



The Tribally Controlled Community Colleges Act of 1978 : an expansion of federal Indian trust responsibility  
by Janine Pease-Windy Boy

A thesis submitted in partial fulfillment of the requirements for the degree of Doctor of Education  
Montana State University  
© Copyright by Janine Pease-Windy Boy (1994)

**Abstract:**

This study of the Tribally Controlled Community Colleges Assistance Act development was performed to examine the American Indian constituent influence on the legal antecedents, events and strategies that effected this policy formation.

Historical and policy antecedents were studied to reveal the context of events and laws that impacted the tribal colleges bill. A literature review and a study of Indian Affairs by American Indian historians elicited the American Indian voice about and in American Indian history and policy. Primary source documents and participant interviews revealed the constituent role and perspective of the American Indian Higher Education Consortium, the United States Congress and the national Indian organizations. From this primary source study, a chronology of legislative events was comprised. A policy analysis framework was applied to the documents and interview content to understand the tribal colleges' strategies of policy estimation and selection.

Major legal precedents exist in the Navajo Community College Act of 1968 and the Indian Self-Determination Act of 1975. Secondary law precedents were the Snyder Act of 1923, the Indian Education Act of 1972, and the Higher Education Act of 1965. The Tribally Controlled Community Colleges Assistance Act of 1978 provided per student operational support, based on a tribal charter and a majority Indian student body and governing board. Tribal colleges' effective partnership with Congressional committees forged the legislation, despite persistent opposition from the federal Departments of the Interior and Education and objections from the national Indian organizations. The American Indian Higher Education Consortium exhibited complex knowledgeability of the structures and procedures, by the estimation and selection strategies that effected the policy enactment.

The tribal colleges consortium was the influential American Indian constituent that effected federal legislation and therefore the expansion of the special trust relationship that exists between the federal government and Indian nations. The tribal colleges consortium exhibited remarkable unity of purpose through a long and arduous journey to the legislative enactment and final grant awards. As effective policy managers, the tribal college leaders defied the odds and achieved a monumental feat, the expansion of the federal Indian trust relationship to include the tribal colleges support.

THE TRIBALLY CONTROLLED COMMUNITY COLLEGES  
ACT OF 1978: AN EXPANSION OF FEDERAL  
INDIAN TRUST RESPONSIBILITY

by

Janine Pease-Windy Boy

A thesis submitted in partial fulfillment  
of the requirements for the degree

of

Doctor of Education

MONTANA STATE UNIVERSITY  
Bozeman, Montana

April 1994

© COPYRIGHT

by

Janine Pease-Windy Boy

1994

All Rights Reserved

D378  
W7259

APPROVAL

of a thesis submitted by

Janine Pease-Windy Boy

This thesis has been read by each member of the graduate committee and has been found to be satisfactory regarding content, English usage, format, citations, bibliographic style, and consistency, and is ready for submission to the College of Graduate Studies.

April 20, 1994  
Date

John W. Kohl  
Chairperson, Graduate Committee

Approved for the Major Department

April 20, 1994  
Date

Janine Mellis  
Head, Major Department

Approved for the College of Graduate Studies

5/5/94  
Date

PA Brown  
Graduate Dean

## STATEMENT OF PERMISSION TO USE

In presenting this thesis in partial fulfillment of the requirements for a doctoral degree at Montana State University, I agree that the Library shall make it available to borrowers under rules of the Library. I further agree that copying of this thesis is allowable only for scholarly purposes, consistent with "fair use" as prescribed in the U.S. Copyright Law. Requests for extensive copying or reproduction of this thesis should be referred to University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106, to whom I have granted "the exclusive right to reproduce and distribute my dissertation for sale in and from microform or electronic format, along with the right to reproduce and distribute my abstract in any format in whole or in part."

Signature Janine Pease-Windy Boy

Date April 20, 1994

This work is dedicated to loved ones. I acknowledge the support and love I have received from my husband, John Pretty On Top, and my two children, Roses and Vernon Windy Boy, whose present and future I honor. My parents, Benjamin and Margery Pease, are both lifelong career educators. From their teachings and example I am compelled to understand and serve.

## VITA

Janine Pease-Windy Boy is a member of the Crow Tribe of Indians of Montana. She has served as president of Little Big Horn College (Crow Agency, Montana), the tribally chartered college of the Crow Tribe for the past twelve years. Since completion of her undergraduate degree in anthropology and sociology at Central Washington University in 1970, Ms. Pease-Windy Boy has held adult and higher education positions in Washington, Arizona and Montana. Beginning in 1982, Pease-Windy Boy has been a board member of the American Indian Higher Education Consortium (AIHEC) and was Consortium president from 1983 to 1985. Pease-Windy Boy offered lead AIHEC testimony in Congress committee hearings from 1983 to 1991.

The National Indian Education Association named Pease-Windy Boy 1990 Indian Educator of the Year. She served as lead plaintiff in the 1986 federal Indian voting rights case Windy Boy v. Big Horn County. At home in Crow Country, Pease-Windy Boy is a member of the Big Lodge Clan, the Nighthawk Dance Society, the Native Americans for Action Now and the First Crow Indian Baptist Church. She resides with her husband John Pretty On Top and teenage children Roses and Vernon in Lodge Grass, Montana.

## ACKNOWLEDGEMENTS

Special acknowledgement must be given to my committee chairman Dr. John Kohl, who advised and directed the scope, quality and direction of my work. Thank you to my committee readers, Dr. Gloria Gregg and Dr. Wayne Stein, to Dr. Michelle Maskiell for arranging historiography course work, and to Marguerite Wessel for being with me since 1985.

The American Indian Higher Education Consortium and Oglala Lakota College archivist Ted Hamilton provided access to primary source documents in the AIHEC collection. Several tribal college presidents encouraged my research, especially Dr. Joseph McDonald (Salish Kootenai), Dr. James Shanley (Assiniboine) and Dr. Lionel Bordeaux (Sicangu Lakota).

Little Big Horn College trustees provided sabbatical leave for research. Faculty and staff, particularly Avis Yarlott, contended with my absences. Librarian Tim Bernardis shared enthusiasm for Indian history and policy.

At Montana State University, I experienced a deep commitment to Native American professional development. Former president Dr. William Tietz, Patrick Weasel Head of the Office of Tribal Services, and Center for Native American Studies directors Dr. Bobby Wright and Dr. Wayne Stein devoted their expertise and energy to programs that helped me accomplish my goal.

## TABLE OF CONTENTS

	Page
ABSTRACT .....	xiv
1. INTRODUCTION .....	1
Purpose of the Study .....	1
Study Methods and Procedures .....	2
Research Questions .....	2
Primary Sources .....	3
Review of the Literature .....	5
Tribal Colleges .....	5
Federal Tribal College Policy .....	6
American Indian Education Policy .....	6
Historical Antecedents, 1950-1975 .....	7
Definition of Terms .....	8
Organization of the Study .....	9
Significance of the Study .....	10
Bibliography .....	13
Books .....	13
Dissertations .....	14
Periodicals .....	15
2. AMERICAN INDIAN RELATIONS WITH THE FEDERAL GOVERNMENT: A CONTEXTUAL STUDY .....	16
Introduction .....	16
Sovereignty and the Federal Trust Relationship .....	16
The 1950's and Indian Termination .....	19
Assimilation as Key Policy .....	19
Congress and Committee Reorganization .....	20
Termination of the Federal Trust .....	21
Intertribal Coalitions and Termination Resistance .....	21
Indian Comment on Federal Termination Policy .....	23
Mainstream Critics of Termination .....	23
Education in a Termination Era .....	24

TABLE OF CONTENTS--Continued

	Page
The 1960's: Great Society/New Frontier .....	25
American Indian Community Identity .....	25
Scholars and Urban Alliances .....	26
The National Congress of American Indians .....	27
National Indian Youth Council .....	28
Termination Still a Preoccupation .....	28
Indian Concerns Contrast Black American Concerns .....	29
Contradiction Inside the Federal Administration .....	29
Poverty Programs Create Change .....	30
Data From Crucial Research .....	32
Presidential Statements .....	33
Congressional Role in Indian Education in the 1960's .....	33
A Comprehensive Approach to Indian Education .....	34
Indian Controlled Education .....	35
The Sixties in Summary .....	36
The Legacy of the Sixties .....	37
The Decade of the 1970's, Indian Self-Determination .....	38
Overview of the Seventies .....	38
Counter Currents of Federal Policy .....	39
The Indian Community .....	40
The Nixon Administration .....	42
The Indian Self-Determination Act in Theory and Practice .....	43
Indian Perspectives on Self-Determination .....	45
Congress Enacts Key Indian Education Legislation .....	46
Higher Education and American Indians .....	48
Public Backlash .....	49
The 95th Congress .....	50
Indian Perspective on the Carter White House .....	51
The Seventies in Review .....	52
Crucial Elements of Indian Policy .....	52
Bibliography .....	54
Books .....	54
Dissertations .....	55
Interviews .....	55
Periodicals .....	56

TABLE OF CONTENTS--Continued

	Page
3. EVENTS LEADING TO THE PASSAGE OF THE TRIBAL COLLEGES LEGISLATION .....	58
Introduction .....	58
The American Indian Higher Education Consortium .....	59
Tribal College Funding from the Higher Education Act .....	65
Snyder Act Funds .....	66
Indian Self-Determination .....	68
Tribal Colleges Propose Title II Amendment .....	69
Tribal Colleges Gain Congressional Support .....	70
Study Provision Contracted to Consortium .....	70
Colleges Offer Technical Amendments .....	71
1976, A Year of Unresolved Issues .....	73
Important Progress in the 95th Congress .....	75
The Tribal Colleges Bill in the Senate .....	76
The House Subcommittee on Indian Education .....	78
White House and Executive Branch Responds .....	81
The House Report and Congressional Intent .....	83
Rules and Regulations and Appropriations .....	85
Colleges Meet the Feasibility Test .....	86
Conclusion .....	88
Appendices .....	90
Bibliography .....	91
AIHEC Documents .....	91
Books .....	93
Congressional Correspondence .....	93
Congressional Documents .....	94
Dissertations .....	94
Federal Executive Branch Documents .....	94
Higher Education Documents .....	95
Interviews .....	96
National Indian Organizations Documents .....	96
Periodicals .....	98
U.S. Government Documents .....	98

TABLE OF CONTENTS--Continued

	Page
4. THE PROCESS OF POLICY DEVELOPMENT: ESTIMATION AND SELECTION .....	99
Introduction .....	99
Indian Policy and the Context of the 1970's .....	101
The Indian Community in the 1970's .....	101
Nixon and Indian Self-Determination .....	102
The Congress and Indian Self-Determination .....	102
Indian Control in Education .....	104
Tribal Colleges and Tribal Control .....	105
The 1970's and Indian Higher Education Policy .....	107
The 1970's in Summary .....	107
Policy Development Process: Estimation .....	108
The Policy Process .....	108
Estimation and Policy Development .....	109
Estimation Process Surveyed .....	110
Root Causes .....	111
Time is Important .....	112
Unintended Consequences .....	114
Response Speed .....	118
Institutional Structures .....	119
Complexity Reduction .....	121
Issue Papers .....	122
Estimation in Summary .....	124
Policy Development Process: Selection .....	125
Selection Process Surveyed .....	125
Selection .....	125
The Unforeseen Occupies Inordinate Time .....	127
Task of Context .....	128
Points of Leverage .....	132
Reliable and Trusted Information .....	134
Personalities .....	135
Culturally Derived Values .....	138
Reduce to the Basic Issues .....	140
Selection in Summary .....	141

TABLE OF CONTENTS--Continued

	Page
Bibliography .....	142
AIHEC Documents .....	142
Books: Indian Policy and Indian Education .....	144
Books: Policy Development .....	144
Congressional Correspondence .....	144
Congressional Documents .....	145
Dissertations .....	145
Federal Executive Branch Documents .....	146
Higher Education Documents .....	147
Interviews .....	147
National Indian Organizations Documents .....	148
Periodicals .....	149
U.S. Government Documents .....	149
5. SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS FOR FURTHER STUDY .....	150
Summary .....	150
Major Historical and Policy Antecedents .....	150
The Tribally Controlled Community Colleges Assistance Act of 1978 .....	152
Events Leading to the Passage of the Tribal Colleges Act .....	154
Constituents in the Tribal Colleges Policy Development .....	159
The Tribal Colleges .....	159
Congressional Leaders .....	161
National Indian Organizations .....	162
Tribal Government .....	162
The Higher Education Sector .....	163
The Federal Executive Branch .....	164
The Role of the American Indian Higher Education Consortium .....	164
Conclusions .....	165
The Effective Policy Manager .....	165
Competing Constituent Perspectives and the Influential Policy Manager .....	166
The 1970's American Civil Rights Context .....	167
Culturally Derived Values and Leadership .....	168

TABLE OF CONTENTS--Continued

	Page
Tribal and Academic Identity Among Derived Values .....	169
Higher Education as a Preferred Life Quality .....	170
Context of the Task .....	172
Tribal Colleges Act, a Tribally Based Initiative .....	173
Recommendations for Further Study .....	174
Other Grassroots Legislative Advocates .....	174
Policy Analysis Framework .....	175
Future Tribal College Policy Development .....	175
The 95th Congress and Other Indian Organizations .....	176
APPENDICES .....	177
Appendix A--Biographies of Significant Contributors to Tribal Colleges Legislation .....	178
Introduction .....	178
Abdnor, James .....	179
Abourezk, James .....	179
Atcity, Thomas .....	180
Baldy, Steve .....	180
Belgarde, Larry .....	181
Blouin, Michael T. ....	181
Bordeaux, Lionel .....	183
Burdick, Quentin .....	184
Chisholm, Shirley .....	184
Clifford, Leroy .....	185
Demmert, William .....	185
Echohawk, Lucille .....	186
Falling, Leroy .....	187
Ford, William .....	187
Forkenbrock, John .....	188
Franklin, Yvonne .....	189
Gipp, David .....	189
Gerard, Forest .....	190
Hanley, Joy .....	190
Hena, Jim .....	191
Horse, Ella M. ....	192
Horse, Perry .....	192

TABLE OF CONTENTS--Continued

	Page
Howard, Phyllis .....	193
Jackson, Henry M. ....	193
Juneau, Carol .....	194
Kildee, Dale .....	194
Lavis, Rick .....	195
Locke, Patricia .....	195
Lovesee, Alan .....	197
Meeds, Lloyd .....	198
Nichols, Richard .....	198
Pressler, Larry .....	199
Quie, Albert .....	199
Risling, David .....	200
Scheirbeck, Helen .....	200
Shanley, James .....	201
Shortbull, Thomas .....	202
Tiger, Georgiana .....	202
Tirrell, John .....	203
Wynde, Yvonne .....	203
Bibliography .....	205
 Appendix B--List of Presidents, Tribally Controlled Community Colleges .....	210
 Appendix C--Staff Members, American Indian Higher Education Consortium .....	212
 Appendix D--Presidents, American Indian Higher Education Consortium .....	213
 Appendix E--List of Participants: Tribally Controlled Colleges Act Consortium and Tribal Colleges .....	214
 Appendix F--Legislative History of the Tribally Controlled Community Colleges Assistance Act of 1978 .....	220

## ABSTRACT

This study of the Tribally Controlled Community Colleges Assistance Act development was performed to examine the American Indian constituent influence on the legal antecedents, events and strategies that effected this policy formation.

Historical and policy antecedents were studied to reveal the context of events and laws that impacted the tribal colleges bill. A literature review and a study of Indian Affairs by American Indian historians elicited the American Indian voice about and in American Indian history and policy. Primary source documents and participant interviews revealed the constituent role and perspective of the American Indian Higher Education Consortium, the United States Congress and the national Indian organizations. From this primary source study, a chronology of legislative events was comprised. A policy analysis framework was applied to the documents and interview content to understand the tribal colleges' strategies of policy estimation and selection.

Major legal precedents exist in the Navajo Community College Act of 1968 and the Indian Self-Determination Act of 1975. Secondary law precedents were the Snyder Act of 1923, the Indian Education Act of 1972, and the Higher Education Act of 1965. The Tribally Controlled Community Colleges Assistance Act of 1978 provided per student operational support, based on a tribal charter and a majority Indian student body and governing board. Tribal colleges' effective partnership with Congressional committees forged the legislation, despite persistent opposition from the federal Departments of the Interior and Education and objections from the national Indian organizations. The American Indian Higher Education Consortium exhibited complex knowledgeability of the structures and procedures, by the estimation and selection strategies that effected the policy enactment.

The tribal colleges consortium was the influential American Indian constituent that effected federal legislation and therefore the expansion of the special trust relationship that exists between the federal government and Indian nations. The tribal colleges consortium exhibited remarkable unity of purpose through a long and arduous journey to the legislative enactment and final grant awards. As effective policy managers, the tribal college leaders defied the odds and achieved a monumental feat, the expansion of the federal Indian trust relationship to include the tribal colleges support.

## CHAPTER 1

### INTRODUCTION

#### Purpose of the Study

The purpose of this study was to review and articulate the American Indian constituent voices in shaping the policy that has become the Tribally Controlled Community Colleges Assistance Act. Two central research questions guided this study: What was the American Indian voice in the policy formation that became the Tribally Controlled Community Colleges Assistance Act of 1978, and what antecedents, events and constituents impacted the act development and its policy elements from draft to passage? These questions delineated aspects of the central questions:

1. What major American Indian historical and policy antecedents shaped the 1970's legislative environment for the tribal colleges act and its policy elements?
2. What is the Tribally Controlled Community Colleges Assistance Act and which events impacted its development from draft in 1971 to passage in 1978?

3. Which constituent groups and individuals shaped the tribal colleges legislation? Why were American Indian constituents more influential in the policy formation than most other interested sectors?
4. What policy elements were considered in the formative process of the tribal colleges legislation and why were they tied to key constituent groups?
5. What conclusions about tribal college policy can be made from the analysis of antecedent history and policy, key constituent groups and formative policy elements?

Findings based on this inquiry informed the investigator about tribal college policy formation in light of American Indian constituent strength and three decades of antecedent policy weight bearing on the act. There was evident a delineated body of policy that essentially comprises the federal tribal college policy.

### Study Methods and Procedures

#### Research Questions

The research questions posed began the process of the study. The questions were answered empirically in the review of the documentation, of both a primary and secondary nature, i.e., primary sources are firsthand letters or interviews and secondary sources are books or articles that study those original

documents (Fischer 1970-13). Each question was constructed to provide open-ended inquiry and yet be operational as the study progressed (Fischer 1970-38). The research questions were derived from the central question: What was the American Indian voice in the policy formation that became the Tribally Controlled Community Colleges Assistance Act of 1978? The methods that were employed in this research were selected to acquire a pertinent set of facts, directly aligned with the purpose of this study.

### Primary Sources

This inquiry reviewed and examined data from the following primary sources. Tribal college related information was acquired through archival research in the tribal college consortium archival collection at Oglala Lakota College in Kyle, South Dakota. This research concerned the records maintained by the tribal colleges and their consortium leadership. The records included hearing testimony, meeting minutes, phone records, position papers, correspondence both internal and external, draft bills, telegrams and publications. The records were analyzed through the policy development functions of estimation and selection in order to clarify the nature of the consortium policy development efforts.

Interviews with leaders of national Indian organizations, national higher education organizations, tribal colleges, the consortium and congressional committees were conducted by the author in the course of the research. The key study questions guided the naturalistic interviews, with attention to oral views as

memory provides. The six individuals interviewed were chosen for their membership among various constituent groups and their significant contribution. Participant roles in the tribal colleges act legislation are described in the appendices, beginning on page 177. The archival and interview sources were key to the essential question regarding the American Indian perspective and contribution in this study's purpose. The consistent set of pertinent questions elicited perspectives from interviewees that clarified and enhanced the study content.

The interviews were conducted at a time and place to insure a comfortable setting that encouraged interviewees to provide an accurate oral history from their unique perspective (Deloria 1978-89). The investigator relied on more than the written record, listening to perspectives from actual participants that reveal different viewpoints (Iverson 1978-140). The interview process derived the "raw material of history and support for its interpretation" (Washburn 1978-22). In acquiring a sense of American Indian sights and sounds--perspective, the investigator sought to emphasize American Indian history and policy from the American Indian point of view, in contrast to a history which relies solely on formal and standard written sources, usually governmental in nature, and reflecting the views of the dominant culture (Washburn 1978-22). The investigator attempted a scholarship that is a "double vision: about the people of another time and from their own eyes" (Vecsey 1978-125).

The literature review for this research examined areas of previous study to help avoid unnecessary duplication and inform the investigator of results from research efforts already performed. Journal articles, dissertations, historical works and legislative and executive documents germane to Indian education policy were examined. A second emphasis in the literature review was an historic study for contextual information. This assisted in the identification of historic and policy antecedents which impinged on the problem. This contextual awareness expanded the investigator's capacity for interpretation, explanation and evaluation as appropriate to the period of this study.

### Review of the Literature

#### Tribal Colleges

The tribal colleges have been studied primarily by a small number of scholars writing dissertations. A growing number of works have addressed specific qualities or aspects of tribal colleges. Badwound (1990) studied organizational styles and Atwell (1988) analyzed student learning styles. McDonald (1981) researched accreditation as compared to a non-Indian institution. House (1974) analyzed the history of Navajo Community College. Mohatt (1981) studied Sinte Gleska College of the Rosebud Sioux of South Dakota. Stein (1988) chose to study tribal college development during the first ten years, 1968-1978. Belgarde (1993) analyzed funding dependencies and their effects on two tribal colleges. The Stein study provided important background to the legislation and the American

Indian Higher Education Consortium (the tribal colleges consortium). However, it is clear from this literature review that a study of the federal tribal college policy, P.L 95-471, had not been conducted.

### Federal Tribal College Policy

The study of federal tribal college policy was extremely limited. Olivas published several journal articles that chronicled the legislation development. He critiqued the law and its effectiveness in supporting tribal colleges. The Olivas work relied heavily on congressional records, attributing the policy development to constituents in the legislative and executive branches of the federal government (Olivas 1980, 1982, 1990). The study expanded this work as it relied on the tribal college documents and oral interviews of participants as well as usual sources of data from the public record. Further, the investigator examined historical and policy antecedents crucial to the tribal college law development.

### American Indian Education Policy

The literature on American Indian education policy focuses mainly on the elementary and secondary school levels. Prior to the tribal colleges legislation, no such federal involvement existed at the postsecondary level. A limited number of journal articles exist that specialize on a single facet of Indian education policy, such as Ramirez (1987) on exceptional children and Reyhner (1989) on school-aged bilingual education. The Kennedy Study of 1969 was the most comprehensive governmental study of Indian education policy, and was of value

for trends in elementary and secondary policy. The Education Commission of the States examined Indian education policy in 1980 and focused on local and parental control issues. A small number of dissertations have investigated this topic and as such are critical sources of data pertaining to this study. These include Scheirbeck's (1980) work on education, public policy and the American Indian and the Senese (1980) study of the Indian self-help trends 1940-1975. A focal text was authored by Szasz (1988), American Indian Education: An Historical Perspective. All of these sources informed the investigator regarding general Indian education policy, especially as elements traced to elements in the tribal college act.

#### Historical Antecedents, 1950-1975

A study of the eras antecedent to 1978 commenced with the year 1950. The federal attempts to terminate Indian reservations and the tribes' unique tie to the federal government compelled Indian inception of tribal control as a concept in tribal programs and Indian education. A crucial work on termination is Burt's (1981) work, Tribalism in Crisis, which focuses on the entire 15-year termination era. Comparable works on the New Frontier, Great Society and Nixon eras relating to Indian policy included Forbes' Nixon and the Indians (1981) and Philp's study Indian Self-Rule: First-Hand Account of Indian-White Relations from Roosevelt to Reagan (1986).

Additionally, the investigator relied on comprehensive American Indian history works, of which only various segments were relevant to the scope of this

study. Classic texts on American Indian history and policy included Prucha (1962), Spicer (1969), Tyler (1973), Washburn (1974) and Canby (1981). The actual Indian related legislation passed by the Congress during this 25-year period were reviewed. Historic works authored by McNickle (1959) and Deloria (1970) were examples of Indian historians' perspectives on this period. Indian policy understandings, perspectives and participation were key in this investigation. Indian policy elements traced to elements that exist as part of the tribal colleges act.

#### Definition of Terms

1. American Indian and Indian are used to mean the members of federally recognized tribes who are eligible to receive services from the Secretary of the Interior.
2. Indian tribe means any Indian tribe, band, nation or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which receives services provided by the United States to Indians because of their status as Indians.
3. Tribally controlled community college means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe.

4. Indian country is defined (18 U.S.C. §1151) as

(a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state.

5. Institution of higher education means an institution of higher education as defined by section 12-1 (2) of the Higher Education Act of 1965.

### Organization of the Study

Chapter 2. The second chapter, "American Indian Relations With the Federal Government, a Contextual Study," investigated the Indian community, Indian and Indian Education Policy, acts of Congress and the federal executive branch during three decades, the 1950's, the 1960's and the 1970's. The contextual study revealed legal and historic precedents generated in the rich environment of American Indian affairs. The chapter sets the historical and policy stage for the tribal colleges movement and the legislative developments initiated by the American Indian Higher Education Consortium.

Chapter 3. The "Events Leading to the Passage of the Tribal Colleges Legislation," chapter 3, describes the journey a two-paragraph tribal colleges amendment took through Congress, from 1973 to 1980. In a chronology of events, the author investigates the initiatives of Senators and Congressman and their positions of support or opposition. The interaction of constituents shows the

progression of issues that prompted debate and bill draft changes. National Indian organizations' involvement is described to elicit the importance of tribal control and commitment to the tribal colleges concept. The consortium's integral role in legislative development threads through this chapter from the bill's inception to passage, from the writing of rules and regulations, performance of feasibility studies and award of the first grant under the new law.

Chapter 4. To analyze the effective influence of the American Indian Higher Education Consortium on the development of the Tribally Controlled Community Colleges Assistance Act, the author compared the consortium policy development strategies with those described by Gary Brewer and Peter deLeon in Foundations of Policy Analysis. From this policy development literature, a useful set of terms was applied to the significant consortium documents. The policy estimation process delineates the consortium strategies for problem investigation and thoughtful assessment of policy options and alternatives. The policy selection process study reveals the consortium's political efforts to generate and select viable and acceptable policy alternatives. This section particularly documents the partnership of the consortium with the House committee staff to achieve a consensus through compromise and balance of interests in the tribal colleges bill.

#### Significance of the Study

The significance of this study lies in the delineation of federal policy as exists in the Tribally Controlled Community Colleges Assistance Act of 1978.

From this date of study, this body of policy had existed only 15 years. Studies in American Indian education history and policy existed; however, the policies that comprise federal tribal college policy had not been identified or delineated.

The tribal colleges legislation was the singular federal law that pertained to tribal colleges. As such, it comprised the sum of federal tribal college policy. An analysis of tribal college policy development may benefit students and practitioners in several ways. First, historical and policy antecedents found in Indian education policy and Indian policy in general may provide baseline parameters for future policy development or further legislative initiatives. Second, data reviewed delineated the nature of participation and influence brought by constituents of American Indian tribal college leaders, tribal leaders, higher education leaders, and Congressional delegations. These constituent positions revealed potential sources of policy interest and bias that impacts future policy development. Finally, the policy elements in the law are articulated for improved understanding. For these reasons, research on the law and the policy development may inform students and practitioners to the field of American Indian higher education.

Sources for the study were chosen to document American Indian involvement and their influence in the act formulation. Use of primary source documents and participant interviews illuminated the American Indian point of view. Primary archival material combined with interviews with key informants to comprise the American Indian voice in policy formation. Antecedents, events and constituents that impacted the draft to passage were woven into the analysis to

elicit an enhanced view of the period 1950 to 1980, with a sense of place in American Indian history.

The investigator and American Indian higher educators have access to this emergent policy information, for use in present policy understandings and for future policy development.

BibliographyBooks

- Burt, Larry W. Tribalism in Crisis: Federal Indian Policy, 1953-1961. Albuquerque: University of New Mexico Press. 1982.
- Canby, William C. American Indian Law in a Nutshell. St. Paul: West Publishing Co. 1981.
- Carnegie Foundation for the Advancement of Teaching. Tribal Colleges: Shaping the Future of Native America. Princeton: Princeton University Press. 1989.
- Committee on Labor and Public Welfare, United States Senate. Indian Education: A National Tragedy - A National Challenge. Washington: United States Printing Office. 1969.
- Deloria, Vine, Jr. Custer Died for Your Sins. New York: Bantam Books. 1970.
- Deloria, Vine, Jr. "Revision and Reversion." The American Indian and the Problem of History. New York: Oxford University. 1987. pp. 84-90.
- Education Commission of the States. Indian Education: Policy Recommendations. Report 138. 1980.
- Fischer, David Hackett. Historian's Fallacies: Toward a Logic of Historical Thought. New York: Harper and Row, Publishers. 1970.
- Forbes, Jack D. Nixon and the Indians. Englewood Cliffs, NJ: Prentice Hall. 1981.
- Iverson, Peter. "I May Connect Time." The American Indian and the Problem of History. New York: Oxford University. 1987. pp. 136-143.
- McNickle, D'Arcy. Native American Tribalism: Indian Survivals and Renewals. New York: Oxford University Press. 1973.
- Philp, Kenneth R. Indian Self-Rule: First-Hand Account of Indian-White Relations from Roosevelt to Reagan. Vol. IV., Current Issues in the American West. Chicago: Howe Brothers. 1986.

Prucha, Francis Paul. American Indian Policy in the Formative Years. Lincoln: University of Nebraska Press. 1962.

Spicer, Edward H. A Short History of the Indians of the United States. New York: Van Nostrand Reinhold Co. 1969.

Suquamish Tribal Oral History Project. A Guide for Oral History in the Native American Community. Suquamish: Suquamish Cultural Center. 1984.

Szasz, Margaret Connell. American Indian Education: An Historical Perspective. Albuquerque: University of New Mexico Press. 1988.

Tyler, S. Lyman. A History of Indian Policy. Washington: United States Printing Office. 1973.

Washburn, Wilcomb E. "Distinguishing History from Moral Philosophy and Public Advocacy." The American Indian and the Problem of History. New York: Oxford University. 1987. pp. 91-97.

Washburn, Wilcomb E. "Writing American Indian History: A Status Report." The American Indian. Santa Barbara: Clio Press. 1974.

Vecsey, Christopher. "Envision Ourselves Darkly, Imagine Ourselves Richly." The American Indian and the Problem of History. New York: Oxford University. 1987.

### Dissertations

Atwell, Beverly Arlene. "The Effect of Learning Style on Achievement in Subject Areas of Native Americans in Montana Tribal Colleges." (Diss. Montana State University, D.Ed., 1989.)

Badwound, Elgin. "Leadership and American Indian Values, the Tribal College Dilemma." (Diss., Pennsylvania State University, D.Ed. 1990).

Belgarde, Larry. "Indian Control and the Management of Dependencies: The Case of Tribal Community Colleges." (Diss., Stanford University, D.Ed., 1993).

House, L. L. "The Historical Development of Navajo Community College." (Diss., Arizona State University, Ph.D., 1974).

- McDonald, Joseph F. "An Assessment of Accreditation Practices in Developing Indian Community Colleges Compared with Non-Indian Community Colleges in the Northwest." (Diss., University of Montana, D.Ed., 1981).
- Mohatt, G. "Sinte Gleska College: Issues and Dilemmas in the Development of an Alternative Setting in a Native American College." (Diss., University of Michigan, Ann Arbor, Ph.D., 1978).
- Scheirbeck, Helen Maynor. "Education: Public Policy and the American Indian." (Diss., Virginia Polytechnic Institute and State University, D.Ed., 1980).
- Senese, Guy Blaise. "The Irony of Self Determination: Community and Economic Development, Self Help and the Social Education of Native Americans, 1940-1975." (Diss., University of Illinois at Urbana Carrington, Ph.D., 1983).
- Stein, Wayne. "A History of the Tribally Controlled Community Colleges, 1968-1978." (Diss., Washington State University, Ph.D., 1988).

### Periodicals

- Olivas, Michael A. "Indian, Chicano and Puerto Rican College: Status and Issues." Bilingual Review. 9:1982. pp. 36-58.
- Olivas, Michael A. "The Law and Higher Education: Snapshots from Three Decades." Change. 22:22. 1990. pp. 64-69.
- Olivas, Michael A. "The Tribally Controlled Community Colleges Assistance Act of 1978: The Failure of Federal Indian Higher Education Policy." American Indian Law Review 9. pp. 219-251.
- Ramirez, Bruce A. "The Federal Policy and the Education of American Indian Exceptional Children and Youth: Current Status and Future Directions." ERIC Document. Reston, VA. 1987.
- Reyhner, John. "Changes in American Indian Education: A Historical Retrospective for Educators in the United States." ERIC Clearinghouse on Rural Education and Small Schools. 1989.

## CHAPTER 2

### AMERICAN INDIAN RELATIONS WITH THE FEDERAL GOVERNMENT: A CONTEXTUAL STUDY

#### Introduction

The tribal colleges legislation in Congress must be understood in the context of events in Indian country and the American society. Sovereignty is the fundamental element of federal Indian policy. Based on treaties, the federal government has a trust relationship with recognized American Indian tribes. Each American President and United States Congress has approached the trust relationship in a distinctive manner. American Indian organizations and leaders have pursued legislation and objectives in an environment of varying policies. The tribal colleges legislation was born into an inheritance from three crucial eras, denoted by decades: The Termination Era, the 1950's; The New Frontier and Great Society Era, the 1960's; and the Self-Determination Era, the 1970's.

#### Sovereignty and the Federal Trust Relationship

The American legal system recognizes American Indian tribes as sovereigns (Canby 1981-63). This recognition is inherited from European predecessors in

North American land colonization. European countries subjected North American people and lands to the discoverers claim and colonization called the "Right of Discovery" (Tyler 1973-91). During the four century colonial period, the Spanish, Dutch, English and French agreed that American Indians were people with inherent rights to land and government (Tyler 1973-18). As a result, colonial powers took tribal lands through mutual agreements, usually by purchase, exchange or lawful wars (Tyler 1973-18). This agreement or treaty duly recognized tribal rights (Canby 1981-63). The United States acquired European legal concepts, and by 1890 had made treaties 800 times with sovereign American Indian tribes (Tyler 1973-19). The treaties establish a base for continued relationship between the tribes and the United States Government.

The treaties were confirmation of and recognition of tribes as sovereigns. Tribal histories and archaeological evidence confirm thousands of years' residency by American Indian people in North America. Sovereign tribes or nations are characterized by longevity, independence and continuity (Tyler 1973-10). Tribal histories attribute life's breath and place location to the Creator (Wilkinson 1988-6). Over time, the nation/tribe acquires consent and shared powers derived from its membership (Kickingbird 1988-1). The peoples' inherent power and independence may take the form of laws and their enforcement (Canby 1981-65; Kickingbird 1988-5). The long-term, continuous and shared power and independence binds the people together as a nation (Wilkinson 1988-5). Tribal sovereignty is an inherent quality, through supreme shared power and independence.

The treaties obligate federal protection of tribal lands, resources and self-government (Kickingbird 1988-27). These rights were clarified in Georgia v. Worcester, 1832, where the U.S. Supreme Court termed this status "domestic dependent nations" (Canby 1981-14). The federal Department of the Interior, Bureau of Indian Affairs, is the primary agency responsible for treaty rights protection (Kickingbird 1988-19). This protective role is legally known as trust responsibility. The Secretary of the Interior and subordinate agency, the Bureau of Indian Affairs (BIA), exercise broad discretionary powers in this trust relationship, even though tribal self-government makes and enforces laws (Kickingbird 1988-28; Wilkinson 1988-5). While the sovereign status precludes State interference in tribal matters, tribes are subject to the plenary power of Congress (Canby 1981-66). The federal trust responsibility and relationship that characterizes American Indian sovereign status bears further redefinition relative to Interior Department leadership and administration.

Congressional plenary power has defined and redefined American Indian nationhood in vacillating patterns (Scheirbeck 1981-215). Each Congress and the presidency have intruded and modified the breadth and depth of tribal sovereignty (Canby 1981-66). This plenary power of Congress is coupled with the federal trust responsibility to tribes and comprises a distinct legal rationale for the unique and special federal services to American Indian tribes and their members (Scheirbeck 1981-213). For example, the Snyder Act of 1923 with 41 Titles has been the legal authority for most of the BIA services provided to Indian tribes (Kickingbird

1988-26). The Indian Civil Rights Act of 1968 afforded the Bill of Rights protections to America's tribes, all of whom were previously exempted. The treaty based government-to-government relationship has formed and altered the face of tribal nationhood, constraining or expanding sovereign powers.

### The 1950's and Indian Termination

#### Assimilation as Key Policy

America's return to routine life after World War II placed a renewed emphasis on assimilation when it came to Indian affairs (Senese 1984-14). This time, the assimilative strategy took the form of relocating thousands of reservation Indians from their homelands to urban industrial job settings. As early as 1948, a major relocation effort had begun with the Navajo people, and gradually included many other tribes across the country (Senese 1984-15). The Truman administration found a cooperative Congress that supported relocation with substantial dollars; assimilation had fiscal support (Burt 1982-7). Initially, it was called the Navajo/Hopi Marshall Plan and from 1946 to 1958 several thousand Arizona tribal members were relocated.

What was relocation? The process was administered by the Bureau of Indian Affairs. The BIA offered Indian adults bus fares and job locations (usually in unskilled industrial positions) and one month's rent (often on the wrong side of town). In practice, the Bureau of Indian Affairs pulsed or shifted funds among the

city relocation sites, and created seriously interrupted services to American Indian relocatees. The Bureau of Indian Affairs invested funds and services inconsistently, leaving relocatees stranded and without service (Burt 1982-7). Indian relocation moved thousands of surplus Indian people from their homelands on reservations to individual placements in western and midwestern urban locations (Burt 1982-7).

### Congress and Committee Reorganization

The Legislative Reorganization Act of 1946 consolidated multiple western economic interests into one Committee structure in the Congress, named Interior and Insular Affairs. Both the Senate and the House committees then dealt with mines, lands, territories, reclamation and Indian Affairs (Burt 1982-5; Scheirbeck 1981-132). This realignment of duties diluted the committee time and influence dedicated to Indian Affairs among all the additional and competing land and economic interests. In this competitive environment, termination met little opposition, and was an acceptable direction for Indian policy. Congress emphasized a type of New Deal tribal development that mainstreamed the individual Indian person into American society (Forbes 1964-124). The Congressional committees generally viewed federal trusteeship as a failure. In both deliberation and action, these Committees overtly curtailed trusteeship over Indian property (Fey and McNickle 1973-103).

### Termination of the Federal Trust

The Indian termination philosophy was carried out in a two-pronged approach. Two measures that wielded major impact on tribes were House Concurrent Resolutions 280 and 108. State jurisdiction of reservations was legislated in HCR 280, altering tribal jurisdiction and limiting tribal governmental powers. HCR 108 unilaterally ended trusteeship with several Indian tribes and their reservations. Burt noted that fee patents (land leaving trust status and therefore taxable) more than doubled during this period (Burt 1982-60).

Individualism and assimilation were keys to termination philosophy (Forbes 1964-124). Termination called on the federal government to get out of the Indian business as rapidly as possible (Scheirbeck 1981-352). The idea that drove the relocation policy was that the assimilated Indian was an individual citizen, not a member of an Indian tribe or nation. Termination thought effectively reduced American Indian cultural heritage and tribal existence to little more than arts, crafts and memories of a distant heritage (Burt 1982-83). The practice of termination reduced Indian community and Indian tribe to meaninglessness; and treaty conditions were immaterial. The overriding importance of termination was to promote individual American Indian citizen self-sufficiency (Spicer 1969-297).

### Intertribal Coalitions and Termination Resistance

The Indian participation in World War II expanded the number of issues viewed as important by the Indian community. Fey and McNickle record that

25,000 Indians served in the World War II, and that the returning veterans were globally aware in a new and expansive way. More than ever, they were aware of and understood their rights as U.S. citizens (Fey and McNickle 1973-183). For many, the military years built acquaintances with members of other Indian tribes. Significant intertribal dialogue led to common issues identification. Heightened awareness from the war experience and a newly found common ground served as a foundation for a new national Indian organization, the National Congress of American Indians or NCAI (Senese 1984-26). The unilateral termination of Indian reservations by Congress was a pivotal motivation for intertribal American Indian coalitions. Building on the intertribal acquaintances begun during the war experience, Indian tribes now found a common foe in termination. The common experience and threat of termination cemented the rationale for nationally-based organizations. The fledgling National Congress of American Indians gained enormous strength through the members' unanimous opposition to termination. The effects of termination policy were assessed as detribalism and disorganizational (McNickle 1973-107, 113).

Resistance to termination and relocation ran deep among all NCAI member tribes and their members. Fear of termination grew to such a degree that some tribes abandoned planning and programs because they demonstrated to the federal government elementary levels of expertise or self-sufficiency. Ironically, Indian tribal expertise or self-sufficiency had often targeted a tribe for termination (Fey and McNickle 1970-113 & 236). Articulate Indian leaders demanded tribal

consent, consultation and control as preconditions to any federal termination considerations. The tribes demanded a halt to all such unilateral Congressional acts.

### Indian Comment on Federal Termination Policy

Indian leadership included scholars, tribal chairpersons and intertribal or regional leaders. Paul Jones of the Navajo Nation proposed expansive education reform for Indian children and adults (Spicer 1969-296). Vine Deloria, Senior, a Standing Rock Sioux Episcopal cleric, suggested a major plan for modernization in a mission context (Burt 1982-85). The NCAI leaders and president Joseph Gary (a Nez Perce Indian) demanded solid spokesperson presence in many forum levels, particularly in the U.S. Congress (Senese 1984-26). Burt (1982-58) commented in Tribalism in Crisis that more Native Americans openly rejected assimilation and began to look to their common heritage as a source of strength and ideology. Individual Indian relocatees returned home to the reservation at a rate of 30% in the first three months of placement, thereby demonstrating/protesting their objections to the relocation policy.

### Mainstream Critics of Termination

Critics of the federal termination policy arose from various quarters. A former New Deal Indian Commissioner, John Collier, called on the BIA's Indian Commissioner John Myers to "recognize this fantasy and join the real world." During the War years, Myers had served as head of the Japanese relocation

program. A University of Minnesota study called Indian land depletion due to termination of Indian status as oppositional to the urgent employment needs of Indian people on reservations (Fey and McNickle 1970-183,202). The Montana State Legislature encouraged the federal government to recognize the trust responsibility required by Indian treaties (Burt 1982-85). The burgeoning number of critics amassed testimony and data in Congressional oversight hearings. The growing Democratic majority in both the Senate and House listened intently during two years of oversight hearings on Indian termination. Indian voices joined with varied mainstream critics and the Indian policy of termination began to erode.

#### Education in a Termination Era

Termination policy had its effect on the education of Indian children. School construction was reduced to only temporary measures; quonset huts and trailer houses became common school facilities for Indian children (Burt 1982-52). Indian Commissioner Myers appointed a commission on Indian education named the Bunison Commission. The Commission assessment and final recommendations proposed a phase out of education from the BIA functions. The BIA goals emphasized a de-Indianized or White emphasis with the published rationale that "those children with a White education would succeed in American life" (Senese 1984-23, 25). Among the BIA budget allocations, the highest funding priorities were in support for relocation and urban placement centers, not schools

(Scheirbeck 1981-134). The dollar prioritization of relocation was an expensive trade-off for Indian school construction and an effective curriculum.

### The 1960's: Great Society/New Frontier

#### American Indian Community Identity

American Indian identity achieved a distinctive community definition in the 1960's. Indian people conceptualized this identity as the right to live a Native life style. The Indian community was vital for the preservation of past Indian cultural patterns blended with useful Euro-American traits that fit (McNickle 1973-6, 7). Intertribal forums of the 1950's had created an expanded consciousness between Indian tribes and communities. The American Indian tribes' leaders took their cues from each other, adeptly mixing past fragments with present demands to acquire an operational Indian life style (McNickle 1972-15, 17).

The federal policy of termination deeply affected Indian peoples' concept of the future (Deloria 1970-80). They shared an immediate past and termination had pressed Native tribes into self-defensive strategies. The tribes had covered miles of common ground through the 1950's experience. What had been interactive forums for discussion became radically altered, proactive and united Indian organizations (Commission 1981-3). The transformation was characterized as intensified activism, political participation and even revolt (Council 1971-297; McNickle 1973-viii). The new coalitions generated a new nationalism among tribes, fueled by the explosive memories of termination. For example, a North

Dakota tribal coalition established the United Tribes Educational Technical Center, a comprehensive institution that provided training, political activism and legal advice (Shanley interview 1993-39). At its height, the fear of termination empowered some organizations and severely compromised others.

### Scholars and Urban Alliances

The intertribal coalitions went beyond tribal governmental organizations like the NCAI. Native American scholars from all tribes convened to examine American Indian history in school textbooks. The American Indian Historical Association President Rupert Costo underscored the need for visibility, fairness and accuracy in representing American Indian history in school texts (Deloria 1970-25; Demmert interview 1994-9).

From the federal relocation policy of transporting Indian individuals to major urban locations, American Indian numbers swelled in urban areas. Indian relocatees chartered and incorporated activist centers (U.S. Civil Rights Commission 1981-4). The Indian urban centers organized around a common identity as Indian people and actively sought resources to meet the social and health needs of the relocated individuals and their families. In the national forum, tribal governments were joined by these newly formed urban Indian organizations; the Indian voice was strengthened.

These Indian coalitions sought security and recognition for Indian tribes and communities. The Indian self-image maintained aspects of a separate and

distinct Indian culture and history. Of the federal government, they held expectations of good faith, adequate funding and reciprocity (McNickle 1973-122). Two key tenets were defined: treaties with American Indian tribes were eternal and the land was mother, not money (Deloria 1970-25). Shared values and expectations of the Indian-federal relationship served to further broaden the common intertribal agenda and strengthen American Indian nationalism.

### The National Congress of American Indians

The NCAI was the formidable and the premiere intergovernmental coalition of the 1960's. The representative assembly of the Congress adopted tribal development on Indian terms as the organizational purpose. A delicate power balance existed between the Indian tribes of the Northwest and the Dakotas (Deloria 1970-27). With scholarly assistance from University of Chicago sociologist Sol Tax, 460 Congress members authored the historic Declaration of Indian Purpose of 1961 (Spicer 1969-69). The declaration repudiated a coercive federal government and paternalism. Demands were made for good faith in intergovernmental relations, adequate funding for tribal development efforts and a sense of intergovernmental reciprocity. Most importantly, the declaration affirmed American Indian tribal values as inviolable (McNickle 1973-122).

### National Indian Youth Council

A series of Colorado based summer seminars catalyzed youthful militants who formed the National Indian Youth Council, the NIYC. The post-college Indian members vented outrage with elder complacency in Indian communities (Fey and McNickle 1970-243; Shanley interview 1993-42). This outrage was coupled with the general disenchantment of American minority youth (Shanley interview 1993-39). Short-term and maximum effect projects were the focus of the NIYC projects (Deloria 1970-24). Key NIYC spokesperson Gerald Wilkinson called on Indian communities to seek American Indian survival, not assimilation survival (Council 1971-298). The Council urged tribal governments to abandon gradualism (Deloria 1970-24). The Council members marched with American civil rights leader Martin Luther King at the Selma March (Fey and McNickle 1970-243). The NIYC comprised the lone American Indian representation in the American civil rights movement.

### Termination Still a Preoccupation

Termination continued as a constant threat to Indian communities in the sixties. Throughout Indian country, tribal self-defense received the undivided attention of most Indian tribal governments (Deloria 1970-14). No energy was spared for other causes. Aside from the NIYC, Indian participation in the civil rights movement was only incidental (Scheirbeck 1980-36). Tribal legal status and cultural aspects proved to be problematic between American minority groups and

American Indians. Black American issues dominated federal government programming and left only superficial attention for the issues critical to Indian people (Deloria 1970-179).

### Indian Concerns Contrast Black American Concerns

The historic and Indian-authored Declaration of Indian Purpose lauded separate and distinctive Indian communities; the Black American concerns with racial integration were conceptually contrasting to the Indian position. American Indians interpreted the Black American demand for equality to mean the same (Deloria 1970-179). For American Indians, the termination threats overshadowed the civil rights movement. The national agenda for civil rights had little to do with American Indian life. Native language, culture, identity and the federal relationship opposed the principles of the American civil rights movement (Demmert interview 1993-4).

### Contradiction Inside the Federal Administration

New federal policies swept American minorities during the sixties, but life on Indian reservations stayed essentially the same (McNickle 1970-vii). The Department of the Interior, BIA, regulations were rigid and promoted the termination of Indian reservations (Senese 1984-27). The paternalistic federal government continued to relocate Indian adults to urban areas at a rapid pace. In contrast to the Department of the Interior, Bureau of Indian Affairs, The Kennedy

Administration's New Frontier architecture pledged tribal consent before any change in tribal status (Forbes 1964-127). Themes of citizenship and comprehensive education were growing in this decade (Forbes 1964-129; Haymond 1982-105). The sixties were a political shift from termination to a more cooperative Indian federal relationship (Shanley interview 1993-39). The Presidential declarations adopted a tribal consent posture. In contrast, the federal bureaucratic regulations carried out paternalism and rigidity.

### Poverty Programs Create Change

Indian relations with the federal government were critically altered outside the Interior Department. The Johnson presidency and his Great Society programs created the federal Office of Economic Opportunity (OEO). The OEO programs promoted local experimentation in community development and decision-making (Deloria 1970-233). Tribal groups were the recipients of community based grants from the Office of Economic Opportunity like Upward Bound and Headstart as well as some adult and college education programs (Forkenbrock interview 1993-2; Senese 1984-27). The federal War on Poverty provided support for technical assistance to Indian tribes and financial support for Indian designed projects (Deloria 1970-21, 209; U.S. Civil Rights Commission 1981-6). Meanwhile, the Department of the Interior continued to relocate American Indian people and threaten termination of Indian reservations (Deloria 1970-40).

The Indian Americans experienced new vistas with local assessment, prioritization, control, organization and information access. The Economic Development Administration based grantee eligibility on Indian tribes' participation and control in grant design and management and introduced Native people to what they could accomplish (Deloria 1970-233; Fey and McNickle 1970-247; Gipp interview 1993-17). Sixty Indian Community Action Programs were founded on a sovereignty theme and included community councils and program consolidation (Fey and McNickle 1970-248; Scheirbeck 1970-186). Teacher Corps was an important professional development program on many Indian reservations (Gipp interview 1993-17). Cultural orientation was a common element in community council deliberations and projects (Haymond 1982-108). The War on Poverty introduced and required tribal design, control, management and review of projects with a cultural orientation.

The Office of Economic Opportunity had an American Indian component, the Office of Native American Programs, or ONAP. Jim Wilson, an Oglala Lakota originally from Pine Ridge, South Dakota, was a staff member who programmed 1969 year-end surplus funds into graduate education programs. He chose the universities by their willingness to manage graduate studies for Indian educators. Wilson contracted programs at Harvard, Penn State, Arizona State University and the University of Minnesota (Demmert interview 1993-11; Shanley interview 1993-39). The graduate programs developed an influential cohort of articulate and

well educated Indian educators who contributed significantly to founding national and tribal educational organizations (Demmert interview 1993-11).

### Data From Crucial Research

The Kennedy/Johnson administrations commissioned an unprecedented body of research about American Indians, by federal executive departments outside the Interior Department. In new locations, the research on Indian people revised the profile of Indian communities. Massive manpower studies were funded by the Department of Labor. A Department of Labor report extolled "Indian courage despite poverty and remarkable lack of acquisitiveness" (Fey and McNickle 1970-248; McNickle 1970). The Office of Economic Opportunity assessed Indian education and skill levels and discovered pronounced under education and lack of skills (Fey and McNickle 1970-245). The Community Action Program (of OEO) reported that Indian tribes were not in the mainstream (Scheirbeck 1980-364). The Indian community councils performed their own research and assessment in a variety of issue areas. Needs statements and planning activities were common phases of Community Action program models (Deloria 1970-233). In Congress, the Kennedy Commission on Indian Education assessed and documented the American Indian education failures (Locke interview 1993-2; Senese 1984-26; Shanley interview 1993-17). Unprecedented review and research outside the Interior Department acquired reliable labor and

educational data that made a fundamental difference to Indian communities (Deloria 1970-232).

### Presidential Statements

Presidential statements indicated a heightened positive involvement in Indian affairs and a serious reexamination of respective federal Indian policy. President John F. Kennedy referred to Indian policy changes and their negative effects on Indian development (Deloria 1970-21). President Lyndon Johnson affirmed Indian rights to choice and self-determination (U.S. Civil Rights Commission 1981-6). Some analysts called these presidential positions more New Deal ideas, but Deloria disputed that point. The key and fundamental difference he noted was the control of local Indian people in program consolidation and community council organization (Deloria 1970-232; Scheirbeck 1980-186). Johnson's statement on Indian policy represented a policy shift and recognized "respect, dignity and uniqueness; affirms rights and Indian choice; prefers partnership not paternalism" (McNickle 1973-124). The presidential policy positions of choice, self-determination, rights recognition and partnership were impressive policy gains for Indian people (Haymond 1982-134).

### Congressional Role in Indian Education in the 1960's

Congressional research initiatives gave critical visibility to Indian education statistics (Haymond 1982-113; Fey and McNickle 1970-245). The Senate

























































































































































































































































































































































































