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NEO-TERMINATION AND THE REAGAN ADMINISTRATION

U.S. Assimilation Policy with a New Label

(An analysis by Rudolph C. Ryser, 4 August 1982)

Tribes in the United States are now experiencing the greatest challenge to their political and economic existence since the 1947 - 1962 termination era. As a function of public policy the United States Government then sought to dissolve tribal groups and liquidate tribal lands, resources and property under the banner of equal opportunity and equal citizens' rights. This paper examines the continuing assimilationist policy of the United States government through the termination era, self-determination era and the new public policy era of Incrementalism or gradual dismemberment of Indian tribes through economic, social and political changes. The analysis is intended to serve as a foundation for a New Indian Strategy for conducting relations between Indian tribes and the United States Government. This analysis reviews the historic tribal termination policy of the United States demonstrating that the United States has always had a policy to dissolve tribal affiliations and liquidate tribal lands, resources and property. We examine how the "self-determination policy" was distorted to continue the U.S. termination and assimilation policy; and how the policy continues in the form of "incrementalism" -- or dismemberment of tribes in increments. We finally show that the U.S. strategy of "incrementalism" is being directed from the Office of Management and Budget within the Executive Office of the President. The thesis of our analysis is that the policy of dismembering tribes and assimilating Indians into the "mainstream society" is a U.S. national and governmental policy which finds its origins from the very beginning of the United States and not with the personalities which happen to be in power. The personalities (i.e. Reagan, Nixon, Johnson, Kennedy, Eisenhower, Truman, etc.) throughout U.S. government history have all promoted the same national

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policy of dismembering Indian tribes. Each government administration has merely used different labels to achieve the same goal. The present termination trauma is directly connected with the OMB incrementalism strategy and represents an attempt by the current U.S. administration to accelerate tribal termination and assimilation. The policy hasn't changed, only the strategy has changed.

This analysis concludes by offering suggestions for the formulation of a New Indian Strategy for achieving and preserving Indian rights in the face of the historic U.S. policy and the current incrementalism strategy.

TERMINATION ERA 1947 - 1962 Recalled:

The most clearly remembered period of accelerated assimilation initiated by the United States for the current generation of Indian leadership is the so-called Termination Era of the 1950s. The strategy for carrying out the dismemberment and assimilation policy of the U.S. was formulated in the late 1940s under the general title of "Get the U.S. government out of the Indian Business". Formed during the Truman administration as a result of the work of the Hoover Commission (chaired by former President Herbert Hoover) (1947 Hoover Commission final report on Executive Reorganization) the strategy was designed to eliminate U.S./tribal political relations established through treaties; and to deliberately dissolve tribal communities, assimilate tribal populations into the U.S. economy and "legally" expropriate lands and natural resources. The goal of this strategy was to formally and finally place tribal lands and natural resources directly under U.S. sovereignty by eliminating the "external" political character of Indian Tribes. (Despite all appearances to the contrary, Indian tribes and their territories were not, and are not now, within the American political federal system. They remained, and continue to be, islands of foreign peoples surrounded by the independent country United States.) Like so many other countries in the world, the United States did not, and does not, have absolute control over all of the lands and peoples within its asserted boundaries. Indian tribes and territories have subverted the United States goal of absolute national sovereignty as a result of their insistence that they remain politically distinct and unassimilated into the American political, social and economic "mainstream". The Termination Era Strategy was aimed at forcing Indian assimilation to once-and-for-all-time achieve the U.S. goal of absolute territorial sovereignty and the "perfect homogeneous American Society". The Indian Relocation Program, Tribal termination Program, Federal/state jurisdictional transfer Program and the Indian Claims Commission were all elements of the strategy to carry out the dismemberment and assimilation policy. Begun in the Truman administration and accelerated by the Eisenhower administration the hidden strategy and policy was publicly presented as an effort to "promote equal rights and opportunity" for Indians.

While the strategy was different, the policy was essentially the same as the Indian Removal Act Policy of 1831, the Dawes Act Policy of 1887, the Manifest Destiny Policy of the Theodore Roosevelt Administration at the turn of the century, and the Indian Reorganization Act policies of the 1930s: "break-up the tribal mass, extend the U.S. national domain and consolidate political control of the United States throughout the territory and over the whole population within U.S. asserted boundaries."

The principle obstacle to the 1947 - 1962 Termination Era policy and strategy was the inability of the Department of the Interior to untangle the "multiple heirship problem" where as many as one thousand individual Indians would often retain partial ownership over a parcel of land. In 1961, then Secretary of the Interior Stewart Udahl lamented in an internal memorandum that termination of Indian tribes would be impossible because it would be too "costly for the United States to resolve all of the heirship and multiple ownership problems." created, paradoxically, by the allotment programs. The second major obstacle to termination of more tribes was the political activism of tribal leadership who publicly opposed termination policies. The third major obstacle (unknown to most tribal leadership) was the political pressure the United States Government was receiving from its adversary, the Soviet Union, and many newly independent Third World countries regarding its policies toward Indian tribes. (It must be remembered that beginning in the early 1960's, the United States Government was actively promoting human rights policies and decolonization policies through the United Nations. It was during this time that public pronouncements from tribal leadership in opposition to U.S. termination and liquidation policies were being heard throughout the world and used against the United States to gain concessions in the formulation of new international legislation. It was at this time that many countries were working to formalize the International Covenant on Civil and Political Rights (1966) the American Convention on Human Rights (1969), International Convention on the Elimination of All Forms of Racial Discrimination (1965), and the Declaration on the Granting of Independence to Colonial Countries and Territories (1960).). The "Get the U.S. government out of the Indian Business" strategy effectively ceased by 1962 though the dismemberment and assimilation policy remained a working policy within the agencies of government. In 1970, the United States Government publicly renounced termination as a policy and announced a new policy of "Indian Self-determination". As we shall see, what passed as a new and enlightened policy became a different strategy for continuing the historic policy.

THE TWO FACES OF INDIAN SELF-DETERMINATION:

On July 21, 1970 then President Richard Nixon publicly renounced termination as a policy of the United States "because it would be wrong". In its place, the Nixon administration advocated "Indian Self-determination" as a social policy which promoted "local goal-setting, resource allocation, program design, and program management". While many tribal leaders viewed the new policy as "Self-Termination" other tribal leaders view the new policy as a significant opportunity to achieve tribal self-government and greater Indian political, economic and social freedom. To the international community outside the United States, Indian Self-Determination had the meaning of a political policy consistent with new international law (Human Rights Convention, Declaration on Decolonization, etc.) where Indian tribes would determine their own political future (i.e. to achieve political independence, formal political association with the United States, or Indian tribes would formally choose to politically absorb into the United States through political assimilation). The underlying meaning of Indian self-determination was that Indian tribes would achieve self-governance while the United States assisted them in the process. The United States deliberately encouraged

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the political interpretation of the policy internationally. This gave the impression that tribes were becoming politically mobile and achieving political self-governance under systems of their own choosing while domestically the Bureau of Indian Affairs was developing the rainbow regulations to increase U.S. government control over tribal development. (See: Special Report #73, Eighth Semiannual Report, Implementation of Helsinki Accord 12/1/79 - 5/31/80. U.S. State Department)

Indian Self-Determination had two faces: a domestic face which was a social policy which contemplated the eventual assimilation of tribes through economic development, education and the development of Indian management skills; and an international face which was a political policy aimed at deflecting international criticism of the United States in its treatment of Indian tribes. (It must be remembered that during the early 1970s the United States Government was engaged in sensitive negotiations with European states and the Soviet Union over the contents of the Helsinki Final Act which later created the Commission on Security and Cooperation in Europe. The United States was under heavy criticism from the Soviet Union, Yugoslavia and Norway concerning its treatment of Indians. The Helsinki Accord, once finally reached, was the corner-stone of U.S. detente policies toward the Soviet Union and the general easing of East-West relations.) Unknown to most Indian tribal leadership, the dual application of Indian Self-Determination represented a continuation of the historic assimilation policies of the United States domestically, while becoming a device to shield the United States from international criticism.

The Source of U.S. Indian Liquidation Policy is now the Office of Management and Budget: Social intervention or incrementalism.

During the closing months of the Gerald Ford Administration, and during the last year of the American Indian Policy Review Commission, the Office of Management and Budget (in the Executive Office of the President) the Self-Determination Strategy was replaced by a new strategy focus. Mr. Mitchell, of OMB, authored a confidential memorandum to MR/Interior Branch (dated: April 19, 1976) entitled: "Organization for Indian Affairs". Supplemented by a "working memorandum" prepared by a Mr. Borgstrom, also of OMB, the Office of Management and Budget established an ongoing strategy which is aimed at producing an "end-state" in federal/Indian relations. While political appointees in OMB changed with the assumption of power by the Carter administration, the thrust of OMB's Indian management strategy remained the same. In the memoranda, two alternative strategies for Federal Indian Policy were outlined: Long-Range Social Problem-Solving Strategy, AND the Incrementalist Strategy. The OMB goal is to establish a strategy which brings the dismemberment and assimilation policy to an "end-state" -- a policy which ends U.S. obligations toward Indian tribes, concluding with their assimilation.

The Carter Administration adopted a combination of Long-Range Social Problem Solving and Incrementalism. Each of these strategies were defined as follows:

1. Social Problem-Solving: "the definition of a gap between an

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extant set of conditions and a desired set of conditions, a gap which is presumed to be susceptible to permanent closure through the application of resources."

2. Incrementalism: "things will not go to hell in a hand-basket even if no radical policy shifts are made." The level of federal financial commitment is essentially rational and conditional, not emotional or moral. Issues of sovereignty and entitlement are viewed as reference points insofar as they are perceived to be valid concepts by some participants, but they are not viewed as "basic" or unconditional principles. Federal Program which perpetuate tribal continuity and undermine federal policy should be systematically eliminated.

The fact that the Carter Administration did not develop a comprehensive Federal/Indian Policy can be directly associated with the OMB Incrementalist Strategy. The incrementalist strategy has clearly served as the foundation for the numerous audits of tribal accounts and the withholding of contract administration funds.

The Reagan Administration has adopted the incrementalist strategy and accelerated what was begun in the Ford and Carter Administrations. Indeed, the Reagan Administration has not changed U.S. policy, but rather given concrete meaning to the Incrementalism Strategy through programs like the State Block Grant proposal, adjustment of the B.I.A. timber management policy and the enforcement of tribal timber administrative fee payments, federal program reductions, audits and strict requirements that contracts comply with federal goals and not necessarily tribal goals.

Indian governments and their communities have come to experience significant repercussions from the application of Reagan's acceleration of assimilationist policies, largely effective because tribes are now more heavily dependent upon U.S. government financial aid (dependence which ballooned from the period of 1964 to 1979). The Reagan Administration is now merely using this extraordinary dependence as leverage on Indian tribes to force more rapid assimilation and "self chosen" dismemberment of the tribal mass.

Like the Carter administration and its financial audit and Justice department inquiries, the Reagan Administration has carefully selected "politically vulnerable tribes" (i.e. Northern Cheyenne, Quinault, Omaha, Standing Rock Sioux) on which to apply significant pressure. These tribes have been major advocates of tribal political sovereignty (which is troublesome to the U.S.), while they have at the same time become heavily dependent on the federal grant and contract systems developed through the 1960s and during the Indian Self-determination Act of the 1970s. The mounting effects of the Incrementalism Strategy (gradual dismemberment of Indian tribes through political, economic and social changes) have caused many tribes to buckel and search for "strawmen" to attack. To do so is to avoid the need for a consistent and disciplined counter strategy. A New Indian Strategy which deals with historic and contemporary realities is essential if Indian tribes are to achieve their ultimate goals and aspirations.

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ELEMENTS OF A "NEW INDIAN STRATEGY".

To counter the Incrementalism Strategy and the historic "dismemberment and assimilation policy" Indian Leaders and Indian communities must first recognize the following premises as reality:

1. Indian tribes are not now, nor have they ever been, a part of the United States or its federal political system.
2. The desire to achieve Indian self-government, political distinctiveness and the fulfillment of Indian Rights threatens U.S. political stability and its desire to achieve its national political, economic and social goals.
3. Treatment of Indian tribes by the United States is a matter of international importance which has long played a part in U.S. foreign relations.
4. Tribes must exercise political leverage inside the United States and within the international community to counter U.S. strategies and policies of dismemberment and assimilation.
5. Tribal communities must be better informed and work cooperatively toward common goals against the common threat. Communities must be fundamentally reorganized to build semi-closed tribal economies which turn Indian labor and natural resources in direct support of tribal needs rather than the export needs of the U.S. economy. Tribal communities must work toward tribal goals and objectives and not U.S. goals and objectives.

The elements of a New Indian Strategy must feature a clear and precise statement of exactly what Indian tribes want. What is their political goal, economic goal, social goal. Are Indian tribes prepared now to fully assert tribal nationalism and directly challenge the United States before American Public Opinion? Are Indian tribes prepared to apply political leverage on the United States by stirring international opinion?

To effectively apply leverage on the United States from the international arena tribal leadership must be prepared to seek out understanding and public outrage among citizens of other countries (primarily Europe). Leaders must be prepared to state their case, their aspirations and goals in international forums. They must be prepared to characterize U.S. policies toward Indian tribes for what they are: deliberate and unmitigated genocide and ethnocide. The OMB strategy of Incrementalism must be clearly portrayed as a deliberate effort to violate the human rights of Indians in the United States.

The New Indian Strategy must be vigorously political aimed at squeezing the United States Government between the forces of domestic public opinion and international opinion which demands from the United States a policy which recognizes the necessity for mutual coexistence between the U.S. and tribes. The strategy must seek domestic and international attention to the actual state of affairs (U.S. colonialization of tribal lands and peoples) of Indian Tribes. A two pronged political strategy (domestic and international) to change the fundamental nature of political relations between tribes and the United States. (5 essential.