to be accredited is a necessary prerequisite to having their courses accepted by other colleges and universities. Under most Federal educational statutes, accreditation is a prerequisite for eligibility for Federal funds. On Indian reservations accreditation interlocks with the practice of individual certification for employment in various professional occupations. The acquisition of accreditation is a slow moving proposition for Indian community colleges. It means overcoming cultural and legal barriers.

Special attention should be given to Indians who speak English as a second language and who live in the traditional tribal ways. These experiences should become the basis of an accreditation process on Indian reservations because they form a basis of valuable knowledge that might otherwise have to be gained in a classroom or workshop.

For example, a professional lawyer often meets an Indian lawyer in a tribal court on an equal basis. The professional lawyer has a law degree while his counterpart, the Indian, might have only an eighth grade education. The professional lawyer is at a great disadvantage if the tribal language is used in the court proceedings. At this point it is he, the professional, who lacks sufficient education to compete with the Indian. Yet under present accreditation requirements it is the lawyer who cannot speak the tribal language who has the credits and the Indian who can speak the language who does not. Somehow the Indian community colleges are going to have

to develop new criteria to accredit professional and non-professional people which takes into account the great amount of education that the eighth grade Indian already has.

The regional accrediting associations, which accredit institutions, must be made to include the unique cultural and legal features of Indian life, or the Indian community colleges must organize their own accrediting association to deal with their own development. At this time, it is difficult for Indian tribes to push collectively for a regional association because of the slight degree of development of their own tribal college institutions.

The specialized accrediting agencies, which accredit programs within institutions, can be immediately used by the Indian community colleges to recognize the unique cultural features of Indian life on a credit basis. The existing agencies must have flexible standards to accredit Indian cultural programs and have the necessary standards, in cultural terms, to accredit tribal academic disciplines. But more probable tribal community colleges will ultimately have to develop their own specialized accrediting agency.

The Federal role in accreditation has developed out of the need to identify eligible institutions and programs for Federal funds. Congress has stipulated in most education statutes that Federal officials must rely on the determinations made by the private accrediting agencies to identify institutions and programs as meeting certain accrediting standards. This review of programs by private accrediting agencies has emerged as the only policy for recognition and hence eligibility for Federal funds. It therefore places all the power of the Federal government in the hands of the educational political structure and precludes Indian community colleges from participation except

on terms that are very distasteful to Indians.

If we continue to recognize the present accrediting agencies, then the certification of Indian personnel at the Indian community colleges needs to be upgraded and each person needs to be given the opportunity to acquire additional academic certification. At present, Indian leaders in higher education lack degrees in higher education comparable with people holding similar jobs in institutions outside the Indian reservation.

Indian students are presently given an opportunity to pursue master's and doctoral programs at Penn State, Harvard and Minnesota. Their major emphasis is counseling and guidance programs, administration, curriculum and personnel training. Nothing has been developed in master's or doctoral programs specifically for higher education and community college personnel in the fields of administration, planning and financing. As a result, all existing trained Indian educational leadership is in lower levels of elementary and secondary education. Present training does not prepare lower level Indian educators to deal with the complex problems of higher education, tribal government, cultural studies and accreditation. Therefore present Indian community administration and personnel lack specialized degrees in community college administration which they need to do their jobs.

On-the-job training and experience in administration of Indian community colleges are the only opportunities available for Indian people wishing the formal recognition of degrees. Specialized degrees in community college administration and operation must be created to place Indian community administrators on a par with their non-Indian administrative counterparts in the White community colleges.

Not only are the community college administration skills important

but an understanding of the reservation culture, the tribal government and the history of Federal relations are vital to carry out the operation of the Indian community college.

The philosophical development of the institution in a Lakota society has to be made compatible with the community. In Lakota educational development, within the Lakota culture, there are three stages of development:

1. Woonspe--Life lessons that deal with the everyday situations and problems, that provide the basis for conceptualization.
2. Woslolyne--Concepts that provide the basis for an individual's knowledge as to how he should face a situation or problem.
3. Waypika--An individual's knowledge is transmitted into a behavior skill and this skill is used for his survival.

The Indian community college has not been able to deal with these types of Indian social development yet.

In September 1973, the Oglala Sioux Community College attempted to upgrade its administration and faculty by working out an arrangement with the Division of Higher Education, University of Colorado, wherein a master's and doctoral program is delivered on site. The program consists of a unique curriculum that deals with skill training and Lakota society knowledge.

#### Skills

- I. Community College Administration
  - Financial
  - Personnel
  - Management
  - Evaluation
  - Public Relations
- II. Community Development
- III. Higher Education Planning
  - Operations
  - Curriculum
  - Manpower
- IV. Research



## Lakota Culture

- I. Lakota Language
- II. Tribal Government
- III. Lakota History and Communities
- IV. Lakota Philosophy
- V. Indian Education
- VI. Reservation Economics
- VII. Federal Relations

In the final analysis, the Indian community colleges will have to provide opportunities for advanced degrees in specialized community college operations and provide these opportunities to their college staff to get the necessary tribal cultural knowledge. This will provide for a well informed college staff with credentials to stabilize the community college institution on the reservation.

## American Indian Higher Education Consortium

The individual Indian community colleges, as they communicated among themselves, saw the need to create a formal organization on a national level to cope with the issues of Indian self-determination and the growing dissatisfaction with traditional "White-oriented" higher educational systems.

With the leadership of the Dakota community colleges, all the existing operating Indian community colleges were invited to Washington, D.C. in October 1972, to discuss their concerns with officials in the Office of Education. The institutions that attended this meeting were: Hehaka Sapa College, DQ University, Davis, California; Navajo Community College, Many Farms, Arizona; Oglala Sioux Community College, Pine Ridge, South Dakota; Sinte Gleska Community College, Rosebud, South Dakota; Standing Rock Community College, Fort Yates, North Dakota; Turtle Mountain Community College, Belcourt, North Dakota; and three Bureau of Indian Affairs' institutions: Institute

provide up to \$546 per student although some districts receive lesser amounts for some Indian students. Little Wound School gets approximately \$80,000 to \$100,000 per year in PL 874 funds. These funds are not extra monies for compensatory or special programs since they are used to provide the necessary teachers and supplies for the basic school program.

Two of the main problems with PL 874 funds are that there are mountains of paperwork involved and that the payments arrive as late as six months after the period for which they are intended. The latter problem keeps the school always behind in its financing and disallows any adequate or efficient budgeting. Principals who have tried to budget PL 874 funds ahead of time have found themselves at the end of the school year with no money to pay teachers or no money for supplies.

Another basic budgeting problem illustrated by the Little Wound School situation is construction. Each piece of school construction provided by the Bureau of Indian Affairs requires a special congressional appropriation. This requirement causes bureau school construction programs to be determined not by plan or need but by pressure and politics when appropriation request are made.

The parents and community of Kyle decided about four years ago that they wanted their high school children at home rather than staying in a boarding school. A high school in Kyle was also seen as a solution to the 70% to 80% dropout problem of Indian students from the community. And so a high school was started using the facilities that were originally intended for just an elementary school. There were about forty students the first year of the four year high school. No action was initiated for construction of high school facilities in Kyle.

This year the high school began with approximately 100 students

of American Indian Arts, Santa Fe, New Mexico; Southwestern Indian Polytechnic Institute, Albuquerque, New Mexico and Haskell Junior College, Lawrence, Kansas.

It became evident during the meeting that a formal organization could work collectively in strengthening and expanding Indian post-secondary institutions. It could also present a unified voice to clarify the issue of Indian self-determination in higher education.

These Indian community colleges have common characteristics:

1. They are located on or near Indian reservation, or are large concentrations of Indian population, which are isolated geographically and culturally.
2. The institutions have Indian Board of Regents or directors with a majority of Indian administrators and faculty.
3. Indian student bodies are small, serving a student population ranging from seventy-five to eight hundred.
4. They suffer from chronic under-financing and funding unpredictability, affecting their institutions.
5. Student bodies and the Indian communities surrounding the institution are demonstrably from the lowest income areas in the United States.

All the institutions met the criteria established by the Office of Education for "developing institutions." They were struggling for survival, isolated from the main currents of academic life and had the desire and potential to make substantial contributions to the higher education resources of the nation.

The Bureau of Indian Affairs institutions were later declared ineligible for Federal funding from the Office of Education since one Federal agency cannot subsidize another. As a result, these institutions were not considered members of the consortium when Federal funds were finally obtained in July 1973.

The Consortium was formally established in June of 1973 when it was incorporated in the State of Colorado as a non-profit organization.

A funding of \$350,000 from Title III, Developing Institutions, was granted for the fiscal year 1973-74. This funding enabled the Consortium to assist its member institutions in a number of priorities.

1. The Establishment of an American Indian Higher Education Accreditation Agency At present there is no agency to accredit and set guidelines of accreditation for Indian community colleges and public or private institutions having Indian studies programs. The recognized accreditation agencies are all oriented towards the dominant society's values and ethics. Indian educators agree that existing accreditation agencies cannot judge Indian education programs fairly and without cultural bias. Consortium members believe that an accrediting agency should be established immediately to work with non-Indian accrediting agencies and develop standards and qualifications for the Indian programs of Consortium member institutions and public or private institutions having Indian studies programs.

2. The Establishment of a Financial and Institutional Resource Office The purpose of this office will be to keep Consortium members informed of the financial resources and avenues available to them for their programs.

3. The Establishment of Human Resources Development Program This program will be improve and upgrade the administration, teaching faculty and boards of directors or regents.

4. The Establishment of an American Indian Education Data Bank This office will gather in a centralized place all information and materials that pertain to Indian higher education. The information will be available for management, planning, evaluation and publication by the Consortium.

5. The Establishment of an American Indian Curriculum Development

Program This office will develop innovative curricula and methodologies in Indian higher education and attempt to upgrade the educational standards of Consortium members institutions. The office will also organize a Native American Cultural Exchange program; a national tribal collegiate sports program and a performing arts group.

Beginning in July 1974, the Cheyenne River Sioux Community College, Eagle Butte, South Dakota; the Sisseton Sioux Community College, Sisseton, South Dakota; and the Winnebago Community College, Winnebago, Nebraska will become members of the Consortium. Other tribes planning community colleges are: Shoshone Bannock, Fort Hall, Idaho; Arapaho Reservation Community College, Ethete, Wyoming; Northern Cheyenne Community College, Ashland, Montana; Gila River Higher Education, Sacaton, Arizona; and Warm Springs Tribes Higher Education, Warm Springs, Oregon.

#### Summary

The remaining years of the 1970's are crucial in the development of Indian community colleges on reservations. For the first time in history Indian people are decision-makers of a higher education institution that is capable of providing technical skills and cultural knowledge to its tribal members. Certification is open to any tribal member who wishes to pursue a vocation in the credential-minded society of America.

A new philosophy of occupational education, general education and cultural education has begun to take hold in the Indian community colleges. The institutions are beginning to deal with the poverty conditions on the reservations. The lack of trained skilled manpower means that the local college institutions are continually confronted with limited accredited Indian personnel, a limited budget and limited

technical resources to deal with social problems.

The major issues confronting the Indian community colleges in the year ahead are:

The frustrating pressure of monetary inflation coupled with the exploding Indian pressure to do something immediately about the social problems on the reservation. The community college will be attempting to meet the demands of the Indian community but the dollars will not stretch and they must find a stable source of financial income. They must not have to resort to extensive lobbying every year to cover their next year's financial operations. At present too much of the administrator's time is devoted to finding financial resources.

Another issue is the recruitment in large number of Indian faculty with the dedication to implement the kind of community college the Indian people want. The goals and philosophy of the institution must be implemented in the classrooms, shops and learning centers throughout the Indian reservation. The perception and understanding of the Indian faculty of the role of the institution in the education of tribal members will determine the community college's future.

Another issue is the tribal-Federal relationship and the Federal role in Indian self-determination. The legal responsibility of the Federal government to the Indian tribes and Indian people should be clarified in order that every Federal agency dealing with Indian community college will be aware of the Federal government's obligations.

The Indian community colleges should also develop an accrediting agency to deal with the legal and cultural standards and qualifications of the tribal institutions and programs. The agency must establish standards in occupational education and cultural programs. Traditional Indians who are faculty members and lack White America's credentials

in academic disciplines must be given credentials based upon their knowledge and experience of traditional tribal life.

When considering an institution's philosophy, there are three main thrusts in learning to survive within the reservation environment.

First, the policy of assimilation philosophy provides general college courses without regard to future opportunities for Indian students. The second thrust is that of a cultural knowledge philosophy in which the college courses cover traditional philosophy, religion, social systems and tribal languages. The instructors, who have knowledge of tribal traditions are important for this program. The third thrust is the bilingual and bicultural philosophy in which the college course integrate technical skills and cultural courses.

Finally, the recently established Higher Education Consortium must deal effectively with the Federal agencies and national academic community. Collectively the separate institutions will be able to meet the challenges of development by sharing technical knowledge, supporting an accrediting agency and influencing the national academic community.

The most important product in higher education is the Indian student himself. The most crucial problem in Indian education is the failure of Indian students to stay in post-secondary education. Only twenty-five percent of the Indian students stay in post-secondary education after the initial year. The nation's higher educational institutions are unable to retain the Indian student within their educational programs. The Indian student simply withdraws or is pushed out of the standard system.

Higher education on the reservation must respond to the different educational needs of Indian people. The traditional centralized campus with a student body and a community services operation to meet education

needs throughout the reservation, or a higher education system that operates as "college without walls" seem to be the options presently open to Indian people. It is vital that both systems support the educational development of the tribal society. The program can be a regular college transfer, vocational-technical, adult education, tribal studies, community services or a General Education Diploma. Whatever the case may be, we are still dealing with the opportunity for Indian people to educate themselves.



### Footnotes

1. Report to the Navajo Tribal Council for Navajo Community College, Navajo Community College, Many Farms, Navajo Nation, Arizona, April 1972, p. 7..
2. Frisch, Dr. Jack A., Tribalism and American Indian Identity, "Educating the Educators", St. Lawrence University, July 12-30, 1971, p. 21.
3. Research and Evaluation Report Series No. 20-A, Higher Education Evaluation, IERC, Bureau of Indian Affairs, Box. 1788, Albuquerque, New Mexico, June 1973, p. 4.
4. Ibid., Graph 41, p. 46.
5. Maynard, Eillen, That These People May Live, Community Mental Health Program, Pine Ridge Service Unit, Pine Ridge, South Dakota, 1969, p. 91, 60, 25.
6. The Community College: Highlights and Issues - Curriculum and Instruction, Higher Education Center, School of Education, University of Colorado, Boulder, Colorado, p. 36.
7. Frisch, Dr. Jack A., Tribalism and American Indian Identity, "Educating the Educators", St. Lawrence University, July 12-30, 1971, p. 21.
8. Report to the Navajo Tribal Council, loc. cit., p. 7.
9. Ibid.
10. Ibid.
11. Report to Navajo Tribal Council, loc. cit.
12. The Community College: Highlights and Issues - Curriculum and Instruction, A New Community College Fills the Needs of the Navajo Reservation, p. 36.
13. Ibid., p. 37.
14. Report to the Navajo Council, loc. cit., Chart A.
15. Proposal to the Department of Labor by the Oglala Sioux Tribe.
16. Ordinance. No. 71-01 of the Oglala Sioux Tribe.
17. Lakota Higher Education Center Charter.
18. Congressional Record.

19. Report to the Navajo Tribal Council, p. 24.
20. "Bulletin," Black Hills State College, Center of Indian Studies, 1973.
21. Report to the Navajo Tribal Council, p. 24.
22. Ibid.
23. Bulletin, Black Hills State College, Center of Indian Studies, 1973.
24. Bulletin, Haskell Junior College, 1972.
25. Goldstein, Michael P., "Tribal Jurisdiction over non-Indians on Indian Reservations," Unpublished Paper, 1973, Study Commission on Undergraduate Education and the Education of Teachers, University of Nebraska, Lincoln, page 6.
26. P. 36, Indian Education: A National Tragedy - A National Tragedy - A National Challenge, Special Subcommittee on Indian Education, Committee on Labor and Public Welfare, United States Senate, U.S. Government Printing Office, Washington, D.C., p. 127-128.
27. Education Amendments of 1972, Report No. 92-798, United States Senate, 92nd Congress, Second Session.
28. Ibid.
29. Education Laws of South Dakota, 1968, Department of Public Instruction. The Allen Smith Company, Indianapolis, Indiana, 1968, p. 559-560.
30. Bureau of Indian Affairs Manual, Chapter 1, 25:13.

THE NEED FOR EDUCATION PROGRAMS  
FOR AMERICAN INDIANS IN THE PRISONS

by

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If one were to create a picture of the "average" American Indian from the negative statistics that are an integral part of Indian existence, one would find an individual who stands at the bottom of every social-economic-health-education chart that statistically describes the ethnic mix that is America.

Add to this average Indian a felony conviction and incarceration in a state or Federal prison; enclose him in a bleak concrete walled, steel barred cage measuring 5 feet wide, 7 feet high and 10 feet long; strip away his last shread of pride and freedom; plunge him into the depths of despair and the hopelessness that accompanies him in isolation; add the dehumanizing confines of prison life -- and only then can one start to comprehend the nature of a problem that plagues the most forgotten, neglected group of American Indians in this country -- the Indian prisoner or convict.

Most experts and authorities on the American Indian confess an

ignorance of Indians in prisons conceding that it is the most complicated and challenging of all the Indian problems that exist today. It is an area unexplored by the authors of Indian books be they Deloria, Burnett, Josephy, Chan or other writers who are generally regarded as the type of inquiring reporter who specializes in the revelation of little known historical, political or social issues.

Indians generally complain that "Indian policies and programs have been studied to death with little or nothing being done about the Indian recommendations in these studies." The record provides reasonable ground for such a complaint. It is also reasonable to complain that the gross oversight of a human tragedy unfolding in the prison fortresses cries out for a complete restructuring of the penal system. It is no small wonder for it is difficult to get comprehensive and qualitative documentation which will lend itself to constructive changes not only among the Indian inmate population but the institutions themselves.

It will be assumed in this article that the reader knows the general statistics and common problems of the American Indian both on and off the reservations. With this assumption in mind we will omit an indepth outline of general Indian conditions referring to them only when necessary.

Great concern and anguish stalks the Indian who finds himself charged with a felony. He usually lacks the financial means to secure competent legal counsel to properly defend himself in a court of law. Most Indians charged with a crime are confused and baffled by the legal system. They fail to understand the proposition that a man is considered innocent until proven guilty beyond a reasonable doubt.

One thing the Indian does understand, or feels very strongly,

is that the community is hostile toward the American Indian and that it is this hostile community that appoints a public defender to defend him. To eliminate any further embarrassment to his family, an Indian will often plead guilty just to get out of the courtrooms.<sup>1</sup> In large urban communities, Indians who have a chronic alcoholism problem with a long record of arrests often have pleaded guilty to the charge of being drunk in a public place in order to get food and lodging in the county jails. Jail thus provides a haven from the dangers of living in the streets and back alleys of the slums and wino districts where a person can be rolled, beaten or killed. Jail is preferable to going hungry or suffering from cold, biting winds that blow through the grey concrete canyons of the unfeeling, unyielding cities.<sup>2</sup>

Other Indians find themselves in innocent violation of laws they fail to understand. An example is the Navajo patient who spoke little English who walked away from a California T.B. sanatorium not knowing that as an active T.B. case he was committing a felony by leaving the hospital. "Did he know he was committing a crime; was he advised of his rights; does he understand a legal term? Does he belong in a penitentiary? No! Who does he turn to? Nobody."<sup>3</sup> He ends up serving time in San Quentin prison. Can anyone understand these dual standards of society that make it a criminal violation of the law for a person with a communicable disease to walk among the free people of society but once incarcerated free him to walk among the other prisoners?

The Indian is fighting in a system he does not understand. It is equally true that society does not understand the Indian because the Indian is often victimized by stereotypes. "I do not care how hard he tries as an individual, he does not have a fighting chance

to break through that barrier. It's reflected time and time again, the amount of arrests. These are the things brought out in the hearings, the amount of arrests of Indians percentage-wise, according to the given community, the amount of Indian people in prison. These are two things that are just outrageous, according to our population and to the whole country. There is something very wrong, very lacking in our society that Indians are in these positions. These are things we have really got to concentrate our efforts on."<sup>4</sup>

If there is a disproportionate number of Indian arrests, if there is a disproportionate number of Indians sentenced to serve time in the state or Federal penitentiaries, where are the agencies one might consider able to respond to this crucial question? In truth, one would have a difficult if not impossible time in locating such an agency if the need arose, particularly if one were to find himself locked up in a country jail awaiting trial.

In the various organizations expressing an interest in the legal status of the American Indian, you will find the predominant theme among them is that of protecting and preserving the tribal political status, water rights, mineral rights, land claims, Indian-Federal legislation, etc. with little or no concern or involvement in the field of criminal law. In California, the OEO funded California Indian legal services can not lend themselves to a legal defense of Indian defendants in civil or criminal matter due to funding guidelines which prohibit such action. Their guidelines limit their activities to issues which are peculiar to the Indian tribe. The result is that no public agency makes a common practice of providing legal assistance in civil or criminal cases involving American Indians.

It must be noted, however, that in 1967 the Bureau of Indian

Affairs funded a pilot project in Los Angeles for providing legal services for relocated Indians. A firm headed by Fred Gabourie, a member of the Seneca tribe, was used. The program's initial funding was to allow Gabourie to provide telephone consultation only. If a case went to court no funds were allocated for conducting the defense. The result was that Gabourie often times had to donate his own time and legal talents free of charge to defend an Indian client. A drastic financial drain on Gabourie's firm resulted and left some Indians without a competent legal defense when it was most needed. The Bureau of Indian Affairs was advised of this dual hardship and ultimately responded by increasing its funds to allow for courtroom defense in some minor criminal cases.

If Indian people were frustrated and angered by the failure of the BIA and other Federal agencies to respond to human needs, it may be said that they could be equally frustrated and angered by the vacillation of Federal policies once a program is launched. In this instance, a reorganization of the BIA shifted the funding of community services to a totally tribal situation. Under this new alignment primary authority in funding legal services depended on official Federal recognition. Tribal chairmen and councils hailed this realignment as a step long overdue on the part of the BIA in granting greater powers to reservation leadership. But the realignment served to block this legal assistance program in Los Angeles which was serving the legal needs of 45,000 Indians, because the program did not have a land-based reservation status required by the reorganization policy. The urban Indian felt an increased sense of alienation because of the withdrawal of these services. It was like a wedge being driven even deeper between the urban Indians and the reservation communities.

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PUBLIC SCHOOL FINANCING CONSIDERATIONS  
FOR AMERICAN INDIAN EDUCATION

by

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TABLE OF CONTENTS

INTRODUCTION . . . . .	86
Section I - CURRENT PROBLEMS--FINANCING EDUCATION . . . . .	90
Section II - FEDERAL AID . . . . .	101
Section III - EDUCATIONAL NEEDS AND FINANCE MODELS . . . . .	104
Section IV - RECOMMENDATIONS . . . . .	119
APPENDIX A . . . . .	120

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The Los Angeles legal program is no longer funded by the Bureau of Indian Affairs and is now limiting its civil and criminal activity to a case-work basis that must have tribal approval before any legal defense action can be undertaken. The program is sporadic and frustrating to everyone.

An example of how an Indian of low economic standing can become a convict is the typical pattern involving drunk driving. The usual fine in California is \$350.00. If a person arrested for drunk driving is gainfully employed he can make arrangements with the court to pay the fine in installments or serve up to sixty days in the county jail. If the family can secure a loan from a loan company to pay the fine, they are then faced with a financial problem in trying to repay the loan with its approximate 22% interest added on. With their meager income do they pay the rent, the car payment, let the family go hungry or pay the loan? If the family cannot get the money to pay the fine and the husband is thrown in the county jail, their income is cut off. They cannot pay the rent, food bills or car payment. Confronted with the seriousness and complexity of the situation, Indian men have been known to run back to the reservation with their families thereby becoming a fugitive through unlawful flight to avoid prosecution; or they may abandon their family and head out to another city compounding the problem even further; or the Indian might go out and pull a hold-up or burglary to get enough money to square things with the traffic judge.

In any of the instances, when the Indian is caught, he invariably ends up in prison and his family is thrown onto the welfare rolls of the state. Those who can not get the necessary funds to post their bail are often held for weeks or months in the city or county jails

while they await their trials. There they usually share the same cells with convicted criminals who are doing short time and thus exposing them to potentially dangerous situations. Fifty-two percent of the nation's jail population are "confined for other reasons than being convicted of a crime" or to put it more bluntly, they are too poor to pay the bail bond broker.<sup>5</sup>

It seems quite appropriate to suggest if the Bureau of Indian Affairs were to give a hard look at crime prevention, they could find a program to keep non-criminal types of people from becoming criminals. Even though this society espouses justice, the very process of operation of laws often creates the quagmire that entraps helpless victims. "Law becomes a trap for the unwary and a dangerous weapon in the hands of those who understand how to use it."<sup>6</sup>

To the Indian, who sees the inconsistency of the judicial system time after time, the cumulative experiences of the courts serve only to further alienate, frustrate, confuse and anger him. With great bitterness he recalls the history of his people in relation to the Federal government, a government that took egocentric pride in its history books in being a nation of great ideals and standards of fair play.

If the role of the Indian is so tenacious in a free society what then of his existence in the prison system? Again it is important to know something of that system and how it operates. As far as prison authorities are concerned, there is one common denominator in the inmates placed under their custody and treatment which is that all have been convicted of a crime and sentenced to serve time. It would seem therefore that one could expect to be treated equally in the prison system. In actual practice prison differs little from outside

society. The bias of prison existence is sometimes subtle, but oftentimes open and flagrant against minority inmates.

Prisons are societies set apart, a foreboding set of institutions, thirteen in the state of California alone, that invite little or no community involvement. People disappear into those civil fortresses of concrete, brick and bars never to be seen or heard from for years. With the growing Indian population in California, it would seem that the number of Indians incarcerated in the state institutions would grow in direct proportion. But during the years since World War II the Indian population in California's prisons was disproportionately growing. By 1960, it was becoming apparent to officials at San Quentin that they had a unique problem. The Indian inmate population was large and the Indians were totally unresponsive to institutional programs. They were considered sullen, bitter, withdrawn and hostile toward those who attempted to counsel or help them. In the "jungle" (main yard) they hung around one wall which came to be known as "Indian wall" where they often gave other prisoners a rough time. Whenever they could find the materials (glue, paint thinner or gasoline) they would "sniff" to get on a "high."

This situation was a concern to prison officials who recognized the symptoms not only as a prison problem but as a deep social concern. These men were not being rehabilitated, they were becoming habitual and sometimes professional criminals. They were doing "hard time" (in prison slang) as opposed to doing your "own time." Doing your "own time" simply meant to do your sentence with as little fuss to those around you as possible, to be on good terms with everyone and to get out as rapidly as possible. The Indian prisoner did "hard time" due not only to the social-psychological problems he had when

he entered prison but also to those additional attitudes he acquired while incarcerated.

Prison guards were particularly tough on Indian inmates because both a communications and a cultural gap. They expected an inmate have immediate response to an order given. One Navajo who could hardly speak or understand English had an especially difficult time with the guards. When one approached him giving an order, he sat there trying to understand. Then the guard angrily repeated the order in a loud voice. The tone of voice the Navajo understood, not the meaning of the words; he turned to the guard and said "Go to hell." With that, the Indian was thrown into the "hole" (solitary confinement) for his insubordination.

Some Indians were to say they had been thrown in the "hole" on a "silent beef" which meant they gave a guard a tough look but did not say anything. The prison counselors were frustrated in their efforts to bridge the communication gap. They often entered in the record jacket of the Indian that he was sullen and unresponsive. The Indian response was "Why should we talk to these guys, they don't know anything about Indians. You ask them about Bureau of Indian Affairs programs and they say they can't help, so what is the use talking to them? Besides, they give us only fifteen minutes. Hell, it takes us more time just to get acquainted in the Indian way." With this polarity of positions and attitudes, it is not difficult to understand why Indians served longer sentences than non-Indians for the same types of crimes, twice as long as the White man, longer than that of the Black man.

Finally the situation broke into the open. Pat, an Oklahoma Indian, made good his escape from San Quentin by swimming across

Richardsons Bay. He climbed the cold fog shrouded Mt. Tamalpias and stayed there meditating and thinking things out for three days and nights "getting his head together." At the end of that time Pat walked down the rocky brush and pine covered slopes to a nearby home and asked the owner, Mr. Dudley Steckmest, to call the police as he wished to surrender himself. Steckmest was greatly impressed by the Indian's politeness. Even when offered coffee and food, he preferred to eat on the porch rather than go into the house as he had been invited.

While waiting for the police to arrive, Mr. Steckmest talked to Pat and found him to be very quiet and well-spoken. Pat volunteered the information that he had just returned from military duty in Korea and as most G.I.'s do when they arrive back in the States, Pat got "roaring drunk." He went into a hotel room and attacked an elderly woman but he did not rape her. Her screams aroused other tenants who called the police. When they arrived, Pat was passed out on the bed.

Pat was convicted of assault and mayhem and sent to prison. When his time came to make an appearance before the board to secure his release through parole, he found his parole denied. The board stated he was sullen and unresponsive and therefore not ready for release. This situation went on year after year. Hope gave way to frustration and bitterness and finally Pat resolved to escape. By the time of his escape, he had served eleven years in prison. By contrast the average time served for second degree murder was only six years.

The resultant newspaper publicity concerning Pat's case and the support of Dudley Steckmest, who turned out to be a very influential

business executive, created an unwelcome controversy for San Quentin.

The usual felony rap for escaping prison was waived by an embarrassed board and the thirty day solitary confinement in the "hole" was cut to fifteen days. Pat's next visit before the adult authority was a favorable one. Less than a year after his escape attempt, Pat was a free man on his way to rejoin his family in Oklahoma.

Prompted by embarrassment and frustration in dealing effectively with the "Indian problem" in San Quentin, officials decided to secure outside help and assistance. Mr. Joe O'Brian took on the initial responsibility of acting as sponsor for the Indian inmates. Through his efforts they contacted Walter Lasley, a Pottawatomi, at the Intertribal Friendship House in Oakland. Walter helped them set up a monthly visitation program where Indians of the outside community were invited to attend meetings in San Quentin.

It was not an easy program to launch. The Indian inmates had developed a paranoic distrust of everyone they encountered inside the prison walls, even a fellow Indian. Every visitor was subjected to a subtle line of questions which sought to determine the motives one might have in coming there. Some of the guests were there out of curiosity and showed little interest in becoming involved. Some were rudely treated and never returned. Walter had a difficult time getting anyone to participate in the visitation program. A problem maintaining a sponsor for the group arose after the transfer of Joe O'Brian.

In 1963, a Hawaiian by the name of E. E. Papke was literally pushed into the role of sponsor by the inmates. Officer Papke was to prove a natural motivator of people. The Indian inmates could relate to this large, jovial, brown man they soon proclaimed to be of

the "Pineapple Tribe." He encouraged the inmates in greater participation and discussions in their meetings. As the confidence of the inmates grew in conducting their own meetings and in relating to one another attitudes of suspicion and hostility slowly started to diminish and were replaced by a sense of optimism and hope. Men who had been in prison more than five years were exhibiting a positive attitude unknown in earlier times.

A vitality and vigor emerged from the group when they had a permanent, interested sponsor. The visitation program was developed into a stable, dependable resource. The Indian inmates found they would be eligible for more institutional programs, such as office space, books, etc. if they formed an organization. They set about writing a constitution and by-laws under the title of "The American Indian Cultural Group." They received official recognition in 1964 by securing a state charter. The elected officers were able to get an office as promised, and they set up shop and looked forward to meeting new and old challenges with a feeling of growing optimism.

With the examples set by this new organization came the recognition by other groups within the prison. Several members of the American Indian Cultural Group (A.I.C.G.) were invited to sit on a panel discussion of inmate problems. As the discussion got underway, the Indians were stunned by the questions they received. They were not asked about Indian problems in the prison system, but about Indian culture, religion and history. "Damn, we felt dumb as hell, sitting up there in front of all those people and not knowing the answers to the questions," one of the Indians remarked. With the help of Papke and outside Indians they started to amass a collection of books covering all facets of the American Indian. They were soon

subscribing to every known Indian magazine, newspaper or periodical they could get their hands on.

When the panel arrived at the visitation meetings it was refreshing to find the discussions concentrating on cultural activities and events on the outside. Indian politics, both on and off the reservations, took on a new importance to the group. The outside Indian community was now also their concern. At one meeting, the panel told them of an incident which occurred in one of the Bureau of Indian Affairs' training schools in electronics. A young Indian trainee who had the reputation of a tough guy provoked a fight with another Indian. In the struggle, the tough pulled a knife and stabbed the other in the chest, missing his heart by less than an inch. No charges were filed with the police but the problem still existed with the tough Indian. We asked the group what we might do. They responded with a suddenness that surprised the guests. "Bring him here!" they choroused.

It was arranged to have all the male students of the program, including the unsuspecting tough, to attend a couple of sessions with the convicts. They talked openly and candidly with students. Some told of how tough they thought they were on the outside and how really tough they must become if they are to exist in prison. The lesson had its affect. . .not only on the now former tough but on the other Indian youths as well. When the talk centered on education, one young guest volunteered the fact that he had a college scholarship but was not going to use it. One of the inmates told him, "Boy, I sure as hell wish I had your opportunity; I would give my right arm to get a college scholarship like yours."

The return trip to Oakland was in marked contrast to the light-hearted conversations which characterized the trip to San Quentin.



The students were now serious. Some expressed a fear of the prison and pity for the Indian inmates. The young man with the scholarship announced he was going to college to the great delight of the other students. "Way to go man." Slaps on the back emphasized their support.

The years of 1967 and 1968 were busy years among the Indian inmates of San Quentin and for the United Bay Area Council of American Indian Affairs, which was the first Indian organization to take on a sponsorship role for the Indians of San Quentin. The Chairman of the Council, Adam Nordwall, was elected to be the official outside representative of the American Indian Cultural Group. In that capacity he made a presentation with a written proposal concerning Indians in the prison system of California before Commissioner Bennett of the BIA during Bennett's tour of relocation centers in the state.

Not only did Commissioner Bennett take an interest, he took action. Bennett delegated "Buck" Smith of the BIA to enter into negotiations with the California State Department of Corrections to implement a program based in large part on the proposal submitted to Mr. Bennett by Nordwall.

On December 12, 1968, members of the BIA and officials of the California State Department of Corrections gathered in the chapel of San Quentin. It was a momentous day for the Indian inmates sitting in the chapel pews charged with the excitement of knowing that history was taking place. A "Joint Statement of Principals of Cooperation" was entered into between the BIA and the State of California. The agreement called for three essential services for the Indian eligible for parole. In brief:

1. Direct Employment Assistance.

## 2. Adult Vocational Training.

## 3. College Scholarships.

No more would an Indian who received a RUAPP (Release Upon Approved Parole Program) have to spend additional months -- even years -- waiting for such an outside opportunity to develop. With the implementation of the "Joint Statement," Indians formerly denied parole were now eligible. This new opportunity produced greater incentive for the men doing time to "shape up."

Disciplinary problems eased as the inmates redirected their efforts toward becoming involved in the institutional programs such as the work details, the shop, the training programs and the educational programs. Inmates soon had a list of achievements written in their "jackets" (prison records) and were ready to appear before the parole board when the time came. When the visitation program first started there were sixty-eight Indian inmates at San Quentin. By early 1969 the number had dropped to a record low of seventeen. Transfers from other California institutions to San Quentin and parole violators have since brought today's figure up to approximately thirty-six.

The cultural group started a newsletter to disseminate information which they felt would be of assistance or interest to Indian inmates of other prisons not only in California but in other states. When it came to printing the newsletter however, they found the costs to be more than they could afford. The United Council came forward with the necessary funds to get the publication off the press. The first issue of the "The American Indian Cultural Group Newsletter" made its debut December 1968. The BIA later funded a proposal to continue the publication recognizing the information's value to inmates, especially those in the pre-release time of their sentence.

In 1967 the inmate population of San Quentin saw its first full-fledged pow-wow. It was a cooperative venture involving Indian inmates, prison officials and the United Council. It was the first public event of the cultural group in the sense that all the inmates in San Quentin would be welcome to attend.

The Indian inmates suffered all the apprehensions that anyone staging a show would have and in this case, more. A choral group called "The Young Americans" had recently completed a performance in San Quentin. In singing the National Anthem to open their show, they were unsettled by the refusal of a large group of inmates to stand at attention. Later in the show, while doing a patriotic number, boos and jeers emitted from the audience. It was no small wonder the Indians were nervously sitting on the edges of their seats as the Indian Grand Entry started.

From the walkway behind the laundry and out into the recreation field came forty tribal dancers in step to the Grand Entry song. The color and beauty of the outfits they wore stood out in sharp contrast to the somber surroundings. It was a dazzling display of brightly decorated eagle feathers, fancy beadwork, buckskins and fringed shawls. The steel bells strapped just below the knees of the men dancers chimed in cheerful cadence to the beat of the drum. Whistles and cheers were the first sign of approval registered by the inmates.

When the flag song was announced, the Indian inmates held their breath as they watched the audience as a body rise to their feet in respect of Indian tradition. The Indian inmates knew then that their outside performers had been made welcome and accepted. The dancers performed dance after dance to the delight of their captive audience. Tough Indian cons seeing their first pow-wow brushed back tears they

could not stop.

The pow-wow was the topic of discussion for weeks after among inmates and personnel alike. Their praise caused one Indian inmate to comment that he felt ten feet tall with pride over what had been achieved that day. The pow-wow has now become an annual affair and continues to be the only program where Indian women and children are allowed to come in with the men. The success of the Indian program at San Quentin added to the improvement in attitudes not only among the Indian inmates but created an attitude of growing respect and admiration of the Indian group by prison officials.

In contrast to the outside universities and colleges where students were demonstrating to get ethnic studies included in the accredited curriculum, officials in San Quentin's Adult Education Department were eager to enter into discussions about the possibility of starting a Native American Studies class in their education courses. They began seeking an Indian with a college degree or a California teaching credential in anthropology or sociology to teach this class. Finding a teacher was not an easy task. There were very few Indians in the entire state of California who met those qualifications and fewer yet who lived in the San Francisco Bay area who would be available for such an assignment. A growing national interest in ethnic studies caused the demands for Indians possessing a college degree in these areas to far exceed the limited supply.

Dr. Hastings of the San Quentin Education Department contacted Adam Nordwall who was still the elected outside representative of the American Indian Cultural Group to discuss the problem. Dr. Hastings felt Nordwall had all the background and knowledge necessary to teach the course and knew that Nordwall had some teaching experience in

sociology at California State University at Hayward. He tried to offer Nordwall the job but a problem developed when Hastings discovered that Nordwall had never attended a college or university.

In fact, he had never had any formal education. The extent of his education was attendance at the Bureau of Indian Affairs boarding schools of Pipestone, Minnesota and Haskell Institute in Lawrence, Kansas.

Hastings hit upon a novel plan. Nordwall was asked to get signatures of people holding Ph.D.'s in education vouching for his "expertise." The idea was to get Nordwall awarded an "eminence credential." Nordwall had more than enough friends and associates to vouch for him and interim approval was given by Dr. Max Rafferty, Superintendent of Public Instruction. On October 14, 1969 Nordwall was awarded a formal lifetime teaching credential by the California State Board of Education. A course outline was drawn up and submitted to the Marin County Board of Education for approval. Nordwall had his fingerprints taken, mug shot, clearances and identification card issued and found himself assigned to teach a class on American Indian Culture and Traditions in the Spring semester of 1969.

In order to get to his 6:00 p.m. class it was necessary for Nordwall to take off from work at 3:30 p.m., change clothes, gather books and materials, hop into his car and start toward the freeway. It was a sixty-two mile round trip to San Quentin through the entire Bay Area during the rush hour to the village of Tamal, the town that serves as a mailing address for the prison. Only the "in" people know it as the San Quentin address since it helps provide a sense of anonymity for mail going to family members on the outside.

A huge double hung, steel-barred gate blocks the road adjoining

between exemption on items such as food to credit against tax liability.

While the sales tax is relatively easy to collect and generates tremendous amounts of revenue, it has some drawbacks. Some of these drawbacks are: (a) it can be regressive relative to income, (b) it can cause economic distortion, and (c) it can affect economic decision. Even with its negative aspects, it still produces better than thirty percent of total state tax revenue; therefore, it plays a vital role in educational financing.

#### Revenue Source (Income Tax)

The advantages of the personal income tax are so well known that only a brief summary is required. Not only does it provide major revenue for the Federal government but approximately forty-one states utilize the state income tax.

Some of the advantages of the personal income tax are that it: (a) relates to the tax paying capacity of the taxpayer, (b) takes into account special circumstances such as illness, size of families, and other hardships, (c) has a high degree of elasticity, and (d) is easy to collect through payroll deduction. Two of the negative aspects of the income tax are: (1) revenues decline rapidly in times of economic recession and (2) evasion is possible due to exemptions and other complicated factors.

Although other taxes, such as corporate income, excise, estate and inheritance and severance, are extremely important to any school funding program they will not be discussed in this paper. A thorough analysis should be made of all revenue sources when planning finance programs.

#### Equalizing Educational Opportunity

Equalizing--The per pupil expenditures create a prime force case

Tamal. There, on a typical class day, Nordwall's credentials and gate clearance for that day are checked out by the guard. Finding everything in order the guard signals to a blue denim clad trustee who obediently swings open the large gate permitting a car access to the outer security zone of San Quentin. Once a place was selected in a lower level parking lot, Nordwall would take the short walk up a flight of stairs to another security gate complete with a metal detector. An Indian has to remove his metal buckled belt, ring, turquoise and silver bracelet, watch, bolo tie and any other, typically Indian object he may be wearing plus the usual metal things found on non-Indians such as keys and coins in the pockets.

From there Nordwall would go to the restaurant operated by the San Quentin employees association but staffed by prison trustees. The food was of good quality in contrast to the inmate food served only a scant hundred yards inside the walls and was paid for by meal tickets. The tickets were apparently used to remove the temptations of handling real money from the trustees so books of tickets are sold at the cash register...manned by another trustee, which leaves one wondering about the logic of it all.

After dinner, Nordwall would then proceed to the first of the several massive brick buildings in the prison complex where he would sign the registration book and the guard would check out the briefcase and books brought in for the evening class. The guard would make small talk, "Hi Chief, how's things going on the reservation? When are you going to get a haircut?"

From a large key ring secured by a chain to a wide black belt he would select a huge brass key that unlocked a steel gate allowing access to a corridor. The steel gate would slam with a grim metallic

bang behind him as he walked the corridor. The sound of his footsteps would echo against the solid masonry walls. At the end of the corridor was another steel door. This one was solid with a small window. This door would only be opened after the first door was shut. The trustee assigned to this door would give a quiet but cheerful greeting as Nordwall passed by into the inner court.

At this point many people who go inside for the first time invariably stop in awe of the beautiful landscaping of neatly trimmed lawns bordered by gardens filled with a colorful profusion of beautifully manicured flowers, a circular concrete pool with a small fountain gushing from its center and splashing over the surface of the water and the sparkling scales of the gold fish below adding to the effervescent effect of the fountain. Towering over all this beauty is a rare giant evergreen tree imported from Australia and casting its broad shadow over the unexpected, almost unreal, panorama greeting the visitor's eye. The diversion does not last long. The spell is broken for the visitor by the reality of where he is and what his purpose is in being there.

In the education building, Nordwall checks out his class roster and is given his own set of keys for the classroom and its supply cabinet containing paper, pencils, etc. He checks his mail box type cubicle to see if any administrative memos require his reading.

Nordwall then goes down three flights of concrete stairs in the education building to the classrooms which are located deep in the bowels of this human fortress. There are four classrooms on the lower level with one guard stationed near the foot of the steps. Inmate students from the various cell blocks gradually fill the classrooms. The crimes for which they were convicted range from



narcotics violations to first degree murder.

There were several incidents while Nordwall was inside the walls. A body of an inmate was carried past him in a corridor, a ten inch spike with a tape wrapped handle had been stabbed through his brisket, and skewered his heart. His buddy, his throat slashed, was rushed to the infirmary to be saved by the fast action of the medical staff. Just prior to the grand entry ceremony of the fourth annual pow-wow an inmate was "hit" (stabbed) behind the stands. His body was quickly hauled out before the Indian dancers were aware of it. Nordwall knew what had happened but did not show it as Master of Ceremonies. Not knowing what to expect next, the tension among the inmates was heavy. Additional armed guards took their places around the field and the pow-wow went on. The inmate reaction to this colorful diversion from the morbid beginning was terrific. They responded to the performances with cheers and standing ovations.

Another incident occurred while Nordwall was being checked in. During a violent racial outbreak, five inmates had been "hit" while they were taking showers. Convicts were running the corridors slashing and stabbing with handmade knives and shivs. The red light high above the main building started flashing its sign of distress. The internal security system of the prison went into action as guards armed with rifles, shotguns, machine guns and tear gas canisters went trotting past heading for the trouble wracked East Wing. The Marin County Sheriff Department was called in to beef up the security measures. Even civilian employees were issued arms to help contain the violence. Nordwall watched the drama being played out in front of him almost as if he were watching a war movie; the major difference being that he was caught up in the middle of it.

This is the type of oppressive, even fearful, atmosphere where instructors are expected to conduct classes. Some were to find the situation so foreboding as to teach only one session then resign their position, thus adding to the problems of the Education Department in securing the services of a replacement instructor.

Nordwall, however, had been coming over to San Quentin for more than five years by this time and knew what to expect as well as the do's and don'ts of prison procedures. The American Indian Cultural Group had known of the plans to establish the class and had worked toward having as many members as possible sign up for the course. They were required to have a good classification rating on their "jackets" in order to be eligible for the class. Even though this was an obvious carrot on the stick approach, it helped minimize the institutional problems for those seeking admittance to the class. Thus, the Indian students felt they had "earned" the right to sit in that class and were very cheerful about being there. Several non-Indians also signed up for the class.

Nordwall's teaching techniques with respect to non-Indian students were perhaps as unusual as his outside activities. He felt that it was not enough for students to take courses about Indians and learn about them from a detached point of view. Rather he felt it was of paramount importance for the non-Indian students to relate to the subject from the Indian perspective, their sense of logic and values. To gain this type of awareness and empathy, every non-Indian student was assigned a tribal identity and made to trace the tribe's history back to earliest recorded times. This procedure became very important for the Indian students as well, for at no time in their personal experience had such a requirement been asked of them. While

some of them could relate recent tribal history they shared many of the same problems as the non-Indian students in knowing little about the specific history of any one tribe.

In the prison setting this was a difficult assignment. The prison library was very limited in materials dealing with the American Indian. This situation was not unusual as we find a pathetic shortage of significant publications relating to the Native American studies in many colleges and universities. The students pooled information relating to the larger tribes or those smaller tribes who offered greater resistance to White control and domination such as Captain Jack and the Modocs. Those students tracing smaller tribes had great difficulty locating information regarding tribal life styles. Many were dismayed at not finding one single reference to their tribe in contemporary times. It was almost as though the tribes had ceased to exist at all.

This assignment gave every student a slightly different path to follow but they could cooperate with each other in exchanging general tribal information. This cooperation was to act as a stimulus for all the students. Oral presentations were given concerning Indian religion, life styles, government, etc. Comparative Indian cultures were openly discussed. Every student was encouraged to participate in the dialogue. Indian inmates who were generally withdrawn or shy could not resist the temptation to join the class when they had information to contribute that no one else in the room appeared to have. This participation was to help them in several ways. It motivated them to study their tribal history which had never before been considered as very important to them. It also helped them to express themselves in front of others which added to their confidence and self-assurance.

Educationally, these are just several of many different types of procedures an instructor has at his disposal. In a prison setting one must also be aware of the psychological attitudes of his students if he is to concern himself about the rehabilitative aspects which education can give the inmate student. The Indian inmate suffers a multiple guilt complex over his incarceration. His lack of self-confidence, pride or self-worth is felt very strongly but he lacks an understanding of the overall conditions which contribute to this negative attitude. Nordwall held the opinion that if the causative factors of these negative psychological conditions were exposed in such a way that the inmates could relate to and understand them, it would serve to shift the burden of guilt away from the individual and onto the system under which he must function. Once having recognized the central source of the problem he would then be better equipped to cope with his present situation.

A chart was drawn on the blackboard to illustrate the enforced change the Indian was to undergo. By following each line, one could perceive in the simplest terms possible the drastic enforced changes an alien society would impart on the native inhabitants of this land. In the classrooms, Nordwall would discuss those changes of the life styles B.C. (Before Columbus) and follow it through to the end result in the attitudes created or imparted by these efforts at coercive assimilation. The verbal explanations expanded and documented the central concept of the chart.

Nordwall taught two semesters at San Quentin and was followed by two other Indians. Larry Myers taught two semesters and Steve McLemore taught the last two semesters before the adult education programs were closed after the bloody violence of August 21, 1971 in which

B.C. (Before Columbus)	Replaced By	Effects to Tribe	Effects to Individuals
GOVERNMENT	Bureau of Indian Affairs paternalism	Loss of Self-government, Powerlessness, Dependency	Loss of Motivation, Apathy, Frustration, Despair
LAND AND RESOURCES	Reservations Termination	Fear Distrust	Fear, Distrust Anger
TRIBAL RELIGION	Churchianity	Agnostics, Atheism Disparagement	Moral disintegration, Alcoholism, narcotics, Crime
NATIVE EDUCATION	Bureau of Indian Affairs Boarding Schools	Culturicide	Loss of Self-worth, Loss of Identity Alienation
TRIBE	Relocation, coersive assimilation	Break up of tribe, Disunity of community, splinter-group interests	Loss of identity, Loss of Confidence

three guards and three inmates, including Black militant George Jackson, died.

Steve McLemore, who now teaches in the Native American Studies Division at the University of California, Berkeley, commented later on his difficulties in teaching the class at San Quentin. He abandoned his structured course outline after the first three weeks of the class because of the disparity in the educational achievement level of the students which ranged from the third grade to four-year college level. He was frustrated by the lack of continuity in the program caused by students missing classes due to the frequent lock-ups.

In addition to the basic lectures, McLemore employed guest speakers to add to the variety of the course. Whenever possible he would show Indian movies and documentaries that emphasized culture and tradition. He found himself agreeing in concept with Nordwall that the course must have great flexibility in order to maintain the interest and involvement of the students. When the discussions concerned Indian singing, for example, the students wanted to learn to sing. A rawhide drum was brought into San Quentin for that purpose. It may have upset the other classes when the drum beats reverberated through the walls but the Indians thoroughly enjoyed it.

Today the classes are shut down because violence still stalks San Quentin. From January 1, 1973 to November 10, 1973 there were forty-six stabbings reported and six killings. Security measures are not the most stringent in the history of the institution.

During the time the educational program was in effect the American Indian Cultural Group was concentrating its efforts on making it possible for parolees to "make it" on the outside. They envisioned

a half-way house where the parolees would live while they underwent the transition from prison life to that of living in the free world. In 1970 they submitted a proposal to the Donner Foundation for such a program. The foundation gave them \$25,000.00 in July 1970 and later that year in October they received a matching grant from the Luke B. Hancock Foundation. They had a difficult time in locating a suitable residence because of the strict building codes on multiple occupancy buildings. In April 1971 the All Tribes Halfway House, Inc. opened its doors and started operations with five Indian parolee residents.

Without going through all the details of the events surrounding the activities and programs of the All Tribes Halfway House, it can simply be stated that staff programs and financial support quickly disintegrated. Perhaps the minutes of the meeting of January 24, 1972 summed up the problem best when they described a parolee who had lost an important HRD position by saying, "His interest seemed to expire before the job did." In the summer of 1973 the All Tribes Halfway House was closed and the building sold.

In spite of all recent efforts to help the Indian inmate secure his freedom the rate of recidivism has climbed to an almost unbelievable figure of over ninety percent.<sup>7</sup> Not much of the original program remains except that the BIA has continued its part of the agreement under the "Joint Statement."

The collapse of the Halfway House seems to represent a failure of major proportions and an indictment of the prison system's inability to rehabilitate. There are tremendous pressures on the prison system for reform and there are demands from some quarters that the prison system be abolished altogether. But remedial changes of any

magnitude in entrenched bureaucracies are among the most difficult to achieve.

The American Correctional Association points out in their Declaration of Principles, item 6, "The two-master forces opposed to reform of the prison systems of our several states are political appointments and a consequent instability of administration. Until both are eliminated, the needed reforms are impossible." There are decided parallels between the policies, procedures and practices of the prison system and the Bureau of Indian Affairs. Alvin Josephy, Jr. wrote that the BIA "is literally drowned in paperwork while on the reservation level the Indians wait. It is therefore, not possible to conceive of change and improvement within the present structure."

We see in the massiveness of both bureaucracies an inability to function which prevents them from realizing the possibility of any adaptive change. The irony of this statement lies with the fact that both agencies are responsible for the control and shaping of the lives of man and in the context of this report bear a major portion of the responsibility for the inability of an Indian parolee to take his place in society.

Both systems are responsible for the "collective dependency" of the American Indian. Both systems are geared to destroy "individuality." Both systems are paternalistically rendering the people under their charge into a permanent status of dependency. Both systems establish the policies under which their charges are placed. In no instance does the Indian have significant voice in the formulation of those decisions or policies which affect his very life.

For generations there has been no real self-government on the reservations, tribal councils could only function within prescribed



guidelines handed down by the Bureau. A quick review of the code of Federal Regulations, Title 25, will substantiate this statement.

Many council resolutions which propose any significant changes on the reservations are nullified by the time consuming process of approval or rejection exercised by government officials who possess veto powers over any proposal on the lower levels of the bureaucracy. The prison system follows essentially the same procedures.

There are few major differences between the enforced coercive dependency of the American Indian under the prison-reservation systems and the collective interdependency of tribal ways. Both in their own way are contributing factors for the failure of the Indian exconvict to make his readjustment into free society. He has not been given the experience and background of personal decision making. The Indian convict's total existence has been in environments where decisions have been made for him.

If we are to truly help the Indian convict the entire process of cultural deprivation on all levels must be reversed. Self-government, the right to make decisions, must be instituted. Religion-whether it be churchianity or traditional-must be the free choice of the Indian, free from the "hard sell" of the missionary movement. Native education should be encouraged and developed to rekindle the flame of pride and self-worth among Indian peoples. Being bicultural and bilingual should be a badge of honor instead of the disgrace of former times. Coersive assimilation policies of the government must stop. A great emphasis must be placed on job training and higher education on the reservation level to allow Indian people to maintain a viable land base and the maintenance of the tribe as a nuclear family.

Treat all men alike, give them the same law. Give them 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. Let me be a free man...free to travel, free to stop, free to work, free to trade where I choose, free to choose my own teachers. Free to follow the religion of my fathers, free to think and talk and act for myself... and I will obey every law, or submit to the penalty.

Chief Joseph

Until these things can be made to come to pass, some government agency must assume a responsibility for educational programs for the hundreds of American Indians now suffering silently in the nation's prisons. Their special needs must be met. Programs and services must be given them so that the whole purpose of incarceration, rehabilitation, can take some orderly course in their lives. They are the most forgotten of the people already relegated to the past by the inattention of this society. Their imprisonment will become the final and ironic twist in the story of the American Indian unless a concerned Federal agency takes up the challenge and becomes involved in their lives.

Footnotes

1. Papke, National Council on Indian Opportunity Hearings, San Francisco, April 11-12, 1969, page 61-62.
2. Television interview, "First Americans", September 1973, KPIX, Westinghouse.
3. Papke, 1969, p. 57.
4. La Donna Harris, 1969, p. 61.
5. Kinda and Usual Punishment, Mitford, p. 17.
6. Ibid., p. 5.
7. Phil Swain of the Central California Agency of the Bureau of Indian Affairs.

## NEW POTENTIALS FOR MODERN INDIAN

## ECONOMIC DEVELOPMENT

by

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The need for economic development on Indian reservations is perhaps greater now than ever before. Indian leaders have the conviction that if Indian governments fail now to move towards self-development they will miss the last opportunity to do so before the enormous pressures upon them and their resources (water, fuel, land, etc.) engulf them. While pressures are intense, conditions are also such that it may be possible for Indians to accomplish now what was not possible five years ago, or what will not be possible five years hence. Not only is there a greater motivation in the Indian people at the present time, but there is also a greater development of talent and Indian resources which can be used in their own behalf.

The key to any discussion about economic development on Indian reservations is the recognition that economic development is only one aspect of the total number of functions that must be successfully integrated by the leadership of the Indian communities.

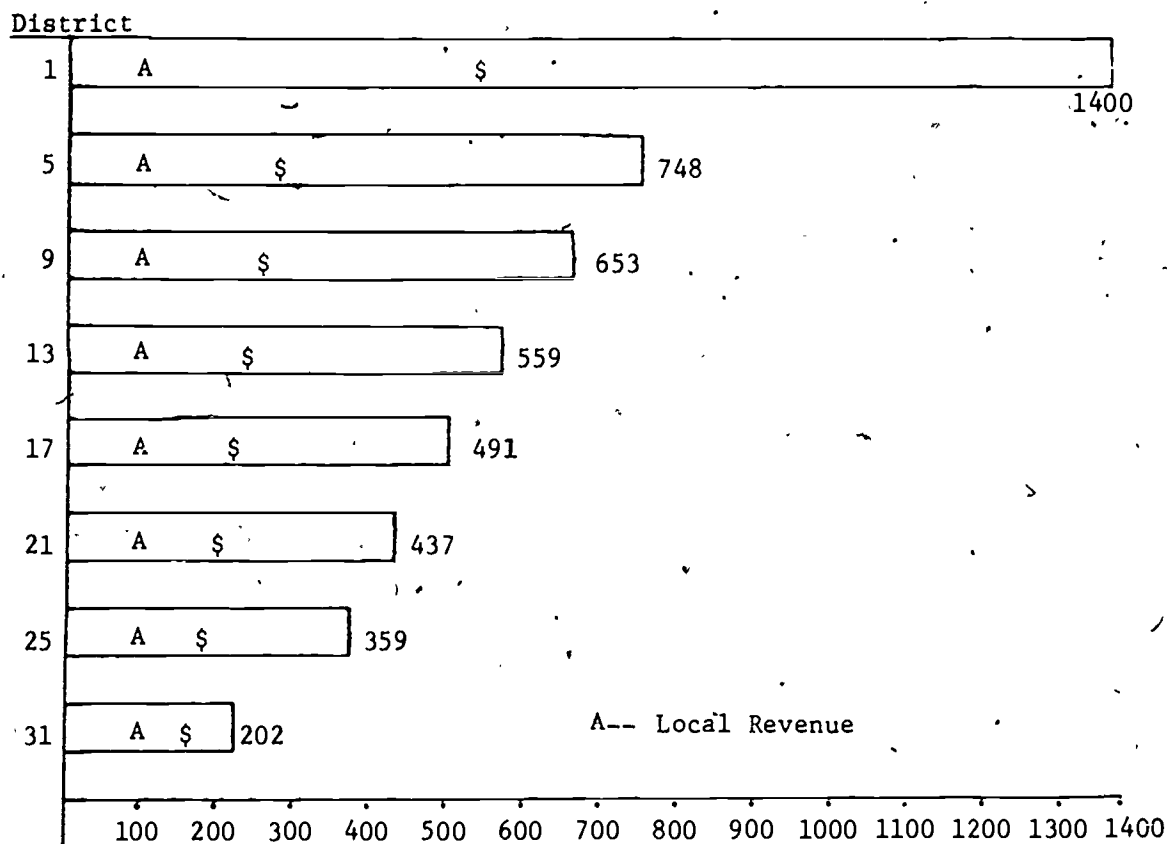
Indian communities and their needs should be understood in terms of their history. Most of them have been in existence for hundreds of

## Finance Models

Different models may be designed by adjusting the state, local or Federal revenue and then adjusting the allocation of funds. One basic assumption has been made for this paper and that is that Federal funds will be available in general blockgrants rather than categorical aid. Therefore, these funds will be considered in the same perspective as state funds.

### I. Complete Local Support Model

This is based on the local taxing ability. Because of the total dependence on local tax evaluation there will be unequal educational opportunity. A wealthy district will have considerably more money per pupil than a poor district.



years. They have successfully survived, producing not only livelihood but a full life for the individuals who constitute them. The Indian way of life has invariably involved the existence of many highly specialized skills in a wide variety of individuals. There have also been many intricate and specialized forms of communication developed that are often more effective than the written word. The communities were highly organized and capable of mobilizing for a great variety of functions at short notice. There was both competition between individuals and high degrees of cooperation between individuals and groups. The family unit predominated and integrated various services necessary for all ages and all basic functions in life.

If economic development is to succeed in the Indian world, it must occur on such terms and in such a manner as to fit properly the needs and aspirations of the residents of the Indian communities. It must harmonize with the spiritual forces embodied in the long histories of their cultures. Those economic development projects which are either successful or show promise of success are those that have satisfied the requirements of being harmonious to some major degree with the cultures of the peoples they seek to serve.

What then are some of the considerations that might make Indian economic development programs unique? Indian leadership itself is perhaps the most important element. Indian tribal councils are sovereign powers and must properly determine what programs are to proceed on the reservations. If the concept or idea behind a given project does not capture the enthusiasm and support of a strong nucleus within the tribal community it is not going to succeed. If it does capture the enthusiasm and support of a tribal group however small, a solid beginning has been made. After that the manner in which it proceeds will be subject to many interactions within the total community structure and its

functions. Economic development among Indians must respond to unusually dynamic community forces and be flexible from the very beginning. The desirability and potential success of the so-called "turn key" type projects should be considered questionable since they tend to remain free of adequate community involvement and hence do not truly become part of the community.

Economic development projects must be fitted to individual reservations because tribal groups differ widely both in their susceptibilities and their cultural interests. There is no substitute for inventiveness jointly exercised on the part of the community and the developer. Projects related to tangible tribal resources seem to be most successful. Land and water resource utilization projects that allow Indian people the opportunity to identify with their homeland and also contribute to community development should be considered first. That the project may require the development of new skills is a secondary problem.

The third essential element for success of a project is training Indian people on the reservation both in technical skills and in management. Failure in Indian projects has been consistently due to the lack of adequate training. Agencies often have different expectations for Indians compared to non-Indians. Non-Indians are commonly expected to require at least six years of university instruction and at least four to ten years of experience in their profession before attaining a level of professional expertise and competence. Indians by contrast are lucky to get any college experience and there is a general two year limit on training programs for Indians throughout most Federal agencies.

There were probably no adequate management training programs specifically designed for Indians prior to 1970. Since that time there have been only a few experimental programs which have yet to be evaluated.

In the American business world the most important factor determining success of an economic development project is its management. Thus Indians have been deprived of a key element necessary for success in the development of their projects. A combination of factors leaves the tribe the unhappy decision of choosing between outside management competence in the business world (with a built-in incompetence in its understanding of the Indian community) or the employment of a member of the Indian community (who in most cases will lack competence in the modern business management world). In spite of some recent intensive funding for a variety of projects, there is still no Federal agency that successfully unifies and integrates all of the needed factors necessary for successful Indian economic development.

Each tribe must face in its own way a composite of problems associated with planning, development of alternatives, accumulation of resource data, recruitment of personnel (including contractors, managers, technicians, etc.), design of facilities, contracting for legal services, design specifications, construction, fund raising, training program development, day-care facilities for women workers, land ownership, union relationships, interagency conflicts, business management programming, interactions with local non-Indian politics, conflicts with non-Indian interests on the reservation, funding and coordination of management and training programs, maintenance of adequate communications on the reservation and establishment of transportation facilities. All these problems must be solved and the programs coordinated by the tribal government and its staff in order to proceed with economic development.

It is extremely difficult to coordinate the accessory mire of problems that attend some of the simplest project activities. For example



it may take six months to a year for a tribe to get permission from the Department of the Interior to hire its own attorney without which, in some cases, no economic development actions can be consummated. A simple matter of utilizing an acre of land on the reservation may require the signatures of over one hundred people because of heirship problems relating to ownership of the land. A tribe may receive a cost reimbursable grant and yet be unable to spend it for lack of cash to operate the program because banks shy away from Indian tribes. In spite of the guarantee on the part of the government to pay the reimbursement of the expended monies, it is usually impossible for the tribe to get short-term credit from a bank for this purpose. In some cases state governments have interfered with tribal operations by forbidding them to pump water on their own lands, however illegal this exercise of authority may have been. In other cases Federal agencies have claimed jurisdiction over Indian land and have blocked economic development by the tribe.

It is to be expected that in the democracy of a small community differences of opinion will develop within the tribal over the specifics of an economic development project. The question is not whether there should be such disagreements, but rather how they are handled. Such tensions can often be creative and add to the efficiency of a project by putting pressure on proponents of both alternatives to produce and prove their case. Outside agencies often emphasize the in-fighting that may occur within an Indian community and the deleterious effects that it may have on a project. Frequently however, these examples are used by agencies as excuses for not participating in the project or as a means of inhibiting the development in order to justify their belief that Indians are incompetent.

People often forget that far greater differences occur within the

agencies themselves on important issues of policy or program or around questions of leadership. Anyone who has experienced the inner workings of corporations, universities, local governments, Federal agencies or ships at sea knows that allowances for the expression of differences of opinion from many sources must be built into the design of any project. Why should Indian communities be different? Why shouldn't Indians disagree among themselves when creative disagreement is the cornerstone of democracy?

### Previous Economic and Community Conditions

Some of those directly involved in Indian economic development programs often wonder how Indians got into their present problems. While it is tiresome and exhausting to review the inequities and failures of the past, skipping over some of the sordid details of previous efforts at economic development of Indian resources, it is only through a knowledge of the past that we are able to realize the nature and extent of creative Indian efforts of today.

The original reservations owned by Indians following the end of the treaty-signing period total about 145 million acres and were scattered across the western states. The Sioux, for example, once owned everything in South Dakota west of the Missouri River. The Blackfeet, Assiniboiné and Gros Ventre owned everything north of the Missouri in Montana extending almost completely across the state in one gigantic tract of land. Almost every tribe, even those in the New York area, owned their lands in common and allocated assignments to families who promised to make the land productive. Individual Indians had an option of economic ventures and use of tribal lands but no one owned lands outright in opposition to the tribe.

In 1883 Congress attempted to divide the reservations and a bill was introduced, the Coke Bill, to reduce the area of tribal holdings and issue title to smaller tracts known as allotments to individual tribal members. The bill was defeated but it inspired Senator Henry Dawes of Massachusetts to undertake a visit to Oklahoma to determine whether allotment would be a reasonable policy to pursue. Dawes visited the Cherokees and reported:

...the head chief told us that there was not a family in that whole nation that had not a home of its own. There was not a pauper in that nation, and the nation did not owe a dollar. Yet the defect of the system was apparent. They have gone as far as they can go because they own their land in common.... There is no selfishness, which is at the bottom of civilization.

Dawes saw his mission as introducing the sacred concept of greed among the members of Indian tribes and in 1887 pushed into law the General Allotment Act which allowed the President to negotiate with the tribes for division of their lands and sale of the surplus to the government for opening to White homesteaders.

The Bureau of Indian Affairs accepted the new policy with great enthusiasm and while the law "allowed" the President the power to negotiate, the Bureau interpreted the law as commanding the tribes to negotiate. Within a decade millions of acres had been taken from the tribes in forced allotment agreements. Communities were destroyed and the basis for community life was shattered when some reservations were deliberately "checkerboarded" with alternating Indian and non-Indian allotments of land. The theory was that by mixing Indians and Whites assimilation and the inculcation of greed and other virtues would accelerate.

When Indian owners of allotments died the government insisted on probating their property according to Anglo-Saxon concepts of property descent even though the Federal courts had already determined that the

property of Indians should follow tribal laws of descent. The result of this decision was that the heirs of Indian allottees were forced to take a decreasing fractional interest in lands under the government's policy of holding the allotments in trust pending the arrival of individual Indians at an advanced state of "competency". In 1891 the General Allotment Act was amended to provide that where the Indian allottees were too young, too old, or determined legally incompetent to use their lands, the Bureau of Indian Affairs could take charge of them and lease or use them for the benefit of the Indian owners. The combination of the two policies served to operate to establish a new policy of total Federal control over the use and development of Indian lands and resources.

Under the evolving Federal policy of exercising a trust responsibility for Indians no Indian lands in heirship status could be used by Indians unless there was full agreement by the heirs of how the lands were to be used. This policy effectively precluded the use of Indian lands by Indians. Since Indians (or anyone else) often cannot agree 100 percent among themselves how to utilize the land, it then became possible for the government to allow non-Indians to lease or purchase such land. As a result, approximately two-thirds of Indian-owned land passed out of Indian ownership in less than a century under the trusteeship of the U.S. Department of Interior.

The Bureau of Indian Affairs, over the past century, has assumed responsibility and control for most of the activities in Indian community life. By gradually extending its scope of operations and authority it now directs the activities of tribal governments, supervises the leasing of Indian lands (tribal and individual) collects income from Indian resources (tribal and individual) educates Indian youth

and adults in a variety of programs, and supervises health services of a nature not transferred to the U.S. Public Health Services. The Bureau also dispenses income to individuals from their own lands or from the per capita distribution from claims awards won by the tribe in suits against the United States. As dispenser of money it has responsibility for the development of tribal members and what their rights are.

The expansion of Bureau activities and powers over the lives of Indians is not accidental. By the time of the allotment act many of the traditional tribal governments had already been partially destroyed because the social nature of Indian life had been inhibited by reservation life. The existing governments, those of the Five Civilized Tribes of Oklahoma, were abolished along with the allotment acts that destroyed their reservations so that no practical or recognized form of self-government existed for many Indian tribes from about 1880 to 1934. The tribal governments of today are a relatively new experiment in self-government after a depressing four generations of oppressive and dictatorial control by bureaucrats of Indian political and cultural existence.

Lack of preparation, education, and management experience, little or no commercial utilization of natural resources by the Indian communities, themselves, policies of giving away resources to non-Indian organizations--all of these generated the development of a general "inferiority complex" in the Indian communities and governments when dealing with non-Indians, both at the community and individual levels.

Soon after these tribal governmental organizations were born, a new set of government efforts were initiated known as the "termination policy" of the 1950's. Land sales which accelerated during the depres-

sion were again increased during the 1950's. It was not possible for Indians to receive welfare compensation in most states as long as they owned land. Therefore they had to sell their land in order to qualify for welfare. This policy forced the sale of many lands at extremely low prices. Even now, recent records (Lummi, 1970) show that the land appraisals of the Bureau of Indian Affairs for Indian lands are as low as ten percent of that made by commercial appraisers.

During the termination period of the 1950's every effort was made to relocate Indians in urban areas, to give them initial training programs in some trade skill and to sell their land on the reservation to non-Indians. In a few cases entire reservations were terminated and the members of those tribes are no longer considered Indians by the Federal government. In the late 1960's and early 1970's Federal policy was changed to reverse this trend. The impact of these policies, however, has been to discourage every phase of self-determined economic development on the reservations.

Perhaps the most significant element of change in recent history was the passage of the 1964 Anti-Poverty Program legislation which included OEO, EDA, MDTA and some HEW programs. While many problems attended the arrival of Community Action Programs on Indian reservations, they did stimulate an unprecedented renaissance of community spirit. They provided alternate lines of communications to the Federal government. Program funds provided the tribal councils with staff, transportation, telephones, secretaries, community planners, resource developers and other expenses as well as youth training programs.

It is important to recall that the Bureau of Indian Affairs has never been able to contract directly with tribes for economic development funding and in 1974 this is still the case. Therefore, there had

never been grants made to tribes which they could program and use themselves. Instead essentially all administrative functions were carried on by BIA personnel. OEO-CAP was the first serious and widespread alternative to the old paternalistic system. In most cases the OEO funding was inadequate and scrambles for program funds often ensued among tribal leaders. However, the competition was generally healthy because it generated new leadership on the reservations. If nothing else, OEO provided sufficient planning funds to enable tribes to gain access to EDA funding, MDTA training and to several other agencies with whom they could deal directly for program funds.

OEO funding also provided training for tribal leaders which opened up for them a wider awareness of the extensive number of alternative Federal agencies available to lend assistance to Indian tribes. With resource personnel available to write proposals and tribal leaders gaining knowledge how to get their proposals approved by the respective agencies, a proliferation of new tribal programs resulted. Knowledge and experience of funding effects was shared among tribal leaders with an overall acceleration of program development resulting. National tribal organizations became strengthened. Greater familiarity between tribes and their Congressional delegations developed.

Certainly not all tribes benefited from the programs and events of the last decade and the gap may in fact have widened greatly between the have and have not Indian communities. However, certain tribes were given the opportunity to demonstrate their capacity for self-determination and several have excelled in the process.

#### New Opportunities

There is no question but that a majority of Indian reservations

0133

have adequate resources for self-support and, in many cases, have the resources to create a high degree of prosperity. The problem is in conceiving a project that combines the natural and human resources of the community with its natural strengths in cultural cohesion and traditional interest areas. With the utilization of new technologies, the development of specialized programs such as cooperatives for resource distribution, adaptive programs of marketing and the development of a new group of tribal managers and administrators there is no reason why every reservation could not develop a unique program for itself.

One of the major innovations in thinking that must occur is in the field of education. Education must no longer be considered as a body of information to be gleaned from books and classrooms. It must be seen as a part of an ongoing process of community development and self-expression. The existing programs of higher education that are now made available to Indian communities must be reoriented and integrated with existing and proposed reservation and community development projects. In that way programs and projects will serve to complement each other and not pull the people in opposite directions as they do today.

The advantages that Indian reservations have in the form of natural resources is beyond anything imagined by Indians and non-Indians alike as late as ten years ago. The abundant, clean water that flows on at least fifty reservations is now a priceless resource for tribal use in food production, sporting industries, small industry and tourism. Enormous reserves of coal, petroleum, gas or geothermal energy have been discovered recently on several reservations. Better tribal use and management of reservation range land and livestock and a fuller Indian development of the production and processing of livestock on the reservation could triple the financial returns to the tribes without



even increasing the present production levels..

Timber resources are already supporting several large tribes (e.g. Warm Springs and Yakima). However, tribal management instead of government management would increase the number of jobs available to Indians and also increase the financial returns to the tribe. A large opportunity also exists for Indian construction companies which can build housing, water and sewer lines, sewage treatment plants, retail centers and industrial units. This concept of Indian construction companies has already been successfully accomplished by a few tribes.

There is no question then, that combinations of human resources and natural resources and programs seeking, utilizing and maintaining a maximum degree of positive transfer from the deeper culture of the tribe to the modern people-oriented management systems could solve the basic community problems of most Indian reservations. If accomplished in ways which are consistent with the historical values of the people, new application of the old cultural system would strengthen rather than weaken the community, while at the same time making it competitive with modern non-Indian economic enterprises.

### Three Projects in Progress

Few reservations could be found with fewer apparent resources than the Fort Yuma Reservation on the California side of the Colorado River, the home of the Quechan Tribe. There is possibly no hotter or dryer portion of the lower Colorado desert than this reservation of several hundred residents. As part of their development plans tribal leaders and planners recently investigated a new system for growing vegetables under desert conditions which involved a controlled environment system. This system was developed at the University of Arizona Environmental

Research Laboratory under the direction of Carl N. Hodges.

The full development of the system involves the construction of a small diesel power plant from which the waste heat and the exhaust is cleaned and passed into a plastic inflated greenhouse structure covering several acres. On the desert seashore waste heat is utilized to desalinate sea water creating fresh water to be used in growing vegetables or satisfying human needs. The carbon dioxide from the "scrubbed" exhaust is used by some plants to increase growth. The plants grow in bare sand and are fed nutrients from a very simple recycled system of plastic pipes buried in the sand. The waste heat can also be utilized for refrigeration or heating the plants' environment or human dwellings.

The system was simplified for the Fort Yuma installation in order to cut costs and all emphasis was placed on vegetable production. A five acre rigid fiberglass greenhouse structure was built with a nearly all Indian workforce. A diesel fuel heater was utilizing a controlled environment system. It is possible to grow two or three crops of tomatoes staggered so that there is commercial production every day of the year enabling the producer to obtain the highest market price and providing excellent production and quality control.

Production of 150 to 200 tons of tomatoes per acre per year is possible with the development of such a system. This production level is nearly five times that of open-field farming to which most Americans are accustomed. It uses only a small fraction of the water needed to conduct open-field farming because of its closed system which recycles the water over and over again. The Quechans have a long history of living along the Colorado River and farming that goes back well beyond the coming of the White man. Today with this modern modification and

an understanding of the principles of hydroponic farming the Quechans are able to continue their agricultural tradition and buttress their ancient cultural roots.

Three people from the Quechan reservation were trained at the University in the Environmental Research Laboratory for less than a year when the program began. None of them were college graduates. Within a year of their return to the reservation there were thirty-five tribal members employed in the tomato production farm, over half of them women who were enthusiastic about the project. Many of the Indian workers received high wages as technicians because they were able to perform the sophisticated work required by this type of farming. The days of "stoop" or migrant labor had ended for the Quechans.

The modern farming program has had many unexpected benefits for the Indian community there. The people have felt a great surge of pride and their self-image is as high as it ever was. The creation of an income-producing project has accelerated the tribal desire for education, housing programs and general welfare development projects that were previously presented to the tribe on a piecemeal basis without any notable enthusiasm. It is significant that this project not only has helped to develop a spirit of community pride and enthusiasm but it puts the tribe into the new field of food production on a scientific basis at a time when the nation is facing a food production crisis. Further, the tribe is becoming well established as a leader in the new farming technology without having to expose the tribal members to years of formal education in an alien setting outside the community.

The economics of such a facility can be excellent especially from a tribal viewpoint. It is common to produce 150 tons of tomatoes per acre per year which are valued on the order of approximately 26¢ gross

Elementary and Secondary Education Act of 1965 (ESEA) and the National Defense Education Act (NDEA) have brought increased Federal financial assistance for the education of America's children.

In the field of education, passage of the Indian Education Act of 1972 (Title IV) which authorized the National Advisory Council on Indian Education (NAC), the USOE Office of Indian Education and the post of USOE Deputy Commissioner for Indian Education has signaled the emergence of a new locus of governmental responsibility for Indian education. The appointment of the first Deputy Commissioner is expected any day and the Indian Self-Determination and Educational Reform Act (S. 1017) now pending may soon become law. This convergence of factors could make 1974 a pivotal year for Indian education. But the beginning of a new effectiveness and a coordinated funding strategy must rest upon a basic understanding of present Federal revenue sources and of the impediments to their efficient operation.

This paper is devoted to aiding the understanding of policy-makers in the executive branch who are charged with operating these programs. It should also be useful to the NAC, the Indian community at large and members of Congress who are interested in making Indian education programs work. It is addressed in particular to the new USOE Deputy Commissioner as an orientation to the problems he will face. The narrative falls into three parts. The first describes the present sources (and distribution) of the major Federal programs which support Indian education. The second explains that these programs are not operating as they were envisioned because of a massive failure, sometimes deliberate, to enforce the laws and regulations which govern the programs. The final portion suggests steps that may be taken to end governmental lawlessness and establish accountability

per pound. A five-acre unit can net more than 300 thousand dollars per year. Sixty-five percent of this gross goes toward labor for thirty-five people; the average wage is in excess of \$6,000 per year which is very high when compared to the average reservation income.

The full potential of this project has not yet been recognized by economic planners trying to assist Indians in the development of their reservations. It has not even been discussed by most of the people who form the "technical assistance" that the Federal government provides for Indian tribes. Some bureaucrats consider the Quechan project an economic isolate that somehow occurred as an aberration of their planning processes. They fail to understand that a broader scope of planning is necessary to realize the project's potential. For example, surveys should be made of those reservations in the western United States where such food production systems are feasible. An overall marketing system using a cooperative structure which can utilize the agricultural production from several reservations should be developed. This coordination of efforts would place the tribes participating in the program in a strong competitive position and a better market situation than they could ever achieve alone or that their non-Indian competitors could develop working alone.

The energy source does not particularly have to be a diesel engine. Many reservations of the west, for example, have their own energy resources which range from coal deposits to power dams and timber and oil sources. The benefits of using energy sources that are "homegrown" would allow the tribes and individual Indians to get a larger return on their energy sources and provide a cheaper source of energy for the agricultural project than it would ordinarily have. In effect the natural and human resources of the reservations would be

"recycled" in the Indian community because of a new system of technology that views communities and production as a complementing cycle to human existence.

A common marketing program would be the most valuable and immediate step that could be taken in getting one of these projects under way. Formal and outmoded education of students could be short circuited and the students could be placed immediately into a program where the relevancy of the subject matter would be apparent thus sustaining the motivation of the students which is always a matter of concern. Students would be trained in the reservation environment and would not be performing tedious and routine tasks but would be working to develop a new idea in a laboratory setting.

Each reservation should have its own management training board, so that the training program in each case reflects the values and the aspirations of that particular tribe. The training programs can also be modified by each reservation to fit other needs of the community such as housing development, water and sewer system development and maintenance, private business development, utilization of advantageous reservation tax structures for retail outlets controlled by the tribe and in general, train people to manage ventures which utilize the advantages of the reservation.

Such programs should employ the very best of management skills even if they are non-Indian but the program should be under the control of an Indian board. Everyone in the project should understand that a great part of its viability depends upon the degree to which it assists the cultural and psychological rebuilding of the community in addition to its purely commercial value.

It is even entirely realistic to suggest that some of the major

problems occurring in American industry and corporate management systems today are deficiencies in the very human values which are so prevalent and valuable in Indian culture. Indeed, if there was a careful look into the causes of the successes and failures of American business enterprises, there is no doubt that much valuable assistance could be gained from utilization of Indian values and methods when properly transformed to meet the needs of business management systems. There is a real possibility for the American Indian culture to make a major contribution to the modern American business world.

Another project that has been in the development stages for about four years is the Lummi Indian Aquaculture Project located on the Lummi Reservation near Bellingham, Washington. In 1968 the tribe was faced with the dilemma of whether to lease out their tidelands to heavy industry for the location of refineries or to utilize some new way of developing the resource of the tidelands controlled by the tribe. (These tidelands were their last major tribally owned assets.) The concept of aquaculture offered an opportunity to do the latter and the Lummi Indian Business Council decided to go in that direction.

They hired their own staff to develop a fish hatchery, an oyster hatchery and a sea pond and other facilities which would be used to grow fish and shellfish on the reservation to be marketed by the tribe. They assumed full control over the project from the beginning and maintained it. The objective was to develop jobs for about 200 people and a tribal income to provide working capital for the tribe to engage in other ventures.

The Lummi leaders recognized at the beginning of their efforts that it was essential to integrate economic development very closely with all of their other community needs. They also recognized that

if they were to control their project they would have to begin training some of their own people both for technical and management skills in the very early stages of development. Therefore they appealed to a large number of agencies for support in order to coordinate effectively and concurrently five main areas of development. These areas included training, research, construction, management and satisfaction of other community needs (such as housing, water, sewage, education, public assistance, youth programs, assistance to the elderly, etc.).

They found that while certain government agencies including OEO, EDA, MDTA, HEW, Department of Labor and the BIA were receptive to proposals and program development, certain elements in the local non-Indian community became antagonistic toward Indian reservation development by Indians. Therefore, while pushing ahead on the one hand with program development it was necessary on the other hand to defend their projects from well organized attacks at the local and state level. Most of the opposition came from non-Indian residents that owned some of the most valuable shoreline property on the reservation. The non-Indians feared that they would lose some of their land value or some of the control over their lands on the reservation. They voiced concern in meetings and in writing that their positions would weaken as the tribal government grew stronger through economic and community development. While they often based their objections to tribal development on secondary factors such as a possible reduction in law and order under tribal control, an increase in pollution and deterioration of the environment caused by the project, the real motive as documented in their letters of objection were primarily the loss of land value. This problem of land values will often be part



of the pattern of response that most reservations will face when they undertake strong and meaningful development programs.

The tribe began research programs in June 1969 seeking to find the best way to grow oysters and several kinds of salmon and trout in the ponds they proposed to build in the tideland areas. They modified and expanded a small laboratory on Lummi Island and work began immediately. A functional research oyster hatchery was created three months after the project began and started spawning oysters in September. Oyster spawning in the research lab continued monthly throughout the following two years. They also borrowed space in some government raceways where they began experimenting with the process of converting rainbow trout and salmon from fresh water to sea water in a short period of time. This work continued from the summer of 1969 throughout the duration of the project.

It was the desire of the tribe to build research ponds and facilities on the Lummi Bay tideflats to test the utilization of the environment to grow fish and oysters. They wanted to build the facilities using their own work force and on this basis they approached OEO and received funding for it. The U.S. Army Corps of Engineers claimed a jurisdiction over the Lummi tideflats to the high tide level. The tribe claimed jurisdiction over the tideflats to the low tide level as defined in the Treaty of 1855. Non-Indian opposition utilized this conflict as a forum upon which to protest the project. Over 100 letters of opposition and 500 signatures in opposing petitions were sent to the Corps which claimed to be acting as an impartial party in determining the solution to the dispute.

The tribe was able to maneuver quickly and effectively and a permit was obtained from the Corps by early September, 1969 and

construction began on September 9. This Fall season beginning added enormously to the problems of construction since the fall storms and the inconvenient low tides during the middle of the night when construction had to be carried on, increased both the cost and the risk to the project. However, the difficult part was completed in two months and the remainder of the time until March, 1970 was spent in building concrete ponds, a pump house and control gates. Many Lummi were given an opportunity to gain skills and jobs during this time. A total of forty to fifty Lummi were employed in addition to about six non-Indians. This Indian employment would not have occurred if the projects were put out to bid and to be built by non-Indian construction companies.

A special training program was created and designed by the Lummi leadership and their staff during the Spring and Summer of the first year. Eighteen students began the Lummi Aquaculture Training Program in August of 1969 and eighteen Lummi finished one year later. During this time some truly spectacular improvements in skills, knowledge and performance occurred. Essentially all of the problems associated with poverty communities were experienced by individuals of the class. The tribal council insisted on having a full time counselor available to work with the students at all times. There were also four instructors for the eighteen students, each giving specialized training in a different aspect of fish or oyster culture. They utilized six separate laboratory teaching areas around Western Washington involving private, state and Federal laboratories, as well as the Lummi facilities.

After the first year, eight of the eighteen students went on to higher education, another eight became assistant instructors in the second year of training and two were hired as technicians. In the

second year the program was taught entirely on the reservation using the new facilities developed by the tribe as well as the students themselves. That year there were 64 Indians in the training program ranging in age from 19 to 63. Several members of the same families were enrolled in some classes which added greatly to the cultural value and stability of the class. Motivation and positive transfer of skills were high. For example, some of the elder women noted for their excellent cooking became good microbiologists. One student who had spent eleven months of the previous year in jail went on to become one of the better technicians in the program. While there were problems with alcoholism most of these were handled realistically to enable the individuals to carry on very fruitful and valuable work as technicians utilizing, of course, the assistance of Indian counselors who better understood their problems and how to deal with them.

Dr. Roy Nakamura, a native Hawaiian, was extremely effective both in the instructional and the management of the program. Much of the success of the program is due to his high degree of rapport and leadership. Fifty-eight of the sixty-four people completed the program and of these, forty stayed on for advanced training for a third year of the program. Most of those people not continuing in the program found work and some were employed as assistant instructors in the third year of the program. The final result of the Lummi Aquaculture Training Program was the establishment of the Lummi Indian School of Aquaculture (LISA) which was expanded in 1973 to include Indians from several other tribes having water resources that were interested in similar developments. The plan of LISA was to train students over a period of one to two years to enable them to go home to their reservations and serve as a nucleus for tribal water resource development. The plan of training

was broad to encompass a wide range of circumstances to be dealt with by Indians on their own reservations.

As facilities were constructed by the tribe and as the production components began to take shape, graduates from the training classes began to receive employment. Most of the employment through 1971 and early 1972 was in the form of construction work on the fish hatchery, the oyster hatchery and the Lummi sea pond. Construction employment reached a peak in 1971 with a total of over 240 people both Indian and non-Indian having been involved in the construction work on the facilities. The average ratio between Indian and non-Indian employment was better than eight to one throughout the project up to 1971. Production and management activities began in 1972 when a general manager was hired and the various components of fish hatchery, oyster hatchery and sea pond began to go into operation. From 1972 to 1973 the ratio of Indian to non-Indian approached fifteen to twenty to one.

One of the characteristics of food production industries making these projects very difficult is that it takes two to three years for most crops to reach market size. In new projects especially, with as much innovation as the one at Lummi, there is a need for some experimental time which means smaller production levels at the beginning. While there were many technical problems which were successfully solved, the main delays experienced by the project were due to the problems of funding. Support for the hatcheries and operating capital from OEO was delayed one and a half years. The funding delay meant that construction had to be carried out in Winter instead of Summer which meant another six months to one year delay in the project becoming operational.

In spite of these problems and the extension of the timetable

for two years, the project will be profit making in 1975 or 1976. Morale is high and the total staff of about 100 in aquaculture are performing well. There were problems in 1973 with the escapement of fish from the pens in the sea pond and only about 20% were harvested. The remainder left the pond for the sea. Since large numbers of salmon that left the sea pond in 1972 returned in 1973, there is reason to expect that a commercial return will result sometime in the future when the 500,000 salmon that left in 1973 return.

With operating capital from OEO in 1972 and 1973 came the opportunity to employ Lummi in the production system. Additional programs through HEW, BIA and tribal resources created a payroll for about 192 people by the end of 1973, starting with only three full time tribally employed people in 1968. During this same time the number of Lummi in higher education rose from three or four in 1968 to about 60 in 1973. Relatively few of these students were studying fisheries and related subjects, although in many cases the training programs had an indirect stimulation for students to go on to higher education. Training carried out on the reservation where other Lummi could see what was happening was the most important factor. When people succeed in training programs above the expectations of their peers, others are encouraged to make a try on their own. In many cases this incentive added greatly to the motivation of individuals to go on to higher education.

Another advantage to on-reservation training is that the content of the training program can be made relevant to the reservation and its social needs. For example, in the multioccupational training program, those learning carpentry actually built the interior of the Lummi Aquaculture Training Program's laboratories and lecture halls as well as

tribal offices. Those studying maintenance actually got to work on the equipment of the project. And those studying clerical skills not only practiced on project material, but in some cases were hired by the project. When the Indians begin to see things happening on the reservation, it gives real meaning to their own training experience so that they want to go on for more.

When the project began in 1969 the average income per family was estimated between \$1,500 and \$2,000 per year. While precise figures are not available for the present income, it has at least doubled and perhaps tripled that figure. The on-reservation training programs in carpentry resulted (along with the tribal enterprise experience developed from the aquaculture project) in the ability for the tribe to set up its own housing construction program. They built forty HUD homes in 1973 and made approximately \$25,000 profit. Most important, two-thirds of the workforce were Lummi. In addition to adding skills to the workers, top quality work was insured since the home developers could complain to their own management where outside contractors would not be sensitive to the shortcomings of their own work. The tribe is now able to go ahead and build 60 more homes in the same way. Another 100 homes are being planned.

With the upgrading of skills some Lummi who had once left the reservation during the relocation programs of the 1950's and 1960's, came home. A wide range of programs were attracted to the Lummi Reservation which put more and more of the community development activities in the hands of the tribe. Some of these programs included the new law and order systems, tribal fish and game wardens, a community relations specialist and a department for the elders. Among the new jobs created were a housekeeping consultant, home repair

consultant, mainstream director, tribal historian, land lease director, the Lummi Housing Authority, utilities supervisor, economic planner and trainees, housing construction company, controller, purchasing officer, general manager for the aquaculture and a wide range of production staff for the aquaculture, a marketing director and market center. A public assistance demonstration project was created to train Lummis to take over the function of public assistance on the reservation. A much elaborated and enlarged Indian health service, including pediatrics clinic, mental health, home engineering aide and a full time doctor were also added as the increase in workers required additional health facilities.

While this build-up seems rather sudden over a period of three or four years, it was orderly and involved a great deal of the democratic processes taking place both inside and outside of the tribe. There was often a feeling of anxiety among the people that programs were moving too slowly because of their high expectations and desire to make progress rapidly. The stability of the community tends to increase as more people get full-time employment, as more students enter training and college, as fewer students dropout of high school, as more homes become available and as there are more jobs to help pay for them and there are more programs to take care of the social needs in such vital areas as public assistance, health care, youth programs, recreation and alcoholism. In retrospect it is remarkable how orderly the growth process was when the opportunities did occur. One cannot say that there is not intense political activity within the tribe, but overall this is an excellent process and political activity can be a very healthy part of human processes. Opposition to programs within the tribe most often results in a healthy form of pressure on

those promoting the programs to perform better. Unquestionably, without internal opposition a much lower proficiency would probably result.

It should be emphasized that in the development of new facilities and systems, there are always more problems than one can anticipate. It is a test for the management staff and the community to overcome these problems and persevere until the production system has become profitable. The Lummi community has not overcome all of its difficulties yet. What they have proven is that they are capable of using effective social and cultural processes within the tribe to overcome problems. They have solved most of the fish and oyster production problems. When the temperature in the sea pond around the fish was found to be higher than optimum in 1973, a means of cooling was discovered and will be applied in 1974. When high mortalities occurred in the oyster seed in the hatchery and in the sea pond, studies were undertaken to discover the cause and the solution to reduce the mortalities.

Most of the solutions to problems are very subtle and often quite simple. Therefore the success of the production system relies primarily on well trained people utilizing a system of many sophisticated and integrated factors. For example there is no magic recipe for converting rainbow trout from fresh water to sea water; rather, there are dozens of important steps and many qualities and conditions that must be met both in the fish and in the environment before successful conversion to salt water is possible without mortalities. The same principles apply to solving the basic human problems of community development.

Culture has a power far more valuable and enduring than the latest business school management courses. For example, when an unusually



early freeze trapped and froze thousands of trout and salmon in the experimental ponds on a Saturday night in the Fall of 1970, over forty Lummis showed up on a Sunday and donated fourteen hours of steady work in order to process 30,000 fish--without charge to the tribe.

Few corporate management systems can duplicate this kind of motivation.

It was cultural. In fact there is a major resemblance between some of the best concepts of "systems management" and the cultural controls of Indian communities. The opportunities for positive transfer from cultural to modern management emphasizing function rather than structure have been entirely overlooked. It is very difficult to describe the intangible factors that contribute to community development and which community development itself causes to come about. As the project began to develop, there were frequent visitors from Washington, D.C., New York, the state capital, other tribes, and many agencies. The effects of these visits were cumulative and word spread that interesting things were happening on a reservation that had had very little happen for a century. The fact that the Lummi Tribe was small with relatively limited resources tended to emphasize the significance of what they had accomplished in a relatively short time. It tended to stress that human resources are a most significant factor in the development of community progress.

One of the beneficial side effects not anticipated from the project was the assistance that one tribe can give to another. There are many truisms in bureaucratic circles to the effect that it is impossible for tribes to work together for a common cause over any significant period of time. Of all the tribes that have visited the Lummi project over the last four years, the Pyramid Lake Paiutes of Nevada showed a keen interest in developing their own lake resources. In

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1900 there were about 3,000 Pyramid Lake Paiutes living near the lake and harvesting approximately 300 tons of the world famous Lahonton cut-throat trout, the world's largest trout. Poorly designed dams were placed on the Truckee River above the lake which caused the extinction of this fish in the 1930's.

In 1970 the population of the Pyramid Lake Paiutes was 500. All of these years the Paiutes have dreamt of restoring the fishery in their lake and using it once again for economic support. In 1956 Congress passed the Washo Act in which the Bureau of Reclamation (BOR) was made responsible for restoring the fishery. By 1973 the planting rate of cutthroat in the lake was 200,000 per year, barely enough to maintain the species, let alone restore the previous level of several million fish to the lake. The Pyramid Lake Paiute and Lummi Staffs met frequently over a three year period and a plan was formulated by the Spring of 1973 to build a small hatchery to convert the cutthroat to the saline lake water at a very small size and utilize floating pens in which to grow the fish rather than shore-side concrete ponds which are very expensive.

A total budget of \$600,000 was developed and funded through the Office of Economic Opportunity in June, 1973. An additional \$49,000 of research and development money from the BOR was given in the form of a contract to the Lummi Tribe to do the experimental work for the Pyramid Lake Paiute Tribe. Members of the Paiute Tribe were also enrolled in the Lummi Indian School of Aquaculture to be trained to operate their own production systems. The Pyramid Lake project is progressing very well. The tribe has formed its own Pyramid Lake Indian Tribal Enterprise (PLITE). It has its own production and technical staff and several tribal members are in training. The first

under fourteen programs, to be approximately \$8 million,<sup>47</sup> while the USOE Task Force placed the figure at somewhere over \$21 million.<sup>48</sup> The true figure must be somewhere in between, but impossible to discover.<sup>49</sup>

Whatever the exact total, the Indian portions of these programs amount to less than the annual Johnson-O'Malley budget (the smallest of the four programs discussed above.) This low figure does not diminish the importance of these programs to Indian education, especially in communities where the scope and impact of the discretionary programs exceed those of the "big four" Indian education programs. In many communities enrolling Indian children, all of these programs combined presently have little or no effect because they are discretionary and most do not exist in small school districts with large numbers of Indian children. However, many districts do have income from the three largest programs which totals a national average of over \$400 per Indian student (\$80 Title I, \$167 Title I and \$160 JOM). The importance of the discretionary programs, at least at present, is secondary in size to the "big four" programs and in innovation to the Indian-oriented experimental programs funded under the Indian Education Act of 1972.

### 3. OEO Programs

The Office of Economic Opportunity spent an estimated \$26 million on Indian education programs in fiscal 1972 but that amount has dwindled to virtually nothing. A number of the early OEO programs made experimental seed money available for special pilot programs, such as the Rough Rock Demonstration School, which are now supported by Title IV (Part A) monies rather than OEO. More importantly, the administration's dismantling of OEO caused other innovative programs to lose their funding in the bureaucratic shuffle. The largest block of OEO monies,

pens are in the lake with 100,000 fish and have been successful through January, 1974. It was possible, contrary to some professional opinions, to convert cutthroat trout to the lake water at a very small size (500/pound). This effectively eliminates expensive hatcheries and a small hatchery has been designed and will be under construction and completed in late Spring of 1974.

A large floating fish pen 60 feet square and 50 feet deep will also be completed in the Spring of 1974 and tested during the Summer. Should this system become successful it could become a model for numerous tribes such as these with reservations along the Missouri River adjacent to the impounded waters of the reservoirs, many of the lakes in Wisconsin and Minnesota controlled by Indian tribes and river and lakes in the Southwest and Northwest.

The Lummi Indian Market Center is now serving as an outlet for the production of other tribes in the area and it is interesting to extrapolate in the direction of developing intertribal marketing operations which will reduce the cost for each tribe and strengthen the total tribal power in the marketplace. Cooperatives can give great stability to Indian marketing in fishery products and can do so in other food production and products projects. Since there are as many jobs and perhaps more income in the processing and marketing phase of food production, it would be very important for tribes to develop a total production process, rather than simply producing the food in the unprocessed state. Thus the need is to train Indians in management to take over the total process for their reservations.

There appears to be a very damaging attitude shared among bureaucracies concerning intertribal operations. While it is true that each tribe values its autonomy and rightly so, there are, nevertheless,

functions which intertribal cooperatives or other organizations could perform to change failure into success in many ventures. The negative attitude toward intertribal cooperation is usually based on situations where there is inadequate funding for any one tribe and agencies have tribes scrambling against each other to obtain as much as they can for themselves. This induced competition has been the dominant story of the recent history of Federal aid to reservations. Were adequate funding provided to a few select tribes for specific purposes there is little reason to doubt that significant cooperative efforts could be developed providing that it is done in a way that is to the advantage of all participants.

Such concepts could very well become the working material for some of the Indian management programs that have been developed in the last few years. The Lummi Tribe was forced to develop its own management training program in which 20 tribal members began a combination of academic and practical management studies. Other programs have been developed at special Indian institutes or community colleges. As Indian people become more involved in management unique combinations of policies and procedures could be developed that would have wide application in Indian country.

In summary, the three cases cited above all point to the unusual ability of Indians to respond quickly and dynamically in their own behalf, providing that adequate support is given on the terms of the Indian cultures involved.

#### Possible Economic Development Projects Not Yet Undertaken

Substantial reserves of natural resources such as coal, oil, gas and geothermal energy have been discovered on several reservations in

recent years. This potential for self-development and wealth also brings enormous problems. In some cases large companies wish to lease an area for mining or drilling with relatively little financial return to the tribe. A considerable environmental impact results from the activities of mining or the removal of resources. Since most tribes lack adequate capital to perform these operations for themselves, they are caught in a high pressure position where they have to choose an immediate income to tribal members, or the preservation of their land base.

Several tribes have sought alternatives to the simplest approach of leasing land to companies for the removal of resources in exchange for royalties. In the case of energy production, one of the alternatives is to develop food production using controlled environmental systems around the waste heat produced from power plants after the Fort Yuma model. A simpler more direct method to utilize the energy resources of the reservation is to grow food in various forms under controlled environmental situations. This direct method combines certain features of both the Fort Yuma and Lummi Indian Reservations' projects by growing both vegetables and aquatic animals in systems which are interrelated. The exhaust heat from one warms the other.

The Fort Yuma Reservation produces \$50 to \$100 worth of vegetables for each ton of fuel burned; the Navajo Tribe gets less than 25¢ for each ton of fuel sold to power plants. Thus, food production offers the highest return to the tribe of all the possible alternatives.

By carefully choosing certain Indian reservations across the United States, from the Aleutian Islands to Florida, it would be possible to set up model systems that represent characteristic

combinations of climate, types of energy supply, aquatic food species, vegetable varieties and water quality characteristics for all of the important regions of the nation. For example, the Aleuts could develop geothermal power plants in combination with salmon hatcheries and marine shellfish production (lobster, abalone, shrimp, etc.) as well as vegetables. The Lummi fish hatchery could be used experimentally to develop more efficient production with recycled water in low cost facilities (most of which are already built). The Yakima Reservation is near enough to the Hanford Testing Site to experiment with a fresh water fish environmentally controlled vegetable unit.

The Northern Cheyenne and Wind River tribes have between them large coal, oil and gas reserves which could be utilized both for improved extraction processes and model "total energy" plant sites.

Test plants could be developed for smaller isolated communities where power transmission facilities are not economical. A good case for the latter would be the Seminole and Miccosukee Tribes of Florida. Small diesel power plants could yield enough waste heat to give year-round production of catfish, fresh water shrimp, alligators and vegetables. Such community production centers would also greatly enhance their tourism industries. There are also excellent examples of communities throughout the Southwestern United States that could benefit from such smaller scale isolated total energy plants.

The significance of such a "total energy" plant to an Indian tribe can be illustrated as follows in an example that has been worked out for the Northern Cheyenne Reservation (totaling about 500,000 acres). In Figure 1 are the alternatives for coal and land use. We can see that food and power combined would result in more than fifty times the gross income per ton of coal used than from the direct sale

I. Fluid Assets Created  
Per-ton of Coal Consumed

A. Food Production	\$20/ton	500 acres
B. Power Plant.	\$8/ton	1,600 acres
C. Tribal Coal Mine	\$1/ton	4000 acres
D. Royalties from Coal Companies	\$0.17/ton	100,000 acres

II. Home Area Consumed by Coal Mining in Order to Support the Tribe 40 years at \$12,000,000 a year.

The inverse relationship is shown between gross income per ton of coal consumed and land area consumption for 4 kinds of coal uses by the Northern Cheyenne Reservation. Uses "A" and "B" combined would yield over 50 times more income per ton of coal than uses "C" and "D" combined, while consuming less than 2% as much land. Part II above shows the proportional amounts of land consumed by coal mining needed to provide about \$12,000,000 per year income to the tribe.



of coal itself. Most important to the tribe, the resource would last more than fifty times longer. It would be possible to reclaim the mined area more carefully if the mining took place at a slower rate.

Part II of Figure 1 shows the amount of land over a forty year period that is necessary to provide \$12,000,000 annually to the tribe. It is estimated that this would provide an adequate income for all social and economic development and operations. By combining power and food production, the tribe could be assured of adequate income for centuries to come. It is also significant that both energy and food are two of the commodities in the world economy, present and future, that are most likely to remain in high demand at excellent market prices.

#### Summary

The multibillion dollar experiment to push and snare Indians as individuals away from their culture to join the "mainstream" of the American city has failed during the last century. Had a fraction of that expense and time been devoted to reinforcing Indian culture and offering Indian communities support for their own reservation development, a different story might be told today.

Successful training requires reinforcement of the individual's strengths and daily progress. He needs constant acceptance rather than rejection. An Indian is most apt to get this at home on the reservation. He is most likely to be rejected in the city where he has no cultural support to strengthen him. It is not surprising that over 90 percent of the Indians starting training on the Lummi Reservation finished training and are now working on the reservation. Nor is it surprising that over 90 percent of those that left the reservation for

relocation in the cities have returned.

One of the most promising dominant themes of economic development yet to be explored for Indian reservations is modern food production systems using tribally owned and operated energy resources. In many cases food production jobs and income would be many times greater than the jobs and income produced if fuel is sold on a royalty basis. The best use of resources can be made if Indian technicians and managers are trained as part of the development.

Most tribes could benefit from a controlled environment food production system and some could add energy production to it. Those that lack a fuel resource could buy it from tribes that have an abundance. Cooperative marketing programs could build up a large volume, pooling production from several tribes to make them competitive with larger, non-Indian production and marketing systems.

The U.S. is now faced with both a food and an energy crisis in which modern agriculture requires eighty gallons of gasoline to grow an acre of corn and uses 9.5 calories of energy to produce one calorie of processed food. Many Indian reservations could become strongholds of food and energy production under the control of their own governments and cultures.

## EDUCATION AND THE URBAN INDIAN

by

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INTRODUCTION

Migration by American Indians to urban areas has always occurred. Many came to the urban centers on their own; some simply remained in areas where they were stationed or had worked during World War II. Indian migration has intensified in the past twenty years, however, through official government programs. Until January of 1972, the U.S. Government carried out specific, institutionalized programs urging migration of its aboriginal population. Among no other minority has such organized pressure been brought to bear to remove themselves from rural to urban areas. A special name for Indian migration even exists: "relocation."

The "relocation program," later more positively termed the Employment Assistance Program, had its beginnings in the late 1940's. With increased unemployment on the Navajo and Hopi reservations, the Bureau of Indian Affairs began the Branch of Relocation in 1948 to assist Navajos and Hopis in migrating to urban areas to search for

work. Later the service was extended to all reservation Indians with the formation of the Employment Assistance Program in 1952 (Waddell & Watson 1971:45-46). By 1972, more than 100,000 Indians had migrated to large urban centers under the BIA program alone (Greider 1972:1).

### RELOCATION PROBLEMS

Survival within an urban setting is not an easy matter for Native Americans. An enormous variety of problems is encountered by newly-arrived relocatees.

### Value Conflicts

Upon their arrival in a city a whole host of cultural problems and conflicts face American Indian migrants. Although Indian values may be in a state of transition much of the Native value system remains the direct opposite of the American value system. Indian migrants face a dominant society which is competitive, aggressive and materially oriented. Yet the relocatee's tribal orientation stresses cooperation rather than competition, respect and non-interference rather than dominance and aggression, and sharing rather than hoarding. Prestige and success are accorded to those who are recognized by others as being good persons and not necessarily those who have amassed the most goods.

### Dependency

Further difficulties result from the well-documented fact that many Indian Americans possess a complex attitude of dependency which greatly affects their ability to fully integrate into the American mainstream (Ablon 1965:362; Henderson 1971:63; Harkins & Woods 1968:21). In the Federal government's relations with Indians there has

always existed a pervading paternalistic orientation and a preemption of decision-making. The consequence of these policies has been extreme economic deprivation and psychological crippling. Indians often do not see themselves as the real managers of their life situation.

In relocation there is something of a sink-or-swim situation created in making a move far from one's family and community ties. Such a move requires initiative and independence from a people who have been too long in a dependent, wardship status.

### Employment Difficulties

Additional types of problems arise out of the Indian migrant's search for employment. Too often Indians looking for work in a competitive society aren't psychologically prepared for it. Employment presents real problems for these people. A sizeable proportion reject the values of "getting ahead" and acquiring material wealth. Yet they must make a living in a highly competitive society so they view employment as providing a minimum existence and do not acquire the economic capital to survive.

Native Americans usually arrive in the city with little clothing or money. They often move in with already overcrowded friends or relatives. Under such circumstances it is difficult for Indians to maintain the sort of appearance necessary to be hired when seeking employment. Additionally, Indians tend to be uneasy about the necessary paperwork, application forms, interviews and standardized tests required for employment as well as the idea of working closely with non-Indians.

The typical Indian relocatee is unskilled and has few job opportunities. His previous employment history may be unstable, making it difficult for him to gain permanent employment. A high degree of

inner city mobility makes it hard for employment agencies or prospective employers to maintain close contact with the migrant. Special problems also arise which have a bearing on employability. The lack of a telephone, unfamiliarity with the city, transportation problems and lack of sufficient funds to pay for initial work-related expenses (such as car fare, union dues, uniforms or tools) all hamper the relocatee. Their unemployment problems may be further compounded by discrimination in hiring practices among certain employers.

### Problems in Housing

Many Indians who relocate to urban areas never become permanent residents. Within different cities throughout the country a high degree of Indian mobility exists. (Ablon 1964:229; Hurt 1961:226; Woods & Harkins 1968:5). New arrivals tend to live in working class housing or low rent housing projects. There are generally no racially segregated Indian communities distinguishable in the city. Indian migrants tend more to live scattered throughout the urban area.

One reason cited for poor urban housing is overcrowding which seems to be due to a Native American philosophy that even distant relatives should be a part of the household. Problems with landlords are likely to stem from this cultural tendency to overcrowd a building.

In general, however, even poor city housing is said to be an improvement over housing conditions on the various reservations. Most Indians have had little experience in keeping up a house. It is this factor which helps ingratiate Indian tenants to landlords since they seldom request repairs and are willing to put up with deplorable conditions. Discrimination in housing likewise exists. There are numerous landlords who simply refuse to rent to the Indian migrants.

### Health-related Difficulties

Health care problems likewise plague Indian migrants. In order to be eligible for medical services at the county general hospital in many cities, one must have established legal residence there. New arrivals are thus ineligible for services until they are residents in the city for one year. Although smaller health clinics are available and do not have residency requirements, Indian people either do not know of their existence or are simply not motivated to use them. Additional factors acting as barriers to Indian people when seeking health care are extensive paper work, long delays and high medical costs.

### Relationships with Social Agencies

It is a generally recognized fact that American Indians do not readily involve themselves in existing non-Indian community organizations. They are active in and knowledgeable about Indian agencies, however.

In general, most reservation Indians are used to receiving services through the BIA believing that they receive such services primarily because they are Indian. Therefore they are not accustomed to receiving other services generally available to non-Indians. When Native Americans come to the city their problems are compounded since they don't usually seek help through the normal channels set up to serve all citizens. Even when attempts are made to seek assistance through local service agencies, American Indians are often easily discouraged by impersonal city and county officials and tend not to return.

### Lack of Justice

For the new arrivals in the city confusion often exists as to what behavior is and is not allowed. Many Indians are simply ignorant

of the law and of their legal rights. Difficulties also arise due to the fact that laws on the reservation are enforced quite differently than they are in the city. Once in trouble, the migrant Indian usually cannot afford the services of a lawyer, nor is he aware of the availability of a public defender. Incidents of discrimination by police officers also occur frequently to Native American relocatees.

#### Summary

As has been briefly mentioned, all vital needs are affected by a move to the city. The Indian American has difficulties in locating and maintaining both employment and housing, meeting his health needs, receiving fair and unprejudiced treatment from law enforcement and other city and county officials and most importantly, in attempting to adjust his entire lifeway to that of an alien culture.

#### ASSIMILATION VIA EDUCATION

The relocation program was theoretically begun to help move Indians to the cities because jobs were more plentiful there. But there was likewise the hope that the relocated Indians would remain in the cities and assimilate. Generally speaking, however, this has not occurred. The Federal government has even admitted, on January 13, 1972, that in spite of all of its efforts to urge Indians into the American melting pot, most Indians simply "refuse to be melted down" (Greider 1972:1).

Yet the pressures to integrate and to discard one's native culture still persist. Almost daily those Indians who remain in the cities, and who are not among the estimated forty percent who return home to the reservation, are victims of a non-Indian cultural onslaught. Even if they are fortunate enough to escape certain of the tribulations



enumerated in the early portion of this paper and faced by other urban Indian relocatees, they must nonetheless contend with ongoing social pressures to assimilate. It is almost impossible in the city to escape the influences which promote the "norm," the American way of life.

One primary mechanism used to promote integration and conformity is the present-day educational system. This method of inducing assimilation was begun among Native Americans during the 1800's, and is continuing today in every boarding school, day school, mission school and public school across the country.

Despite the deplorable conditions existent at some of the Indian schools located on or near the reservation, the students enrolled therein enjoy at least two advantages over their urban counterparts. In the boarding, day and mission schools, the number of Indian students is normally large and the students have fellow natives with whom they can identify. In recent years, a relaxation of attitudes has also occurred among administrators and some aspects of Indian culture are now allowed in the classroom. For example, students may be allowed to take Indian beadwork classes or to enjoy a course in leather goods where moccasin making would be learned.

In an urban setting, the Indian student would enjoy neither of these benefits. The number of Indian children in urban classrooms is generally small. They cannot experience the same feeling of togetherness or cohesiveness that non-urban Indian students may feel. Similarly, the only course offerings available to the urban Indian youngster are those that teach or preach the American way of life. The school system in the city is established to dispense White, middle-class values and attitudes and little else. In the pages that follow, we shall examine in greater depth the difficulties faced by the city

USOE officials did little to enforce Title I Regulations in New Mexico until they were named as defendants in a Federal court suit. The widely-touted campaign to make a number of states pay back illegal Title I expenditures has gone by the wayside, not with a bang, but a whimper. A 1971 Title I preliminary audit in Alaska which noted exceptions of almost \$4 million appears likely to be resolved with promises to do better -- and perhaps a 2% repayment. And recent angry complaints of USOE officials about funds appropriated under the Indian Education Act being spent on non-Indians produced anything but vigorous action.

With Federal officials setting this kind of example, it is not surprising that school officials, from local districts to SEA's, disregard the law and regulations with impunity. Irresponsibility exists at every level. Accountability can be established only by resurrecting integrity and monitoring at all levels of responsibility.

### III. Is There Light At The End Of This Tunnel?

Although the delivery system for Federal Indian education funds is beset with leakage, steps could be taken to dispel the present climate of rampant abuse. The chief ingredient now lacking is will. Hopefully, the arrival of the new USOE Deputy Commissioner for Indian Education and the new BIA Commissioner will supply that element. Because this report is addressed chiefly to the former, it suggests steps which should be within his authority. To the extent they are not within his authority, he should make it his priority to see them achieved. Without accountability, he and his associates will never be able to perform the role the Indian Education Act provides for them.

dwelling Indian student who is attempting to find his identity while enmeshed in a system dedicated to crushing that individuality.

### Cultural Differences

In the urban classroom the Indian child is intermingled with non-Indian youngsters although there are vast cultural differences between the two groups. Various studies have been conducted attempting to delineate the basic cultural characteristics of the American Indian child. Although variance exists, there seem to be certain character traits that reappear in almost every study. Indian children are said to be:

1. oriented to the present rather than the future;
2. fearful and distrustful of unknown situations and people, rather than confident and gregarious;
3. generous rather than covetous;
4. considerate of feelings for individual autonomy rather than inconsiderate and interfering; and
5. cooperative rather than competitive.

Each of the above enumerated traits is in almost direct opposition to the type of character traits valued most highly by the dominant society. An Indian child's parents raise him to live in accordance with their beliefs and behavior patterns, yet the school world outrightly opposes them. When the Native American child is placed in the urban classroom, he must face the fact that the majority of his teachers and fellow students neither value nor possess similar character traits. Yet he must daily function within this alien environment. It is not surprising that feelings of confusion and frustration should arise.

Further frustration may result from the fixed time schedules and rigid classroom discipline imposed upon students in an urban classroom.

Native Americans are notoriously disregarding of time in terms of minutes and hours and are unconcerned about maintaining strict schedules. In most aspects of their lives they also favor flexibility over rigidity. At least partial submission to the world of clocks and regulations is necessary in order for the Indian student to avoid complete discouragement.

### Learning Styles

Traditionally, Native Americans learn and are taught in a manner which is dissimilar from that employed in most classrooms. In a typical Indian learning situation, the Native American child or adult undergoes an extended period of observation. He attempts a task on his own only when he feels comfortable with it and failure seems unlikely. To the contrary, the teaching methods utilized most commonly by non-Indian instructors emphasize public practice and premature, awkward attempts at problem solving. Both of these methods of learning are embarrassing and uncomfortable for the Native student.

### Language Difficulties

Approximately fifty percent of Indian Americans still speak an Indian dialect as their first language (Davies 1973). Difficulties in understanding either spoken or written English will undoubtedly arise and will, in turn, hamper the Indian student's progress. Socialization problems may likewise occur if the child to whom English is a second language is teased and ridiculed by his more articulate peers.

Even if the student is himself a native speaker of English, his parents may not be and he is likely to grow up with the hint of an accent at the very least. Fear of speaking improperly or inarticulately often causes withdrawal among Indian students. Further antagonism may

result since Indian students are frequently classified ethnically with Mexican-Americans, due not only to similar skin coloring but also to language difficulties and accents.

#### Transiency and Truancy

In most large urban areas there are Native American families who reside in one location for numerous years; likewise, there are families who move within the city limits with great frequency. The incidence of high intra-city mobility was alluded to in an earlier portion of this paper. The transiency of the parents automatically affects the student's attendance and achievement records, to say nothing of his ability to socialize and his feelings of stability.

In some circumstances, Indian youngsters are needed at home and, therefore, are promptly removed from the school system while the particular state of need exists. For example, in the State of Minnesota, Native American youngsters are often kept home from the public schools during the traditional ricing season. Due to poor attendance records, many of these otherwise conscientious students are placed on truancy lists, a practice which does little to enlighten the student or to improve Indian attitudes toward the educational system (Harkins & Woods 1968:5).

#### Lack of Teaching Materials

To the Indian child sitting in the urban classroom there is little that he will be taught that is relevant to his search for a cultural identity. Most existing texts only reinforce non-Indian values and concepts. The Native American student will learn very little that is positive about Indian people in general and usually nothing about his own particular tribe. There is a great lack of Indian-related teaching

materials in the urban school systems. Most public libraries are devoid of pertinent and affirmative reading materials about Indian Americans. Additionally, most non-Indian teachers have little knowledge about contemporary Indians or about where to locate information about them. Within the metropolitan school system the course offerings available to the Native American are, therefore, irrelevant and impractical for the most part. The Indian student is forced to fit a White-oriented curriculum not vice versa.

### Prejudice

A further and more crucial issue faced daily by Native American students is the matter of prejudicial attitudes of school administrators and staff members. Most educators still do not view the Indian way of life as either valid or valuable. Most still believe it is their duty to help Indian students to escape the limitations of their culture and upbringing. One sees evidence of this racism when noting the labels applied to courses established for minority children, including Indians. Such classes are ordinarily described as courses for the "disadvantaged" or "culturally deprived."

### Summary

The foregoing examples are but a few of the situations which exist within the urban classroom and which tend to disconcert and dishearten American Indian students. They are the very cause of the frustrations which force Indian young people to abandon their educational goals and to "dropout." If we are desirous of doing more than merely expressing concern for the urbanized Indian youngster by acting to reduce the national Indian dropout rate, we must begin immediately by working with the school systems to promote both increased understanding and increased change.

## DERIVING TRUE INDIAN EDUCATION

The majority of Native Americans still do not complete their high school education. In 1970 only one-third of all Indians twenty-five years old and older had graduated from high school. According to recent census figures, the median years of schooling for Indians was 9.8, compared to a national average of 12.1 years of schooling (Davies 1973). A 1971 study conducted in the State of Michigan found that over seventy-five percent of the Indian household heads interviewed, in both rural and urban areas, were high school dropouts (Touche Ross & Co. 1971:46).

Today many more Native Americans understand the value of education, yet the young people continue to dropout. How does one begin to make education more alluring and relevant to them? We must first consider the two words "Indian education." Is there really such a process? Does "Indian education" really exist? To the urbanized American Indian child, it does not. He has never been educated as a Native American; he has never received training in Indian ways. If he had, then we would be in a position to speak of "Indian education." Because there has never been true Indian education available Native American youngsters have had to undergo indoctrination in a culture alien to them and this may in part explain their lack of enthusiasm for remaining in school.

It is time to change these facts. It is time for urban Indians to begin learning about their heritage and to begin being taught in a manner incorporating their own cultural values. Perhaps in this way more Native children will find education meaningful once again and will remain in school longer and eventually the dropout rates will be lowered. There are various means of "Indian-izing" the standard metropolitan school system.

### Improved Visibility

One unforeseen by-product of the Bureau of Indian Affairs relocation program was the formation of sizeable urban Indian communities. Native Americans live scattered throughout almost every metropolitan area, and in most major cities at least two or three nucleus Indian neighborhoods may be found. These core neighborhoods must band together to form a visible Indian community. Ordinarily the urban school system ignores the Native American community when they don't see it as an active viable entity. This attitude can be changed if more Native parents become involved in school activities, attend important school meetings, and work toward seating Native Americans on the school board. Once community strength and visibility have been gained, problems within the school system can be more easily overcome.

### Curriculum Flexibility

Existing course offerings present material from the point of view of the dominant society alone. In order to provide a richer and more varied curriculum, particular subjects could and should be adapted to the Native American culture. A course in American History could easily include several units, or a full year's study, on History from the Indian's point of view. Government classes might study various forms of tribal governments both past and present. Indian oratory would be worthy of study in a speech class. Other traditional courses in which Indian-oriented units could easily be presented are art, music and dance. Even a course in home economics could review Indian cookery past and present. New courses should also be designed to promote improved cultural understanding. Such a course might be entitled interpersonal or interethnic relations.

More films might be used in the classrooms. Many pertinent films



have been made in recent years, particularly in Canada. Local and national Indian figures should be brought into the schools to act as consultants or guest speakers. Beginning in their pre-school years Native American youngsters should see fellow Indian adults in the classroom.

In reservation schools the students have the opportunity to take tribal-specific history or language courses. In the urban schools this is not always possible due to the heterogeneity of tribes in the city. To overcome this, students at the grade levels could study the tribal group(s) most predominant in the state. At the junior high or high school level the curriculum could be expanded to include tribes in neighboring states and eventually work up to the study of Indians on a nationwide basis.

#### Improving Teaching Materials

In order to implement either an entire course or a single unit on some aspect of Native American culture, teachers must be provided with relevant, well-prepared teaching materials. At the present time, very few such teaching aids are available and existing texts are, for the most part, useless to fill this need. (In their review of textbooks used in California classrooms, the American Indian Historical Society could find none which they would classify as suitable.) The majority of textbooks do little to impart new, impartial knowledge; their primary objective is to reinforce non-Indian attitudes and values.

One relevant teacher's kit, entitled The Chippewa Indians of Minnesota, A Teacher's Guide, was prepared by David L. Peterson and published through the Office of Economic Opportunity in Washington, D.C. Other government agencies or private foundations should be contacted as possible funding sources so that additional Indian-oriented teaching

packages might be produced.

Concerned Native Americans must also contact local school and public libraries to urge the purchase of additional, admissable reading materials on American Indians. If there is some hesitancy about which are proper and relevant books to purchase, local librarians need to be advised that lists of Indian-approved books are available through such sources as the American Indian Historical Society, the National Indian Education Association and the State of Minnesota.

### Improving Teaching Methodology

As mentioned in an earlier portion of this paper, most teaching methods employed by non-Indian instructors are diametrically opposed to the methods by which Native Americans prefer to learn. Learning is not improved or hastened by the use of public drill or public correction; such methods hasten only embarrassment and discomfort.

Particular teaching methods have been found to adapt more easily to the Indian culture. Non-Indian teachers of Native students should be made aware that programmed learning and work in small groups are preferred by Native American students. They also learn best when working on creative projects or on self-initiated and self-directed projects (McKinley et al 1970:14-15). As mentioned previously, oral drills, public practice and lectures should all be avoided whenever possible.

One advantage which the urbanized Indian student may have over his peer on the reservation is that new and innovative teaching methods are more likely to be utilized first in large, metropolitan areas; thus possibly increasing the urban Indian child's chances for being helped and motivated should the new methodology coincide with his cultural background.

### Sensitizing the School System

In the preceding paragraphs the discussion has centered on the need to revitalize as well as "Indian-ize" all aspects of the urban school system, beginning with the Native American community itself and progressing to the school curriculum, the texts and teaching materials and the teaching methodology utilized in the classroom. One further area requiring immediate "Indian-ization" is personnel. Non-Indian administrators, teachers and school board members must be re-trained and sensitized to the reality of cultural differences. Indian educators and other tribal leaders must do their part by insisting that such retraining be carried out by Native Americans. Local colleges and universities should be urged to offer more cross-cultural courses. In the past, many education departments required aspiring teachers to take specific anthropology, sociology or general semantics classes which taught student teachers to expect and even appreciate cultural differences. Such departmental requirements should be revived.

The study of cultural differences affords stimulation to the teacher while greatly increasing classroom performance through better teacher-student rapport. As it is now in most urban settings, non-Indian teachers misunderstand Native American students due to a lack of familiarity with Indian people and a lack of information about their culture. In such cases both teachers and students remain frustrated and unhappy in their teaching and learning attempts.

Non-Indian instructors must realize that other viable cultures and lifeways not only exist but are feasible alternatives to their own belief systems. Only under such circumstances would it seem possible for school systems to willingly change their one-sided orientation. The entire philosophy of education might even change. No longer would

the school be the medium for transmitting aspects of the dominant culture alone. It would willingly transmit cross-cultural knowledge and skills necessary for survival within either culture. But the choice would be there and it would be the student's to make.

#### OVERALL SUMMARY

The general theme throughout this paper has been education and the urban Indian. In the opening section, some detail was given demonstrating the adjustment difficulties likely to face an American Indian when relocating from a rural reservation setting to the city. The Federal government's part in urging acculturation and assimilation of its native population was also mentioned. The fact that within the urban area, the public school system takes over the role as integrationist, was also brought out in the paper.

The discussion then turned to a listing of the difficulties encountered by Native American students in the urban classroom and an elaboration of the same. Bearing this in mind, the closing section of the paper attempted to provide possible methods for changing, improving and "Indian-izing" the urban public school system in order to make education more meaningful and relevant to everyone concerned.

## LONG AND SHORT RANGE GOALS FOR INDIAN EDUCATION

by

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Introduction

Goal setting as an institutional tool is often recommended when there is a major change of personnel and/or when the economic base of an organization is undergoing change. Conditions within our nation and among many Indian organizations have amplified the voices of those who feel that we need to examine the goals of Indian education. But what is a goal?

A goal should be differentiated from an objective. Goals tend to be general and difficult to measure. Objectives are specific and measurable to varying degrees of precision. Goals, because they are general, allow many people to feel that they are part of a "movement." Objectives, because they are specific and measurable, become the tools of the realists who share a goal but are also concerned about the methods, schedules and budgets to reach the dream.

The Federal government is often guilty of relying on the rules

and regulations that have grown over several years with numerous administrations rather than attempting to rid the cobwebs of bureaucracy to define specific goals for education. When there are common goals everyone can march together in a common direction and know their destination. Goals will help them measure their progress and their purpose. They will know how far they have come and know what remains to be done. Too often in a new administration, career employees will attempt an end run around the new head administrator especially if goals are not clearly defined at the outset.

Objectives fall within three basic categories: 1) Product objectives, 2) Process objectives and 3) Consequent objectives. In industry, one might set as an objective to manufacture 10,000 cars. In education a frequent product objective is to educate students who can add, subtract and multiply. The product in this situation consists of skills.

A process objective often resembles administrative procedures. In the example of the manufacturing of a car, a process objective might be to maintain safety standards that make it possible for persons to produce the cars. In education, a process objective might be to acquire the books which are necessary for students to learn how to add, subtract and multiply.

Another type of objective is a consequence objective in which people become capable of influencing other people. For example, in teacher education we are not only concerned that teachers be able to add, subtract and multiply, but also that they be able to produce this ability in their students.

It seems to me that if we are to consider goals for Indian education, we must keep these distinctions in mind. We need some dreams

which we can all share in order to collaborate. We also need objectives so that we can realize our dreams at least in part. It makes a difference, it seems to me, whether or not we are talking about the products, processes or consequences.

Another consideration when thinking about goals is whether or not "Indian education" exists. We know that teacher education exists. We know that administrator education exists. We know that educational psychology exists. But does Indian education exist?

An instructor who is Indian, students with headbands and several books borrowed from an anthropology department do not make an Indian education program. If Indian education is to become a discipline, then it must develop a body of knowledge, methodologies and a series of philosophical assumptions which differentiate it from other disciplines.

We know that education is not neutral. It is for the purpose of educating persons to, for or against something. Educational goals of previous administrations have been that Indians assimilate, another name for "conformity."

#### A Framework for Goals

From many corners of this nation, we have heard the need to develop new goals for Indian people, but it seems to me that what we need more is a framework in which to interpret and utilize many of our present goals. It might be said that as Indian educators we have considered goals somewhere along a continuum between social integration and cultural separatism. One might classify goals used by Indian people on the basis of which end of the continuum they stand.

Another variable affecting the way we think about goals is that of the source of our knowledge. Should we base our goals upon anticipated futures, analyses of the present or interpretations of the past? That may seem like a naïve question. Whenever we think about goals, we make plans on the basis of our value judgements about certain types and sources of information. For example, those who tend to romanticize suggest that we ~~should~~ move towards a return to the past. People who pride themselves as realists talk about the "plight" of Indian people. They recommend goals in terms of solving here and now problems.

There is another starting point for our reflection about goals--the future. Futurology is a science which has now been developed to a point where it is having a direct impact upon our nation. The Rand Corporation and other organizations now treat the future as though it is stable enough to consider. Rather than being fortune tellers, these futurologists speak in terms of "probability estimates of the future." Consider, for example, the fuel shortage and how the estimates of probable fuel supplies have influenced present goals at all levels of our society.

Indian education will necessarily tap the roots and ground of heritage but must realistically consider the future. In the technological systems of tomorrow, fast, fluid and self-regulating machines will deal with the flow of physical materials, men with the flow of information and insight. Machines will increasingly perform the routine tasks, men the intellectual and creative tasks. Machines and men both, instead of being concentrated in gigantic factories and factory cities, will be scattered across the globe, linked together by amazingly sensitive, near-instantaneous communications. Human



been an important part of the Federal government's educational program for Indian people.

In 1944, 88 students used \$55,000 in loans and ten students graduated from college under the program. A decade later, in 1954, 208 students were in the program which had partially evolved into a grant-loan program. \$9,390 in grant funds were made available to Indians from the program and \$50,000 in loan funds were used with a total of 27 students graduating. The program expanded considerably in the next decade and in 1964, \$1,150,000 was used by 1,377 students with 87 graduating that year. In 1974 it is predicted that if all applicants are funded, over 20,000 Indians will be in college and the Higher Education program budget will be \$31 million. The total will all be in grants, loans having been eliminated during the previous decade. In another ten years, if the trend of the past decade is any indication of the interest in higher education by American Indians, there will be 50,000 students in college and a budget requirement of over \$80 million annually.

The projected figures for 1984 are not pure speculation. The 70's mark the greatest growth period in the history of the program and show that the trend is one of rapid increase on every front.

1970 - 4,271 students - 293 graduates - \$ 3,848,000 Budget

1971 - 6,623 students - 345 graduates - 6,098,000 Budget

1972 - 12,238 students - 652 graduates - 15,248,000 Budget

1973 - 13,370 students - 1,250 graduates - 21,058,500 Budget

1974 - 11,395 students - 1,800 graduates - 20,655,950 Budget

The 1974 figure is low and a requested supplemental fund of \$6.5 million has been requested to provide for the additional requests for scholarships by Indian students. If this supplemental appropriation

work will move out of the factory and mass office into the community and the home.

Machines will be synchronized, as some already are, to the billionth of a second, men will be de-synchronized. The factory whistle will vanish. Even the clock, "the key machine of the modern industrial age," as Lewis Mumford described it a generation ago, will lose some of its power over humans, as distinct from purely technological affairs. Simultaneously the organizations needed to control technology will shift from bureaucracy to adhocracy, from permanence to transience, and from concern with the present to a focus on the future.

In such a world the most valued attributes of the industrial era become handicaps. The technology of tomorrow requires not millions of lightly lettered men, ready to work in unison at endlessly repetitious jobs or men who take orders in unblinking fashion, aware that the price of bread is mechanical submission to authority, but men who can make critical judgments, who can weave their way through novel environments, who are quick to spot new relationships in the rapidly changing reality. It requires men who, in C. P. Snow's compelling term, "have the future in their bones."

Unless we capture control of the accelerative thrust--and there are few signs yet that we will--tomorrow's individual will have to cope with even more hectic change than we do today. For education the lesson is clear; its prime goal must be to increase the individual's "cope-ability"--the speed and economy with which he can adapt to continual change. The faster the rate of change, the more attention must be devoted to discerning the pattern of future events.

A goal of Indian education will be to change from bureaucracy to adhocracy, providing opportunity for self-realization,

self-determination and fulfillment by having some measure of control over their lives. It will deal not only with the development of skills and techniques, but with "cope-ability," i.e., the ability, competence, assurance and dignity to meet the future with confidence. The true educated Indian leader will not be concerned about self-aggrandizement, but the worth and future of his fellow human beings in society.

Goals are normally set by persons in positions of authority and such persons tend to be eclectic. To be eclectic, however, requires an interpretive framework in which to categorize and prioritize information. I would like to suggest an interpretive framework that could have utilitarian value for our future reflections about education among Indian people.

Barbara Sizemore, in an article in the book, Racial Crisis in America, has suggested that a "power inclusion" model should be considered by "excluded people" as they struggle to set goals.

Racism is the belief that race is the primary determinant of human traits and capacities and that racial differences produce the inherent superiority of a particular race. Oppression is the unjust and cruel exercise of authority and power. In the U.S., most institutions promote and protect an authoritarian decision-making hierarchy based on the values of White European superiority, male superiority and the superiority of people with money. This support precludes possibilities for true integration, for true integration demands an end to both racism and oppression.

Sizemore's model resembles the developmental task model of social psychology. This kind of concept emphasizes natural growth through stages. The model of Dr. Sizemore, however, differs from that of

social psychology because of the focus upon the development of groups (communities) rather than the individual. Rather than explaining her model further, let me describe an interpretive framework based upon her research but altered to fit our purposes.

#### Goals

#### P POWER INCLUSION MODEL

<u>Stages</u>	<u>Processes</u>	<u>Outcomes</u>
#1 Separatism	Identification of differences in language, culture, religion and territory	Negative Identity
#2 Tribalism	Use of myths, rites, resources and institutions for purposes of cohesion	Group Cohesion
#3 Nationalism	Collaboration among groups and tribes to develop an economic and political base	Powerbase
#4 Pluralism	Cross-cultural education and negotiations where there is an equipoise of power	Multi-cultural Society (rather than non-ethnic)

This model, although it appears to be static, is in fact intended to be dynamic. The stages obviously do not occur as orderly as they appear. Several characteristics of this model should be explained. First of all, separatism is treated as a natural and necessary step towards pluralism. Somehow as educators we need to help the non-Indian to understand that negative identity is not necessarily negative, but is a necessary step toward a constructive identity. Often separatism is looked upon by the general society as a deviation from the required norm. "Negative identity" may actually be a "positive identity" for those who are wishing to find themselves and build upon their cultural and tribal strengths in order to deal with a complex society with some form of solidarity and integrity.

A prophet once said that one person is no person. A relationship

always presumes two or more persons. Where, for example, a husband and wife are identical there can be no relationship because they are not separate identities. Separatism, rather than being destructive, (within this model) is seen as necessary and useful. Could it be that some forms of militancy and hostility should be recognized for their worth from a developmental point of view as well as from a political vantage point?

Separatism in this model is not a product objective. It is a process objective. Those who argue for Indian studies must be asked whether such an education is an end or a step along a continuum toward another end. The same question could legitimately be asked of those who argue for goals and programs to support the reconstitution of tribalism.

My adaptation of Sizemore's model focuses upon power for purposes of inclusion. Those in power are always nervous about those excluded groups who want power. In the church, for example, love and power have frequently been juxtapositioned. In the model which I am suggesting, power becomes a constructive reality because its purpose is to develop inclusion which is not characterized as integration.

The purpose of power is not to maintain separatism but to increase the possibility of freedom of choice. "Power" by this definition does not mean power to subjugate, coerce, manipulate or dominate other people, but rather opportunities for self-determination and control of one's own destiny. It is when a student has no control over his own life or destiny that he becomes indifferent or apathetic about his future. Individuals and communities must exercise decision-making powers in order to fulfill their own selfhood.

Of paramount importance to this model is the recognition that the

social goal both for this nation and for Indian people is that of a multi-ethnic society characterized by an equipoise of power. The Indian people were stewards of this great land and welcomed others to these shores so that they might also enjoy the fruits of freedom as did the Indian citizens. While the Indian controlled a balance of power the government dealt with the Indian as with sovereign nations, for there was more equity of power. The Indian has suffered from misuse of power and all of society will continue to suffer if there is a continuation of a "conqueror-vanquished mentality."

While there is seemingly a beginning conquest of space, there is not an equal effort to remove old enmities and prejudices. Education should address itself to the task of enlightenment of man from these ancient fears and foes.

To be multi-ethnic is more than being non-ethnic. The problem with the civil rights movement of the '60's was the integration meant cultural subtraction rather than cultural multiplication. Before one can become multi-ethnic he must be ethnic. Before a society can be pluralistic, there must be individuality.

The multi-ethnic society is a goal, not an objective and as a goal, multi-ethnic pluralism stands in need of product, process and consequent objectives. But before we have objectives, we must have goals. A goal is never fully reached.

The multi-ethnic society is not to be conceived as static and characterized by aesthetic harmony. Instead the multi-ethnic society is characterized by continual and dynamic shift in and for power, perhaps best symbolized by the strokes of a piston in an engine.

What should the goal of education be among Indian people? In my opinion, it should be the multi-ethnic society in which the whole is

more than the sum of the parts without the parts losing their identity.

Let me now shift our attention to matters of process and consequence objectives. If we are to realize goals, one of our first objectives, which is a process objective, should be to determine product objectives. What should Indian people who are a part of the multi-ethnic society look like? How would you recognize one when you see one? How would such persons perform? These and other questions must be answered. Before we can educate students (products) we must first define that which we seek to develop.

One of our process objectives should be to establish Indian education as a discipline. Few people would argue successfully that there are real and important differences that should be recognized in the education of Indian children, youth and adults. Except for the anthropologists, we lack a body of information that documents our feelings. Research has often been characterized as the enemy of Indian people rather than a tool. The basic purpose of research as Sullivan has said in his book, Instructional Product Development Research, is to "reduce risk."

Sullivan's definition of research is based upon an orientation that the purpose of research is to produce "products." A perusal of most research reports among Indian people shows an abundance of descriptive research and a scarcity of experimental or product development research. In other words, a lot of spade work has been done but very little construction has occurred.

If education is to become a useful tool of Indian people rather than a force for cultural disintegration, then research must shift its attention from "getting ready for action" to "action." Related to this belief is the process objective that Indian people be trained

in research skills. Research dollars need to be increased. Research as a method needs to be incorporated into the various systems of decision-making rather than separate departments of programs along side of other programs.

The purpose of research is to "reduce risk" not to eliminate it. In our decision-making processes we need to replace guesstimations with estimations; we need to have available the kinds and amounts of data which support Indian people in our attempt to develop new alternatives that have sufficient high probability of success to warrant their attempt.

Another process objective is to utilize objectives in the management of education. Surely it is not necessary to document that the funds used in the education of Indian people has been "shotgunned." The situation of financial support of Indian students, for example, is a national tragedy as exemplified by the crisis last year of the possibility of not having enough funds for Indian students in their last two years of college to finish school. We need priorities in Indian education and one way to establish these is to utilize objectives. By using objectives we develop a basis for evaluation which, while not perfect, is better than our present politics.

Another objective is to expend educational dollars on the development of middle management personnel in Indian communities. Many tribes are now asking for technical assistance in trying to administer the many Federal programs that have grown like "Topsy." Some influential programs have created almost dual governments on reservations. Too often the tribes themselves do not have money for their own overall administration and yet a program on their reservation has vast sums of money to develop a constituency or powerbase for a few. Too often



a program is judged on how much per diem is provided for community members to attend conferences and how often they go. As long as they keep their travel calendars filled it appears that there is movement and progress.

Programs vie for the leadership skills of their own tribal members and count it gain if they can woo a project director from some other program, whether it be tribal or intertribal. This practice has caused district to be against district within tribes and given rise to tribal factionalism. It has caused intertribal animosity and has created the reservation vs the urban Indian conflicts particularly concerning Federal services and funding.

We know all too well that many Indians head Indian organizations because of political and not management skills. Political skills, even if seen in more positive terms as human relations skills, are necessary but not enough. We need Indian people who cannot only get legislation passed but legislation translated into programs that make a difference. We need not only administrators within the Bureau but Indian principals, superintendents and community leaders who have the ability to plan, supervise, control and evaluate programs.

Another goal which could become an objective is to recognize and utilize career education. If the Northern Cheyenne Reservation is to be kept from becoming the coal bin of New York City, then Cheyenne people must be further educated in terms of careers to manage their own resources.

Career Education as described in educational journals is usually interpreted as providing tracks for individuals to move towards employment. We need to relate personal development, career development and community development as three aspects of a whole. Career education

1187

is not a competing goal with that of personal development nor ethnic separatism. Galinsky and Fast (1966) have asserted that, "in our society, one of the most clear-cut avenues through which identity concerns are expressed is the process of making a vocational choice ...choosing a vocation involves a kind of public self-definition that forces one to say to the world, 'this is what I am.'" As Indian educators we must reinterpret career education so that our concern is not only with the individual but the community.

There needs to be a reemphasis on vocational opportunities. Society has often discriminated against the nondegree holder. Often experience and maturity made little difference as long as the job candidate had a degree. There is a prevailing wind developing that more students will be considering less academic preparation in favor of continuing educational opportunities which will be more experiential and timely in nature. Additional higher education will be more of a part-time activity. It is fortunate that many tribal organizations have been willing to employ persons of merit who did not complete their degrees. They were more concerned about competency rather than credentials and this concern may become the pattern for other Indian students who need to be challenged before making a definite vocational choice. We need to replace the career ladder with the career lattice that allows upward mobility through lateral change.

There has been more emphasis on the recent high school graduate and therefore he has received the bulk of scholarship monies. However, with more persons seeking experience along with schooling; there should be some provision to consider married students somewhat like the G.I. Bill arrangement of World War II.

Many recent high school graduates are ignorant of other social

institutions within society. They have become bored with traditional schooling methodologies and have been frustrated. Many Indian students, even though they have a high school diploma, are not ready to compete at the college level and endure more frustration and embarrassment. Transitional programs need to be developed which provide needed survival skills for college. Reading, English and composition skills must be strengthened and developed to insure success in the college academic program.

Much can be done through individualized instruction where the worth, value and capabilities of students are recognized and appreciated. Each student differs and they have different rates of learning. An individualized laboratory considers this difference and starts where the student might be on the educational lattice. It seeks to measure his abilities, both strengths and weaknesses, so that attention can be given to improvement in the areas of need. The student does not feel the pressure of competition within a classroom, because he is "competing" against himself, by setting his own goals knowing that there will be individualized attention and support given by the staff.

Another goal should be to change funding systems. Programs that seem somewhat innovative have usually been funded by "seed money" instead of on a long term basis which would prove the worth of a particular project. If innovative programs are to succeed, they need adequate funds to insure success without using staff to continuously write proposals against anticipated shortfall in funding for each succeeding year.

In summary, I have recommended in broad terms that we need a framework in which to sequence and prioritize objectives, particularly at points where we are tempted to choose among objectives. We also

stand in need of getting to the serious task of translating broad goals into product, process and consequence objectives which serve as a guide to management rather than rhetoric used to camouflage ineffectiveness. Only through targeting and focusing on goals, instead of short term "shotgunning" approaches, can Indian education hope to succeed. We need to rethink and utilize career education. We need to educate middle management personnel. And we need to establish "Indian Education" as a discipline that has "pay off" in the lives of Indian people who become full participants of a multi-ethnic society.

Red Lakes Chippewa	24,000
Minnesota Chippewa	29,760
Navajo Tribe	<u>1,875,000</u>
TOTAL	\$2,858,788

### Institutional Effort

The efforts of colleges and universities to provide Indian Centers, Indian Studies programs and counseling services must be recognized as a strong factor in increasing the number of Native American students in college. While many schools removed questionable entrance requirements and offered probationary enrollments, some institutions disregarded all entrance requirements and offered Indian students trial semester enrollments. Sixty-seven institutions now offer some form of financial assistance to Native American students who attend them. It is estimated that at least 100 institutions now either offer one or more courses under the heading of Indian Studies, have one or more Indians on the faculty, offer a meeting place and provide an Indian counselor and/or remedial services utilizing tutors. College presidents are usually very proud to announce the establishment of their Indian Cultural Programs and several institutions are beginning to place these programs on a permanent basis in their curriculum and reflect such in the college catalogs. Perhaps one of the stronger spin-off values of Indian Centers on campuses is the improvement of the Indian image through cultural awareness among students, staff and community.

An example provided here is a table extracted from a dissertation by Eugene Leitka completed in 1973 of the study of the effectiveness

of Indian Studies programs in 50 institutions in which 30 institutions with Indian programs specified the importance of having an Indian person as counselor for the Indian students. (See table below.)

Number of Counselors				
	Institutions with Native Studies Programs		Institutions without Native Studies Programs	
	Respondents	%	Respondents	%
Yes	27	90.0	9	69.2
No	3	10.0	4	30.8
Indian	24	80.0	8	61.5
Non-Indian	3	10.0	1	7.7
TOTAL	30	100.0%	13	100.0%

(Unpublished dissertation, Eugene Leitka, 1973, page 45.)

When comparing the availability of a counselor for the Indian students, it can be seen that those schools with Native Studies programs have by far the largest number of counselors specifically assigned to help Indian students and a majority of those counselors are Native Indian Americans.

#### Special Programs

Special programs have made an important impact on the Indian college student. Beginning in 1967 with the American Indian Law Program which had a Higher Education budget of \$15,368 to assist seven law students, special programs in FY 1973 included 913 students in 15 special programs utilizing over \$3,606,200.

	<u>Students</u>	<u>Amount</u>
American Indian Law Program	156	\$630,000
Four-University Indian School Administrator's Program	85	265,000
Head Start Teacher Training	115	200,000
Antioch Para-Legal Training	17	76,000
Dartmouth College Special Indian Program	40	61,200
Assistance to Three Indian Jr. Colleges	416	1,908,000
Three College Work-Intern Programs	50	333,000
Five Other Special Projects	<u>34</u>	<u>133,000</u>
TOTAL	913	\$3,606,200

As one might surmise, not all of these special programs were productive. Some were funded for only one or two years. Others represent package funding in which the Bureau's portion is considered "seed" funding.

A new program added in FY 1974 is the American Medical Program to be patterned somewhat after the very successful Indian Law Program.

Examples of the motivating power of special programs to increase in a particular profession is shown by the 1,500 applicants on file for the 156 slots in the American Indian Law School Program and the 250 applications on file for the 85 slots for Indian School Administrator's Program. The new American Indian Medical Program is expected to triple the number of Indians in the health professions.

The great dependence placed on Federal aid by Indian students in colleges is amplified by the study that included 48 Indian students in selected Minnesota colleges. The study was conducted in 1970 by Raymond Wolf at Northern State College, Aberdeen, South Dakota. The study showed BIA grant receiving the greatest number of response

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to the question of financial aid that made it possible to attend college.

Sources of Funding For Responding  
Indian Students in Selected  
Minnesota Colleges

Source	Frequency
Parents	13
Relatives	0
Veteran's benefits	0
Tribal loan	1
Federal loan	2
Tribal grant	6
Federal (BIA) grant	41
Vocational-Rehabilitation	0
M. I. S. C.	25
College financial aids	19

Source: Raymond Wolf, 1970, p. 34.

When asked what part of the financial costs were provided by their parents, the distribution of responses can be shown thusly:

<u>Parent contribution</u>	<u>Number</u>
All	0
Most	2
Some	4
Little	11
None	31

## Conclusion

The Indian student has not shopped well from other Federal sources offered at colleges for various reasons identified in the main body of this paper. A cooperative agreement between the Office of Education in Washington, Bureau of Indian Affairs and the Office of U.S. Civil Rights is presently pending release. The agreement, in essence, is to suggest the elimination of discrimination against Native Indian American students in obtaining financial aid from the other Federal sources available to them.

The agreement is to be directed toward the institutions as the recipients of Federal funds which places them under the contractual compliance procedures and their responsibility to serve all races without discrimination.

Institutions have looked upon the BIA as the sole supporter of all Indian students and therefore, have not encouraged them to apply for their share of funds from other Federal sources. Clarification of the responsibility the institutions have to the Indian student has been needed but more importantly, a directive derived from an agreement between Office of Education, BIA and Civil Rights Office has been needed so that institutions can clearly understand how the Federal guidelines are to be interpreted. A proposed draft was produced early in January 1974 by the U.S. Office of Civil Rights which if adopted will bring about a clarification of what those responsibilities are with the colleges. The directive states that funds provided under the Basic Educational Opportunity Grant (BEOG) or other Federal programs are to be made available to all eligible Indian applicants on an equal basis without regard to their eligibility for financial assistance through programs operated by the Bureau of Indian Affairs.

The level of need of such applicants is not to be projected at a lower level than non-Indian students because of the availability of additional assistance. With respect to the allocation of Federal (excluding BIA) funds, therefore, the percentage of money allocated to Indian applicants should approximate the percentage of total dollar need of all eligible applicants represented by the total dollar need of all eligible Indian applicants. The average percentage of financial packages represented by work-study programs, and loans (as contrasted to scholarships) shall not be higher for Indian applicants as a group than for all applicants as a group.

Colleges will be asked to examine their current practices to determine their compliance under the contractual agreement. If the institutions should fail to comply, they will be asked to develop and submit, in writing, together with the submission of data required and a plan setting forth specifically the steps to be taken to achieve compliance.

It is evident that the Indian student must fare better from these other sources than he has in the past. As has been cited earlier in this paper, hundreds of Indian students were deprived of entering college for lack of supporting funds from BIA. If the universities and colleges had been assisting the Indians in obtaining their rightful share from the other Federal sources, it is possible that a majority of those students that were turned away could have had the opportunity to enter college.

## Appendix

Below is an example of a typical process a student must face when applying for financial assistance from the BIA. Various tribes and scholarship people are undecided whether this method of allowing the colleges to determine the total needs for the students should continue. Many feel that the local agency should or the scholarship office should have the responsibility of determining the need.

1. Students write to the Admissions Office at the college. Follow college or university instructions to be admitted.
2. Students write to the financial aids director at his college or university requesting financial aid. He names his tribe and area office. Students follow instructions from the college.
3. The college financial aids officer reviews and processes the financial aid form which is the basis for need determination. He then sends the Bureau Area Scholarship Officer a notation of the amount of aid to be offered and the kinds of assistance (BEOG, SEOG, BIA, Loan, Job, etc.).
4. The BIA Phoenix Area Scholarship Officer, Mrs. Ruth A. O'Neil, reviews the financial need of the student and the amount of the BIA funds to be committed. (BIA awards to applicants who choose out-of-state schools are limited to the amount comparable with the cost of a public supported college or university within his home state. Other forms of aid can make up for lower BIA grants to applicants who choose out-of-state schools)
5. A financial aid form is returned to the college with a

supporting statement by the Bureau Area Scholarship Officer which contains the following information:

- a. Bureau of Indian Affairs Commitment.
  - b. Verification of legal Indian status. (At least 1/4 or more Indian blood quantum).
  - c. Statement of priority. First priority goes to financing needy undergraduate applicants, beginning at the freshman level. Second priority includes all other eligible applicants.
  - d. Statement justifying greater or lesser financial need than that depicted by the processed financial aid form, if needed.
  - e. Student reapplys for financial aid to his college each year.
6. The Bureau of Indian Affairs application form must be completed by the student each year. Bureau of Indian Affairs forms must be obtained from the tribe, agency or area office.
  7. HEG-EOG deadline -- March 1, 1974.
  8. Late applicants will get chronological priority.
  9. These precedures apply to the academic year 1974-1975.

## Bibliography

- Brown, Eddie F. College Recruitment of the American Indian. American Indian Culture Center. California University, Los Angeles, California, July, 1971.
- Brown, E. F. and Fredrick, James. Guidance and Counseling of the American Indian College Student. California University, Los Angeles. American Indian Culture Center. Paper presented at the University of California, Los Angeles, American Indian Culture Center 1971 EPDA Short Term Summer Institute, Many Farms, Arizona, July 1971.
- Bureau of Indian Affairs, Scholarships for American Indians. Albuquerque, New Mexico, 1973.
- Edington, Everett D. A Communication System for the American Indian in Higher Education. Paper presented at University of California, Los Angeles American Indian Culture Center 1971 EPDA Short Term Summer Institute, Many Farms, Arizona, July, 1971.
- Falling, Leroy, Director of BIA Higher Education, Albuquerque, New Mexico, 1974.
- Hopkins, Thomas R. and Leitka, Eugene. Higher Education Evaluation, Student Characteristics and Opinions, Bureau of Indian Affairs, Albuquerque, New Mexico, 1973.
- Leitka, Eugene. A Study of Effectiveness of Existing Native American Studies Programs in Selected Universities and Colleges. Unpublished Dissertation. New Mexico State University, April 1973.
- Voyich, Daniel L. Report of the American Indian Student Advisor, Academic Year 1969-1970. Paper presented at the University of California, Los Angeles, American Indian Culture Center 1971 EPDA Short Term Summer Institute, Many Farms, Arizona, July 1971.
- Wolf, Raymond R. A Study of the Problems of Indian Students in Selected Minnesota Colleges. Northern State College, Aberdeen, South Dakota, 1970.

contemporary definition of treaty rights from the Federal government.

Unfortunately the problem is aggravated because of the mythologies that have arisen concerning past events. Among the career employees of the Federal government the pernicious doctrine has arisen that the mere passage of time serves to nullify the legal rights of American Indians. At the present time the Bureau of Indian Affairs and the Department of Justice both have sufficient legal justification to intervene in legal controversies on the side of Indian tribes and individuals. They fail to do so, however, often claiming that the statute under which they have received authority is decades old and therefore MUST have been superceded by some other statute or decision.

Indians also live in a mythological world in which their rights magically expand and contract to fit the occasion. It is not uncommon to hear tribes with no treaty or agreement orate about the breaking of treaties and solemn promises. No question ever arises concerning exactly what these solemn promises are and from whence they are derived.

This paper deals with future probabilities of how the treaty rights issue may arise in the field of Indian education. There are definite and longstanding legal commitments made by the United States in treaties, statutes and agreements. They are often not as broad as the Indians would like and often much more specific than the government would like. When, however, a specific incident occurs in which an issue arises that touches on the promises made by the Federal government to a specific tribe there is a very good possibility that the issue may be resolved in a finding that the Federal government is compelled to furnish certain services or to respond in certain ways predetermined by treaties, agreements and statutes.

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In the last five years the Five Civilized Tribes have had the bed of the Arkansas River confirmed to them, the Puyallups have had their 1854 treaty fishing rights confirmed, and the Navajos have had a tax case decided in which their 1868 treaty played a crucial role in gaining them a favorable decision. To continue to pretend, as many Federal employees do, that the past does not affect the way we see the present and act in the future is absurd. It is equally ridiculous for Indians to pretend that obscure phrases in their treaties give them the right to wander hither and yon shooting off their rifles and making incredible demands on state and Federal officials.

It is impossible to look at a treaty or agreement, pick out a suitable article and demand services and rights. A treaty or agreement stands on the same basis as other legal instruments and requires a set procedure for its interpretation. Among treaties particularly the doctrine has arisen that the text of the document should be interpreted as the two parties understood it at the time it was signed. One cannot, therefore, read into a treaty unreasonable interpretations that would make the document a prediction of things to come and not an instrument of its times.

This doctrine is modified somewhat in a specifically Indian context, however, when it is recognized that the treaty was presented to Indians as a foreign instrument and that the wording of the document may not necessarily coincide with what was told the Indians at the signing ceremony. The gap between the text of the document and the oral tradition of the tribes has been recognized by the courts and generally they have made an effort to compensate for this disparity. This doctrine of interpretation has been expressed in many cases and a fair statement of it is expressed in United States v. Shoshone

## Indians:

Treaties made by the United States with Indian tribes are not to be interpreted narrowly, but are to be construed in the sense in which naturally the Indians would understand them in view of the fact that the United States seeks no advantage for itself in such treaties and friendly and dependent Indians are likely to accept without discriminating scrutiny the terms proposed.<sup>1</sup>

The literal translation of a treaty text which is so often the tendency of Indians and bureaucrats alike is not a proper handling of the problem. Rather the documents must be read in the light of a reasonable expectation of the Indians that the United States intended to provide them with sufficient services to enable them to make a transition from their former life to a life more in line with the White man's way. The doctrine applies not simply to treaties in their literal sense but it applies particularly when the words are vague and ambiguous:

In construing an ambiguous agreement or treaty between Indians and the government, both reason and authority concur in holding that what was told the Indians when the negotiations were in progress is material and controlling; and how the words used in the instrument were understood by the Indians, rather than their critical meaning, should form the rule of construction.<sup>2</sup>

The doctrine is expanded further when rules of evidence are applied to Indian treaty cases:

The intention and understanding of an Indian tribe as to the rights secured to it by conventions are of paramount importance, and to that end the proceedings of councils at which they were ratified are admissible in evidence.<sup>3</sup>

When we speak of determining the rights of Indians under treaties, we are not simply speaking of the text of the treaty but the incorporation of the proceedings, congressional hearings or other official government reports that would tend to indicate what the government told the

Indians and what they believed they were receiving from the United States.

Once this determination has been made and the treaty texts, the minutes of the proceedings and other relevant documents are surveyed to determine the meaning of the phrase under consideration, other doctrines come into play. One of the doctrines that must be considered at this point is that ambiguous provisions of Indian treaties or contracts are taken more strongly against the government than against the Indians.<sup>4</sup> The point is more than rhetorical. The United States knew what it was doing when it proposed the phrase or article under consideration. Once the full meaning of the phrase is determined then it is applied with more strength against the United States than against the Indians. Events that would ordinarily void the right if decided on a contractual basis remain nullified if the intent of the parties has clearly been determined and if the parties both acted with relative good faith. Good faith is not construed as strongly against the Indians as against the government. We shall return to this point in our future discussion of treaty educational articles.

Determining, therefore, is the reasonable interpretation of a treaty article by giving consideration to the understanding of the Indians. "Indian treaties must be liberally construed to the end that Indians retain the benefits conferred by treaty at its execution."<sup>5</sup> It is not sufficient that the United States foreswear any intent to take advantage of the tribes during the formal ceremony of signing the treaty. Interpretation of the treaty comes years, sometimes decades, after the treaty has been ratified and the intent of this doctrine is that the courts do not take away from the tribes the rights which they were given in the treaties and agreements.

The doctrine of interpretation which demands that benefits received in the treaties not be argued away by later courts and Congresses finds its final repose in the traditional doctrine that one cannot imply the abrogation of a treaty or a treaty right. The doctrine has been articulated many times with respect to tax exemption of trust lands and hunting and fishing rights. The guideline by which one can judge the attempted abrogation of a treaty or agreement right is that: "The power of Congress to abrogate the provisions of an Indian treaty will be exercised only when demanded by the interests of the country and of the Indians themselves."<sup>6</sup> A real question arises, when we deal with educational provisions of the treaties since by no stretch of the imagination can the educational provisions of treaties be abrogated by Congress as long as Indians remain in the condition in which they have not achieved educational parity with the other citizens of the nation.

The final question concerning the interpretation of treaty articles concerns the role of the United States following the signing of the treaty or agreement and the evolution of its responsibilities toward the Indian tribe. At this point the traditional trust relationship articulated in numerous statutes seems to merge with the treaty rights which, even at a liberal reading in favor of the government, must assume that the parties are at an arm's length in their roles and identities.

In carrying out treaty obligations with Indian tribes, the government is more than a mere contracting party, but occupies a position of trust and its conduct should be judged by the most exacting fiduciary standards.<sup>7</sup>

The Federal government thus finds itself in an exacting position with respect to Indian tribes. On the one hand it has dealt with them as

quasi-independent nations, and many times in the early treaties as independent nations. On the other hand it has gradually assumed a trustee role towards Indians which is articulated in statutes but which comes to fruition in numerous interpretations of its role under the treaties. There is no way that the United States can stand back and pretend that it must deal with the tribes on a legalistic basis or on the basis that it has an equal responsibility for all citizens. Having signed and ratified the treaty, the government is then bound to provide services and supervision where it has clearly accepted responsibility and it must accept its role as a trustee with the highest fiduciary responsibility. In effect this doctrine announces that if necessary the government must turn upon itself and develop a dual role with respect to Indians that it might not necessarily develop with respect to its own citizens or even foreign nations.

It is within this context, therefore, that we can begin to discuss the treaty and agreement responsibilities of the Federal government today. Our task will be to survey the various educational provisions in treaties and agreements to determine the relative validity of their terms today. We cannot say that any one article, phrase, or section of a treaty is absolutely enforceable today but we can determine how that controversy might be developed in the light of the many numerous doctrines of interpretation that must be considered when determining if the United States has some liability.

One further concept must be noted. Traditionally the government, primarily through the Congress, has committed the supervision of Indian matters to the Department of the Interior and the Bureau of Indian Affairs. Many statutes and treaties provide that the Secretary of the Interior shall carry out its provisions under the

direction of the President.<sup>8</sup> A number of other treaties and statutes provide that the President himself shall determine how and when the provision shall be carried into effect.<sup>9</sup>

The treaty or the agreement is not, however, signed with the Department of the Interior or the Bureau of Indian Affairs. It is signed with the United States government and this identity includes nearly every agency established under Federal law with the exception of the quasi-Federal institutions such as regional commissions, advisory committees, and Federally-funded programs. While the question has not yet arisen concerning the treaty responsibility of the Secretary of Health, Education and Welfare or the Attorney General, the fact remains that when the President assigns duties to any department or when Congress passes educational statutes designed to provide some of the same services still due to tribes under their treaties, the possibility exists that those duties will be found to be ultimately based in treaties and agreements and not simply in Presidential directives or statutes.

Doctrines evolve and devolve and there has been no determination that the trust responsibility of the United States for Indian tribes rests exclusively with the Department of the Interior or that only the Bureau of Indian Affairs can respond to the needs of the tribes. Any agency that becomes involved in the field of Indian affairs can look forward to the possibility of discovering that it is acting as an instrumentality of the United States in carrying out its treaty obligations to Indians. While we must still talk in generalities, the fact that the Department of Health, Education and Welfare is already far down the road of assuming partial responsibility for the fulfillment of treaty obligations to Indians.

## Types of Education Provisions in Treaties

It is certain that the Federal government assumed some responsibility for Indian education in the treaties. Numerous articles outline the services and moneys that are to be committed to Indian education beginning in 1817 with the Treaty with the Wyandots and continuing until the series of 1868 treaties with the tribes of the high plains. Not all the tribes were included in this sequence of treaties and some tribes that had treaties had extinguished their specific educational rights prior to the end of the period. Still other tribes came under the Federal government's increasing assumption of the administration of tribal affairs so that their educational treaty provisions were converted into ongoing Federal programs.

What we can derive, at this time in history, is the types of educational provisions contained in the treaties and the varying forms of vested interest which they represent. Whether or not the Federal government is specifically obliged to provide services in education to all Indians seems to be a muted issue because of the several Indian education bills passed in this century by the Congress. Within the context of these education acts, however, one can still find specific responsibilities to certain tribes based on longstanding treaty obligations and these obligations particularly cannot be avoided. We are looking, therefore, at types of obligations and not at each specific article that may contain a promise of Federal involvement.

### Perpetual Services

The easiest type of treaty educational provision to discuss is

that of the perpetual service -- the promise to provide educational services for an indefinite period of time. A provision in the treaty with the Molala of Oregon, December 21, 1855 is typical of the perpetual services promise:

To establish a manual-labor school, employ and pay teachers, furnish all necessary materials and subsistence for pupils, of sufficient capacity to accomodate all the children belonging to said confederate bands, of suitable age and condition to attend said school. (Article 2, clause 4)<sup>10</sup>

This provision is distinguished from provisions in other treaties in that no term of years is mentioned that could conceivably be considered a limitation on the period for which the United States would provide services. The other clauses of the second article of this treaty all give specific terms of years for which services will be provided. It would be impossible for a court to imply that the failure to mention a term of years negated the clause concerning education of for a court to imply that the term of years set for the sawmill or the services of a carpenter should be interpreted to refer to the educational provision as well. Almost every appropriation request until the late 1920's mentioned this provision as a specific item indicating that the government recognized its perpetual nature.

A more detailed but hardly less specific provision is contained in the Treaty with the Pawnees of September 24, 1857:

#### Article 3

In order to improve the condition of the Pawnees, and teach them the arts of civilized life, the United States agree to establish among them, and for their use and benefit, two manual-labor schools, to be governed by such rules and regulations as may be prescribed by the President of the United States, who shall also appoint the teachers, and if he deem necessary, may increase the number of schools to four. In these schools, there shall be taught the various branches of common-school education, and in addition,



the arts of agriculture, the most useful mechanical arts, and whatever else the President may direct. The Pawnees, on their part, agree that each and every one of their children, between the ages of seven and eighteen years, shall be kept constantly at these schools for, at least, nine months in each year; and if any parent or guardian shall fail, neglect, or refuse to so keep the child or children under his or her control at such school, then, and in that case, there shall be deducted from the annuities to which such parent or guardian would be entitled, either individually or as parent or guardian, an amount equal to the value, in time, of the tuition thus lost; but the President may at any time change or modify this clause as he may think proper. The chiefs shall be held responsible for the attendance of orphans who have no other guardians; and the United States agree to furnish suitable houses and farms for said schools, and whatever else may be necessary to put them in successful operation and a sum not less than five thousand dollars per annum shall be applied to the support of each school, so long as the Pawnees shall, in good faith, comply with the provisions of this article; but if, at any time, the President is satisfied they are not doing so, he may, at his discretion, discontinue the school in whole or in part.<sup>11</sup>

The President's discretion is outlined with respect to two events.

First, he may withhold the annuities due to any adult who deliberately fails to support the educational provision. Second, he may decide that the Pawnees are not complying in good faith with the educational provision and discontinue the schools. A question arises here as to what type of behavior constitutes acting out of good faith. Is a hearing required? What evidence is needed to prove that the Pawnees were deliberately violating the provisions? It is doubtful that any temporary failure to perform would constitute grounds for the President to discontinue the schools. We already have the provision for punishment of individual parents and so the behavior that would constitute a violation of the provision would have to be more blatant than simply refusing to send the children to school. In all probability the article remains good today and the United States is obliged

to provide schooling satisfactory to the Pawnees under this provision.

A more specific articulation of this type of provision is that of the treaty of April 19, 1858 with the Yankton Sioux:

Article 4, clause 4th

To expend ten thousand dollars to build a schoolhouse or schoolhouses, and to establish and maintain one or more normal-labor schools (so far as said sum will go) for the education and training of the children of said Indians in letters, agriculture, the mechanic arts, and housewifery, which school or schools shall be managed and conducted in such manner as the Secretary of the Interior shall direct. The said Indians hereby stipulating to keep constantly thereat, during at least nine months in the year, all their children between the ages of seven and eighteen years; and if any of the parents, or others having the care of children, shall refuse or neglect to send them to school, such parts of their annuities as the Secretary of the Interior may direct, shall be withheld from them and applied as he may deem just and proper: and such further sum, in addition to the said ten thousand dollars, as shall be deemed necessary and proper by the President of the United States, shall be reserved and taken from their said annuities, and applied annually, during the pleasure of the President to the support of such schools, and to furnish said Indians with assistance and aid and instruction in agricultural and mechanical pursuits, including the working of the mills, hereafter mentioned, as the Secretary of the Interior may consider necessary and advantageous for said Indians; and all instruction in reading shall be in the English language....And whenever the President of the United States shall become satisfied of a failure, on the part of said Indians, to fulfill the aforesaid stipulations, he may, at his discretion, discontinue the allowance and expenditure of the sums so provided and set apart for said school or schools, and assistance and instruction.<sup>12</sup>

The clause raises more questions than it resolves. Apparently the school was to be operated partly out of annuity funds from the general funds due the tribe for their cession of lands. Yet the President had reserved powers to discontinue the schools and instructions if he found that the tribe was not acting in good faith. The clause commits the United States to provide the educational services as long as the tribe complies with the provisions of the treaty and only a blatant

and determined resistance on the part of the tribe would serve as grounds to discontinue the schools and instructions. The original annuity provisions had a sixty year time period over which they were to be paid. Subsequent amendments must be taken into account when interpreting this clause of article 4. On December 31st, 1892 the United States and the Yankton Sioux made an agreement which was later ratified by the Congress and this agreement continued and clarified the treaty of 1858.

Article V contained the following provision:

Out of the interest due to the Yankton tribe of Sioux Indians by the stipulations of Article III, the United States may set aside and use for the benefit of the tribe, in such manner as the Secretary of the Interior may determine, as follows: For the care and maintenance of such orphans, and aged, infirm, or other helpless persons of the Yankton tribe of Sioux Indians, as may be unable to take care of themselves; for schools and educational purposes for the said tribe; and for courts of justice and other local institutions for the benefit of said tribe, such sum of money annually as may be necessary. for these purposes, with the help of Congress herein stipulated, which sum shall not exceed six thousand dollars (\$6,000) in any one year. PROVIDED, That Congress shall appropriate, for the same purposes, and during the same time, out of any money not belonging to the Yankton Indians, an amount equal to or greater than the sum set aside from the interest due to the Indians as above provided for.<sup>13</sup>

The amount available to the tribe was the interest from a fund of \$500,000 due them from the sale of their lands which was to be set aside in the treasury at an interest rate of 5%. The Secretary of the Interior was to have the power to draw up to \$20,000 a year for the use of the tribe. The fund was to become due to the tribe in full at the pleasure of the United States after a twenty-five year period of trust. The fund would become an obligation to be paid in

1917 but the interest which totaled \$25,000 a year was to be added to the principal unless drawn by the Secretary of the Interior and of that \$25,000 not more than \$6,000 could be used for educational purposes. Article V, as we have seen, provided that the Congress "out of any money not belonging to the Yankton Indians" was to set aside an amount equal to or greater than the tribal funds set aside from the interest for the purposes of Article V -- education and welfare and operation of the tribal courts.

Article XVIII had the following provision:

Nothing in this agreement shall be construed to abrogate the treaty of April 19, 1858, between the Yankton tribe of Sioux Indians and the United States. And after the signing of this agreement, and its ratification by Congress, all provisions of the said treaty of April 19, 1858, shall be in full force and effect; the same as though this agreement had not been made, and the said Yankton Indians shall continue to receive their annuities under the said treaty of April 19th, 1858.<sup>14</sup>

It would appear when the treaty and agreement are combined that the Congress assumed full responsibility for the education of the Yankton Sioux tribe that continues to the present. The specific terms of years for annuities and interest on the 1892 fund are matters for accountants to handle. What is apparent is that the treaty governs the interpretation and implementation of the agreement and the treaty rights expand when the agreement is added. Congress, in Article V, assumes a responsibility to provide, out of funds not due the tribe, appropriations for the education, welfare and local government of the tribe. It would also seem that this provision is one that might be enforced against the government.

### Implied Perpetual Services

The provisions discussed above clearly had no time limit within which the United States was to provide services. Other treaty provisions are not as textually clear but stand on the same legal basis. We shall call them, for purposes of distinguishing categories only, implied perpetual provisions. Almost all of these provisions occur in the 1867-1868 series of treaties signed as a part of Grant's peace policy with the western tribes. Among the tribes sharing these provisions are the Kiowa and Comanche (1867), the Cheyenne and Arapaho (1867), the Ute (1868), Sioux and Arapaho (1868-Fort Laramie), Crow (1868), Northern Cheyenne and Arapaho (1868), Navaho (1868), and Eastern Band of Shoshones (1868).

There has been considerable litigation over the meaning of the treaty phraseology of this series of treaties, particularly on behalf of the Sioux with the Fort Laramie Treaty. The United States Court of Claims faced the question of the educational provisions of the treaty in a case in 1936, Sioux Tribe of Indians v. United States.<sup>15</sup>

In this case the Sioux tribe sued the United States for damages of \$18,090,365.46 claiming that the government had deprived the Sioux of educational benefits entitled to them under the treaty. "The record," the court noted, "establishes that for a long period of time the Government did not strictly observe the provisions of the seventh article of the treaty of 1868 or Section 16 of the act of 1889 (which repeated the 1868 educational provision) with respect to furnishing the educational facilities provided for therein."<sup>16</sup>

Excerpts from the court's decision are very useful in determining the meaning of the treaty and the context in which the treaty was to

be interpreted:

The governmental purpose to be accomplished by entering into the treaty is manifest from its express provisions. We are again called upon to repeat what has been for so long recognized and so many times stated, that the Government was treating with then uncivilized Indian tribes occupying a vast extent of landed territory which the Government knew it must acquire in part or face the inevitable conflict between the Indians and the white settlers. The governmental policy was firmly established. Its efforts were to be exerted in an attempt to civilize the Indians, teach them agriculture, and of course provide for their children the facilities of an elementary English education, a most important element of its policy.

\* \* \* \*

The treaty was not intended to obligate the Government to simply erect schoolhouses and employ teachers. It was not a unilateral contract. It exemplifies the experimental nature of the undertaking and imposes mutual obligations upon the parties. The benefits to accrue were not wholly material. The objects to be accomplished possessed a much wider significance. The Indian parent was to be taught to appreciate the value of an education to his child, and the children the advantage of the same in their contacts with the Whites now rapidly coming into Indian habitations and Indian lands.

The plaintiffs say that the Government is at fault if a sufficient number of children could not be compelled or induced to attend available Indian schools, because the seventh article of the treaty of 1868 'made it the duty of the agent for said Indians to see that this stipulation is strictly complied with.'

\* \* \* \*

True, the agent could induce attendance, but for him to seek to compel, as some of them did, was but to invite the demonstration of serious hostility, which actually occurred. Aside from this, however, the duty mentioned was to see to it that, when the status quo mentioned in the treaty obtained, the treaty provisions with respect to schoolhouses and teachers would be strictly adhered to.<sup>17</sup>

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\* \* \* \*

Innumerable Indian cases clearly demonstrate - none in a more pronounced way than this one -- that it exacts a long period of time to translate tribal Indians into reservation ones, to bring home to them the advantages of education and civilization, and overcome a native and natural hostility of the tribe towards the Whites whom they regard as trespassers upon their lands. In this case it required thirteen years to bring about peace with Sitting Bull and his numerous followers.

In 1873, five years after the date of the treaty, the Commissioner of Indian Affairs was recommending the establishment of military posts at each of the agencies to enforce respect for their authority and enable the agency affairs to be conducted, and we think it is established by the great preponderance of evidence that it was not until 1881 or thereabouts that the Sioux Tribe as a whole manifested a disposition and intent to inhabit the treaty reservations and embrace the treaty provisions looking towards their care and civilization.<sup>18</sup>

The Sioux did not recover the damages they sought.

The problem that the court faced was that of deciding whether or not the provision constituted a unilateral contract upon which monetary damages could be awarded. Obviously the article was not a unilateral contract and no damages were awarded. When we look at the actual treaty provision, however, we wonder why it was that both the government and the Indian attorneys considered the treaty article to be a unilateral contract:

ARTICLE VII In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and

faithfully discharge his or her duties as a teacher.  
The provisions of this article to continue for not  
less than twenty years.<sup>19</sup>

What attorneys for both sides failed to recognize, which the court partially recognized, is that the provision is not for a term of twenty years but that it is for a term of not less than twenty years; that is to say, until the Sioux are civilized. The provision, if we are to believe the Court of Claims, was made by the United States in full recognition that "it exemplified the experimental nature of the undertaking and imposed mutual obligations upon the parties. The benefits were not wholly material. The objects to be accomplished possessed a much wider significance."

The treaty article must be read, therefore, in the light of conditions as they existed and in view of what must have been the full recognition by the United States that it was going to be much longer than twenty years before the Sioux would be ready to take advantage of an elementary English education. The article must be read as a commitment by the United States to provide educational services to the Sioux and other tribes having the same treaty provision for as long as it should take to "translate tribal Indians into reservation ones."

The obligation is not quite perpetual, therefore, since it clearly foresees the day when the tribes will become accustomed to the ways of the White man. However it can be implied to be perpetual in its interpretation because the United States knew very well that it could not conceivably accomplish this task in a twenty year period. Further, the same treaties made provisions to pay Indians who farmed an annual annuity of twenty dollars for thirty years and an annual annuity for Indians who hunted ten dollars a year for thirty years. The government could not argue that it intended to pay hunting and



roaming Indians ten dollars a year for thirty years and that it also intended to provide educational services for only a period of twenty years when its mission was to promote "civilization" among the Indians.

We must conclude that these treaty obligations are still in effect since they are interpreted in that manner by the court. For some strange reason the other 1867-1868 treaties having the same educational article have never been the subject of litigation with respect to the educational provisions.

#### Long Term at the President's Discretion

A variation of the perpetual treaty education obligation is that of the indefinite term of responsibility which can be terminated primarily at the President's discretion. These types of treaty articles are fairly common in the treaties of every era. They generally involve not simply educational services but more often specific services that are required at some period of the tribe's adjustment to the ways of the White man.

A typical provision would be:

The United States engage to provide and support a blacksmith for the Indians, at Saginaw, so long as the President of the United States may think proper, and to furnish the Chippewa Indians with such farming utensils and cattle, and to employ such persons to aid them in their agriculture, as the President may deem expedient. (Article 8. Treaty with the Chippewa, 1819)<sup>20</sup>

The United States agree to provide and support a blacksmith and wheelwright for the said party of the second part, and give them instruction in agriculture, as long, and in such manner, as the President may think proper. (Article 7. Treaty with the Creeks, 1825)<sup>21</sup>

The United States agree, to allow annually five hundred dollars, for five years, for the purposes of education, which sum shall be expended under the direction of the President; and continued longer if he deems proper. The schools, however, shall be kept within the limit of said tribe or nation. (Article IV. Treaty with the Oto and Missouri, 1833)<sup>22</sup>

These articles appear to give a permanent right to educational services to the tribe subject to termination only upon the discretion of the President. The question is not whether Congress has the responsibility to provide funds but whether the provision continues until such time as the President determines that the services shall stop and how the President makes such a determination.

The right to services is thus not a vested right insofar as the tribe can enforce the obligation in a court. However pending a formal announcement of the President that he has determined that the tribe is no longer in need of the services it would seem that a right exists for the tribe to seek specific educational services by claiming that the President has not yet announced his determination that the services shall stop. The danger in attempting to make this type of provision a legally vested right would be in its intrusion into the President's discretion.

Suppose, for example, that the President determined that a college education was sufficient to fulfill a treaty provision, could he transfer the obligation from that of providing a blacksmith to that of providing a college education? If we take the idea of what the blacksmith, metal working, gun repair and shoeing of horses represented at the time the treaty was made and transpose those services into contemporary terms, we are talking about vocational education courses. A vocational education course in auto mechanics might conceivably fall within the original intent of the treaty as transposed

many times by changes in both White and Indian culture. A course in medicine might not be as easily justified.

The idea may sound extremely hypothetical. However we have already seen in the discussion of the 1868 treaty provisions that the Federal courts have recognized that the United States, in signing the treaty, undertook to provide services that it knew would take a considerable amount of time and that would require a certain amount of flexibility in application and interpretation. What is certain in these articles is that the service continues as long as the President considers it beneficial to the Indians and in this sense it would take a formal disclaimer by the President to end the relationship.

We have just discussed a service that continues as long as the President deems it necessary to the tribe. There are, in addition, definite services to be carried out "under the direction of the President." The difference between the two types of services is that the President has discretion in one case and the responsibility continues as long as he does nothing to terminate it. In the other case a definite service is described which the President must direct but which he has no power, in most cases, to terminate.

Some typical examples of the latter are:

The United States stipulate that the reservations and the tract reserved for a school fund, in the first article of this treaty, shall be surveyed and sold in the same manner, and on the same terms, with the public lands of the United States, and the proceeds vested, under the direction of the President of the United States, in the stock of the United States, or such stock as he may deem most advantageous to the Cherokee nation. The interest or dividend on said stock, shall be applied, under his direction, in the manner which he shall judge best calculated to diffuse the benefits of education among the Cherokee nation on this side of the Mississippi. (Article 4. Treaty with the Cherokees, 1819)<sup>23</sup>

To be laid out under the direction of the President for the establishment of manual-labor schools: the erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, thirty thousand dollars. (\$30,000). (Article 4, Clause 2. Treaty with the Sisseton and Wahpeton Bands of Sioux, 1851)<sup>24</sup>

If any treaty articles resemble a contractual arrangement it would be articles of this type. The United States agrees to establish a tribal fund or provide buildings and services for the tribe and the President is directed by the terms of the treaty to supervise the performance of the agreement. Except in those cases where the President is given discretion in varying the terms of the article or is given discretion to vary the length of time that the services will be performed, he has no other course than to direct the activities described. Individual tribal trust funds may be traced to determine whether or not the funds still exist or whether they have been surrendered by the tribe, commuted by Congress, or transferred to a general fund or program. We shall make no effort to trace individual tribal accounts in this paper since that is a task of tribes litigating accounting claims in the Indian Claims Commission. What is important in these cases is a recognition that the treaty provisions in education often give a definite command to the executive branch which it is bound to carry out.

#### School Lands and Educational Services

There are two categories of treaty educational provisions dealing with the transfer of lands. One category involves the cession of lands to a private agency, usually a church, which in turn agrees to provide the tribe with certain educational services. The Federal

government acts in the role of a transfer agent to ensure that the tribe receives a fair bargain in the transaction. Sometimes a reversionary clause is inserted providing that the Secretary of the Interior can take the land back and sell it for public purposes. Sometimes the reversionary clause provides that the lands will be restored to the tribe for educational purposes whenever the private agency foils or ceases to provide services.

The other category of land transfer involves setting aside lands within the ceded area for sale with the proceeds going into a special tribal educational fund. Other times lands are set aside within the reserved lands of the tribe for use as educational lands either to build a schoolhouse upon or to provide income to support the tribal school. Depending upon the specific nature of the land transfer certain rights would appear to arise in the treaty article because it is apparent that the tribe is bargaining for a definite and identifiable trust relationship that requires a specific response from the party, Federal or private.

Some examples of the first category of educational land provisions are:

Some of the Ottawa, Chippewa, and Potawatomy tribes, being attached to the Catholic religion, and believing they may wish some of their children hereafter educated, do grant to the rector of the Catholic church of St. Anne of Detroit, for the use of said church, and to the corporation of the college at Detroit, for the use of the said college, to be retained or sold, as the rector and corporation may judge expedient, each, one half of three sections of land, to contain six hundred and forty acres, on the river Raisin, at a place called Macon; and three sections of land not yet located, which tracts were reserved, for the use of the said Indians, by the treaty of Detroit, in one thousand eight hundred and seven; and the superintendent of Indian affairs, in the territory of Michigan, is authorized, on the part of the said Indians, to select the said tracts

of land. (Article 16. Treaty with the Wyandot and Other Tribes, 1817)25

The grants of land above made to missionary societies and churches, shall be subject to these conditions: The grant to the Missionary Society of the Methodist Episcopal Church South, at the Indian manual-labor school, shall be confirmed to said society, or to such person or persons as may be designated by it, by patent, from the President of the United States, upon the allowance to the Shawnees, by said society, of ten thousand dollars, to be applied to the education of their youth; which it has agreed to make. The grants for the schools established by the Baptists and Friends, shall be held by their respective boards of missions, so long as those schools shall be kept by them - when no longer used for such purpose by said boards, the lands, with the improvements, shall under the direction of the President, be sold at public sale, to the highest bidder, upon such terms as he may prescribe, the proceeds to be applied by the Shawnees to such general beneficial and charitable purposes as they may wish: Provided, that the improvements shall be valued, and the valuation deducted from the proceeds of the sale, and returned to said boards respectively. (Article 6. Treaty with the Shawnees, 1854)26

Interpretations of these articles might vary since there is a question whether the provision is a contract between the tribe and the United States with the missionary society as a third party beneficiary or an agreement between the United States and the missionary society with a confirmation made by the tribe.

Perhaps the most extensive article of this type occurs in the treaty between the United States and the Chippewa of Saginaw, Swan Creek, and Black River in 1864:

Article 4. The United States agrees to expend the sum of twenty thousand dollars for the support and maintenance of a manual-labor school upon said reservation: Provided, that the Missionary Society of the Methodist Episcopal Church shall, within three years after the ratification of this treaty, at its own expense, erect suitable buildings for school and boarding-house purposes, of a value of not less than three thousand dollars, upon the southeast quarter of section nine, township fourteen north, of range four west, which is hereby set apart for that purpose.

The superintendent of public instruction, the lieutenant governor of the State of Michigan, and one person, to be designated by said missionary society, shall constitute a board of visitors, whose duty it shall be to visit said school once during each year, and examine the same, and investigate the character and qualifications of its teachers and all other persons connected therewith, and report thereon to the Commissioner of Indian Affairs.

The said Missionary Society of the Methodist Episcopal Church shall have full and undisputed control of the management of said school and the farm attached thereto. Upon the approval and acceptance of the school and boarding-house buildings by the board of visitors, the United States will pay to the authorized agent of said missionary society, for the support and maintenance of the school, the sum of two thousand dollars, and a like sum annually thereafter, until the whole sum of twenty thousand dollars shall have been expended.

The United States reserves the right to suspend the annual appropriation of two thousand dollars for said school, in part or in whole, whenever it shall appear that said missionary society neglects or fails to manage the affairs of said school and farm in a manner acceptable to the board of visitors aforesaid; and if, at any time within a period of ten years after the establishment of said school, said missionary society shall abandon said school or farm for the purposes intended in this treaty, then, and in such case, said society shall forfeit all its rights in the land, buildings, and franchises under this treaty, and it shall then be competent for the Secretary of the Interior to sell or dispose of the land hereinbefore designated, together with the buildings and improvements thereon and expend the proceeds of the same for the educational interests of the Indians in such manner as he may deem advisable.

At the expiration of ten years after the establishment of said school, if said missionary society shall have conducted said school and farm in a manner acceptable to the board of visitors during said ten years, the United States will convey to said society the land before mentioned by patent in trust for the benefit of said Indians.

In case said missionary society shall fail to accept the trust herein named within one year after the ratification of this treaty, then, and in that case, the said twenty thousand dollars shall be placed to the credit of the educational fund of said Indians, to be expended for their benefit in such manner as

the Secretary of the Interior may deem advisable.

It is understood and agreed that said missionary society may use the school-house now standing upon land adjacent to the land hereinbefore set apart for a school-farm, where it now stands, or move it upon the land so set apart.<sup>27</sup>

It would appear that the missionary society in effect assumes some of the Federal government's trust responsibility for Indian education in accepting the land and appropriations. Whether, therefore, the United States could validly prohibit its funds from going to sectarian schools as it did in the 1890's would seem to be a question affecting both the missionary society and the tribe involved. Some of these conveyances must certainly create a cause of action for the tribe in that the missionary society, wisely or foolishly, agrees to give almost unlimited educational services to the tribes in return for the confirmation of land title.

The other category, setting aside lands to create tribal funds for education, involves a number of corollaries in specific instances where tribes insisted upon certain features such as local control. We shall deal with the most general provision first. Some examples of the setting aside of lands to create educational funds are:

Treaty with the Choctaw, 1820

Article 7. Out of the lands ceded by the Choctaw nation to the United States, the Commissioners aforesaid, in behalf of said States, further covenant and agree, that fifty-four sections of one mile square shall be laid out in good land, by the President of the United States, and sold, for the purpose of raising a fund, to be applied to the support of the Choctaw schools, on both sides of the Mississippi river. Three-fourths of said fund shall be appropriated for the benefit of the schools here; and the remaining fourth for the establishment of one or more beyond the Mississippi; the whole to be placed in the hands of the President of the United States, and to be applied by him, expressly and exclusively, to this valuable object.<sup>28</sup>



#### Treaty with the Osage, 1825

Article 6. And also the fifty-four tracts, of a mile square each, to be laid off under the direction of the President of the United States, and sold, for the purpose of raising a fund to be applied to the support of schools, for the education of the Osage children, in such manner as the President may deem most advisable to the attainment of that end.<sup>29</sup>

These funds differ somewhat from the general establishment of funds made in the treaties for education in that the tribe makes a cession of lands for the express purpose of establishing its own schools and the funds derived from the sales of such lands are identifiable funds. It would appear that these funds are to remain segregated in the Federal treasury, that their expenditure is to be directed by the President, and that whatever else may happen to the tribe in its further dealings with the Federal government, the establishment of the fund by treaty vests a property interest in the fund which no subsequent act of Congress can divest.

#### Tribal Educational Funds

The corollary of the tribal land educational fund is the general educational fund received by the tribe upon treaty ratification. We make the distinction between land funds and educational funds because general educational funds are a part of the overall commitment made by the United States to apply a certain proportion of the general land cession moneys to education. Which lands would be returned to the tribe because the educational article had been violated in the case of a blatant default by the United States immediately following the ratification of the treaty? It is impossible to distinguish which lands were educational, which were general annuity, and which paid debts, provided services or paid for land

surveys?

With the land educational funds, the lands to be sold for educational purposes are already identified in the treaty article and are set aside for the express purpose of creating an educational fund. In the event that the treaty would be fundamentally breached, the tribe could identify the specific lands that had been sold to create the fund and could take action to get them restored. With this fundamental distinction in mind, let us look at some of the general educational funds set up in the treaties:

Treaty with the Sauk and Foxes, Etc., 1830

Article V. And the United States further agree to set apart three thousand dollars annually for ten successive years, to be applied in the discretion of the President of the United States, to the education of the children of the said Tribes and Bands, parties hereto.<sup>30</sup>

Treaty with the Chippewa, etc., 1833

Article 3d...Seventy thousand dollars for purposes of education and the encouragement of the domestic arts, to be applied in such manner, as the President of the United States may direct.-(The wish of the Indians being expressed to the Commissioners as follows: The united nation of Chippewa, Ottawa and Potawatamie Indians being desirous to create a perpetual fund for the purposes of education and the encouragement of the domestic arts, wish to invest the sum of seventy thousand dollars in some safe stock, the interest of which only is to be applied as may be necessary for the above purposes. They therefore request the President of the United States, to make such investment for the nation as he may think best. If however, at any time hereafter, the said nation shall have made such advancement in civilization and have become so enlightened as in the opinion of the President and Senate of the United States they shall be capable of managing so large a fund with safety they may withdraw the whole or any part of it.)<sup>31</sup>

As we can see, these funds are not identified according to specific lands sold but are a part of the general bargain struck between the tribe and the Federal government during the negotiations. They remain the property of the tribe and, depending upon the specific

treaty, are administered by either the President or the Secretary of the Interior. Perhaps the only restriction on them would seem to be that they must be expended for educational purposes. The definition, however, of what constitutes education under these general provisions, is a matter for the President to determine and not the tribe. Lack of ultimate tribal control, therefore, is an additional characteristic of these funds.

### Indian-Controlled Schools

We turn now to a number of provisions which involve the establishment of Indian controlled schools established under the treaties. These provisions have great relevance for contemporary Indian education with its concentration on Indian controlled schools. Did these treaty provisions vest the tribe with a right to continue to operate its own schools regardless of what Congress did? A liberal interpretation of the provisions, as previously discussed in this paper, would indicate that they did.

An additional question emerges with respect to Indian controlled schools. Did the United States intend that all tribes would eventually reach the point where they would be operating their own schools with a minimum amount of Federal supervision? In other words, was it a part of the Federal educational policy that Indian schools would evolve from government and mission schools operated for the Indians to schools operated by the Indians?

It is instructive to survey the provisions for Indian controlled schools particularly with respect to the Five Civilized tribes:

#### Treaty with the Creeks, 1827

It is further agreed by the parties hereto, in behalf

of the United States, to allow, on account of the cession herein made, the additional sum of fifteen thousand dollars, it being the understanding of both the parties, that five thousand dollars of this sum shall be applied, under the direction of the President of the United States, towards the education and support of Creek children at the school in Kentucky, known by the title of the "Chocktaw Academy", and under the existing regulations; also, one thousand dollars towards the support of the Withington, and one thousand dollars towards the support of the Asbury stations, so called, both being schools in the Creek Nation, and under the regulations of the Department of War.<sup>32</sup>

#### Treaty with the Cherokee, 1835

Article 10...the sum of two hundred thousand dollars in addition to the present annuities of the nation to constitute a general fund the interest of which shall be applied annually by the council of the nation to such purposes as they may deem best for the general interest of their people. The sum of fifty thousand dollars to constitute an orphans' fund the annual income of which shall be expended towards the support and education of such orphan children as are destitute of the means of subsistence. The sum of one hundred and fifty thousand dollars in addition to the present school fund of the nation shall constitute a permanent school fund, the interest of which shall be applied annually by the council of the nation for the support of common schools and such a literary institution of a higher order as may be established in the Indian country. And in order to secure as far as possible the true and beneficial application of the orphans' and school fund the council of the Cherokee nation when required by the President of the United States shall make a report of the application of those funds and he shall at all times have the right if the funds have been misapplied to correct any abuses of them and direct the manner of their application for the purposes for which they were intended. The council of the nation may by giving two years' notice of their intention withdraw their funds by and with the consent of the President and Senate of the United States, and invest them in such a manner as they may deem most proper for their interest...

Article 11. The Cherokee nation of Indians believing it will be for the interest of their people to have all their funds and annuities under their own direction and future disposition hereby agree to commute their permanent annuity of ten thousand dollars for the sum of two hundred and fourteen thousand dollars, the same to be invested by the President of the United States as a part of the general fund of the nation; and their

present school fund amounting to about fifty thousand dollars shall constitute a part of the permanent school fund of the nation.<sup>33</sup>

We can easily see from these provisions that the Creeks and Cherokees reserved in their treaties the right to operate their own schools. The Cherokees particularly reserved the right to establish a permanent fund for the education of their children. The Creeks reserved funds for scholarships in the "Choctaw Academy" and funds for the support of their own schools as existing under the Federal regulations then in effect. If we cannot argue a permanent reserved right to establish tribal schools we can certainly argue the right of local control from these treaty provisions.

When we turn to the Choctaws we find full educational provisions for local control and support. The Choctaw provisions are particularly relevant because they indicate a progressive development of a school system. The treaty of 1825 provides:

Article 2. In consideration of the cession aforesaid, the United States do hereby agree to pay the said Choctaw Nation the sum of six thousand dollars, annually, forever; it being agreed that the said sum of six thousand dollars shall be annually applied, for the term of twenty years, under the direction of the President of the United States, to the support of schools in said nation, and extending to it the benefits of instruction in the mechanic and ordinary arts of life; when, at the expiration of twenty years, it is agreed that the said annuity may be vested in stocks, or otherwise disposed of, or continued, at the option of the Choctaw nation.<sup>34</sup>

And this right is expanded in the Treaty of Dancing Rabbit Creek in 1830 when the Choctaws made provisions for college education of their children through Federal scholarships:

Article XX. The U.S. agree and stipulate as follows, that for the benefit and advantage of the Choctaw people, and to improve their condition, there shall be educated under the direction of the President and

at the expense of the U.S. forty Choctaw youths for twenty years. This number shall be kept at school, and as they finish their education others, to supply their places shall be received for the period stated. The U.S. agree also to erect a Council House for the Nation at some convenient central point, after their people shall be settled; and a House for each Chief, also a Church for each of the three Districts, to be used also as school houses, until the Nation may conclude to build others; and for these purposes then thousand dollars shall be appropriated; also fifty thousand dollars (viz.) twenty-five hundred dollars annually shall be given for the support of three teachers of schools for twenty years...<sup>35</sup>

One has only to follow the progress of the Five Civilized tribes over a course of years to recognize just how good their school system was. In the Annual Report of the Commissioner of Indian Affairs (1877) the agent reports:

#### The Cherokees

They have ample provisions for the education of all their children to a degree of advancement equal to that furnished by an ordinary college in the States. They have 75 common day-schools, kept open ten months in the year, in the different settlements of the nation. Then for the higher education of their young men and women they have two commodious and well-furnished seminaries, one for each sex, and, in addition to those already mentioned, they have a manual-labor school and an orphan asylum.

#### The Creeks

They have 28 public schools, with 28 teachers, to whom they pay in the aggregate for their services, \$11,200,...

#### The Choctaws

They furnish ample provisions for the education of their children, having fifty-four day schools, one boarding and one manual-labor school, at which there are about twelve hundred pupils in attendance.<sup>36</sup>

The school systems continued to expand and by 1893 the Choctaws had forty students attending colleges in the East.<sup>37</sup> Almost every

Commissioner's Annual Report includes a census of the children in school, number of schools and academies, and the amount spent by the tribe on education.

The Five Civilized Tribes continued their educational systems until the extinguishment of the administrative branches of their tribal governments prior to Oklahoma statehood. But the Choctaws and Chickasaws continued some of their academies as late as 1929. During the Senate Indian Committee's field hearings in 1929 in Oklahoma, a delegation of Choctaws presented a petition which had been drawn up in a convention held prior to the Senate hearings. It asked for the merger of Indian and public schools:

We recall with pride the large sum of money we spent upon our tribal schools while our tribal government existed. We recognize our tribal schools as having been the most beneficial influence in our tribal life. But we believe the time has come when they should be discontinued. The Atoka Agreement provides that whenever the Choctaws and Chickasaws should be required to pay taxes for the support of schools their coal and asphalt royalties should be disposed of for their equal benefit in such manner as they might direct. Upon the advent of statehood all members of the tribes were compelled to pay taxes upon their personal property, which taxes were applied toward support of the State schools. Notwithstanding, they have been compelled to pay taxes for the support of the schools of the State, the Federal Government has continued to operate the tribal schools with the coal and asphalt fund. When the fund became inadequate the Government began to use and is still using other tribal funds to make up the deficiency, in violation of our treaties with the Government.<sup>38</sup>

The lack of space precludes and exhaustive analysis of the treaty educational provisions of the Five Civilized tribes based upon the historical developments following the ratification of their treaties. Such an examination would most probably indicate a reserved power in the tribes to operate their own school systems that survived the

dissolution of the administrative arms of their governments.

Similar provisions for Indian control of schools can be found in other treaties. One of the most specific involves the Chippewas of the Mississippi. In a treaty signed in 1855, the United States agreed to contract services with the tribe when it desired to do so:

Article 4. The Mississippi bands have expressed a desire to be permitted to employ their own farmers, mechanics and teachers; and it is therefore agreed that the amounts to which they are now entitled, under former treaties, for purposes of education, for blacksmiths, and assistants, shops, tools, iron and steel, and for the employment of farmers and carpenters, shall be paid over to them as their annuities are paid: Provided, however, that whenever, in the opinion of the Commissioner of Indian Affairs, they fail to make proper provision for the above-named purposes, he may retain said amounts, and appropriate them according to his discretion, for their education and improvement.<sup>39</sup>

It is clear, when we place the legal and historical developments of the Five Civilized tribes together with the treaty provisions and subsequent histories of other tribes, that part of the Federal policy regarding Indian education was the development of local, Indian controlled schools. This policy is evident when one considers that many educational provisions in treaties provide for the schools "in the nation" or inside the tribal reservation.

#### Educational Provisions of Agreements

One cannot stop the analysis of educational provisions within the formally ratified treaties because the United States did not stop dealing with the tribes on a negotiating basis of some formality until 1909 when it signed the last of the formal agreements. Since that time few policies have been put into effect that did not have either



Indian support and consent or were made to look as if Indian consent and approval had been obtained. Even during the termination days, Senator Watkins and Representative E. Y. Berry did exhaustive gymnastics to make the record show a form of Indian consent to the termination provisions.

The agreements do not as yet have an established status within the field of Indian law. Cohen's Federal Indian Law generally calls them "legislative oversights" attempting to imply that Congress would have included their provisions in the treaties had it realized the complexity of the situation originally. Such an explanation will not stand close examination. In many instances, the treaty was the best bargain the United States could get at that time and the agreement which followed the treaty by several decades was a land concession made by the tribe at a time when it was almost impossible for the tribe to refuse to cede lands or make other concessions. Agreements must, because of the blackmail nature of their negotiations, be interpreted strictly in a contractual manner against the United States and interpreted as if they were treaties indicating that the bargain process must have been a part of the negotiations and that therefore Indians cannot be presumed to have lightly surrendered their lands and rights.

The agreements naturally form a continuing record of the legal relationship between the tribes and the United States. In most cases they are additional footnotes or expansions of the major treaty document linking the tribe with the United States. In the statute confirming the Sioux agreement of 1889, which was of dubious legality, section 19 had the following qualifying condition:

That all the provisions of the said treaty with the different bands of the Sioux Nation of Indians concluded April twenty-ninth, eighteen hundred and

Sixty-eight, and the agreement with the same approved February twenty-eighth, eighteen hundred and seventy-seven, not in conflict with the provisions and requirements of this act are hereby continued in force according to their tenor and limitation, anything in this act to the contrary notwithstanding.<sup>41</sup>

Without passing on the legality of the 1877 act which has never been considered valid by the Sioux Nation, the fact remains that in the 1889 agreements the United States does its best to relate its subsequent amendments with preceding treaty law in order to indicate compliance with the treaty article on its part. This demonstration of good faith was required in many instances simply to get the Indians to agree to meet with the United States commissioners.

In the agreements we find the same variety of provisions concerning the education of Indians as we did in the treaties themselves:

In this same Sioux agreement of 1889 we find that:

....there shall be set apart, out of any money in the Treasury not otherwise appropriated, the sum of one million of dollars, which sum shall be deposited in the Treasury of the United States to the credit of the Sioux Nation of Indians as a permanent fund, the interest of which, at five per centum per annum, shall be appropriated, under the direction of the Secretary of the Interior, to the use of the Indians receiving rations and annuities upon the reservations created by this act, in proportion to the numbers that shall so receive rations and annuities at the time this act takes effect, as follows: One-half of said interest shall be so expended for the promotion of industrial and other suitable education among said Indians....<sup>42</sup>

Instead of providing a fund dependent upon the sale of certain tracts of lands or the cession of lands in the agreements the government promised permanent funds to be established of definite amount appropriated from regular Treasury sources. These funds are to be expended for educational and other purposes. The intent of these articles is

to provide a permanent source of education and welfare funds for the use of the tribes. When these individual tribal funds are later converted into general Federal appropriations for the welfare of Indians this conversion follows the treaty and agreement provisions in determining the intent of the United States to provide services for the tribes.

One would have to conclude, therefore, that the present Federal appropriations for Indians in the field of education are in many instances vested rights deriving in origin from the treaties and agreements of the tribes and the subsequent modifications of the treaty and agreement promises by the United States. In a real sense we can derive more specific requirements from the treaties and agreements on an individual tribal basis by indepth research into the particular treaties and agreements but in general the actions of the United States and its efforts to modify its responsibilities over the past century have resulted in vesting in Indians a Federal right to education and welfare from the Federal government.

In the act of May 18, 1916, the United States finally shouldered its responsibilities and provided that its general appropriations would be used to provide services to Indians and that tribal funds would no longer be used for general service provisions. The act made it mandatory for the Secretary of the Interior to make a report on the previous use of tribal funds for administrative purposes and that following submission of the report:

....no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect....<sup>43</sup>

In the acts of Congress following this law we see a merging of former treaty provisions and the new general appropriations for Indians assumed voluntarily by the Federal government.

The treaty issue is not dead among Indians. It still remains as one of the most viable and emotional of all the topics in the Indian field. Extensive research would be needed to indicate the extent to which the United States remains liable to individual tribes for particular services. What is most important is the clear indication over nearly a century of the Indian interest in education, their willingness to expend their own funds for education, and the gradual recognition by the Federal government of its treaty and agreement responsibilities for Indian education.

## Footnotes

1. 58 Sct. 794 (1938).
2. Chippewa Indians of Minnesota v. United States, 80 Ct. Cl 410 (1937).
3. Mille Lacs Band of Chippewa v. United States, 46 Ct. Cl. 424 (1911)
4. Indians of the Fort Berthhold Indian Reservation v. United States, 71 Ct. Cl. 308 (1932).
5. United States v. Stotts, 49F(2d) 619 (1931).
6. Roman v. Paullin, 152 P. 73 (1915).
7. Seminole Nation v. United States, 62 S. Ct. 1049 (1942).
8. The series of treaties signed with the Sioux bands in 1865, for example, provide this power. 14 Stat. 699, 14 Stat. 723, 14 Stat. 731, 14 Stat. 739, 14 Stat. 735, 14 Stat. 743, 14 Stat. 747.
9. For example, the Supplemental Articles to the Delaware Treaty of 1829, (7 Stat. 327).
10. 12 Stat. 981.
11. 11 Stat. 729.
12. 11 Stat. 743.
13. 28 Stat. 314.
14. 28 Stat. 318.
15. 84 C. Cls. 16 (1936).
16. 84 C. Cls. 16, 26.
17. 84 C. Cls. 16, 26-28.
18. 84 C. Cls. 16, 40.
19. 15 Stat. 635.
20. 7 Stat. 203.
21. 7 Stat. 234.
22. 7 Stat. 429.
23. 7 Stat. 195.
24. 10 Stat. 949.

25. 7 Stat. 160.
26. 10 Stat. 1053.
27. 14 Stat. 657.
28. 7 Stat. 210.
29. 7 Stat. 240.
30. 7 Stat. 328.
31. 7 Stat. 431.
32. 7 Stat. 307.
33. 7 Stat. 478.
34. 7 Stat. 234.
35. 7 Stat. 333.
36. p. 109-110.
37. Annual Report of the Commissioner of Indian Affairs, 1893, p. 146.
38. Survey of Conditions of the Indians in the United States, Senate Committee on Indian Affairs, Part 14, 1930, p. 5383.
39. 10 Stat. 1165.
40. The revised Cohen.
41. 25 Stat. 888, Sec. 19.
42. Ibid., Sec. 17.
43. 39 Stat. 123, 158-159.