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history and have had an adverse impact on the administration of justice. Our system of criminal justice, State and Federal, is increasingly being rendered more impotent in the face of an ever rising tide of crime and disorder.

President Johnson's prestigious Crime Commission in 1967 began its monumental study of crime in the United States with these tragic words:

There is much crime in America, more than ever is reported, far more than ever is solved, far too much for the health of the Nation. Every American knows that. Every American is, in a sense, a victim of crime. Violence and theft have not only injured, often irreparably, hundreds of thousands of citizens, but have directly affected everyone. Some people have been impelled to uproot themselves to find new homes. Some have been made afraid to use public streets and parks. Some have come to doubt the worth of a society in which so many people behave so badly. Some have become distrustful of the Government's ability, or even desire, to protect them. Some have lapsed into the attitude that criminal behavior is normal human behavior and consequently have become indifferent to it, or have adopted it as a good way to get ahead in life. Some have become suspicious of those they conceive to be responsible for crime: adolescents or Negroes or drug addicts or college students or demonstrators; policemen who fail to solve crimes; judges who pass lenient sentences or write decisions restricting the activities of the police; parole boards that release prisoners who resume their criminal activities.

It is in this context that I, for one, especially welcome these two distinguished nominations. I see and support them not as an attempt to put a "liberal" or a "conservative" on the Court, but rather to appoint to the Court men of the highest integrity and outstanding competency, men characterized by a deeply held fidelity not to an abstract ideology of the left or the right, but to the Constitution itself, and I believe that if we can return to fidelity to the Constitution our society will be both free and safe.

Mr. President, I, therefore, support the nominations of Lewis F. Powell, of Virginia, and William H. Rehnquist, of Arizona, to the Supreme Court.

### INDIAN EDUCATION

Mr. MONDALE. Mr. President. In his message on Indian policy issued in July 1970, President Nixon said:

One of the saddest aspects of Indian life in the United States is the low quality of Indian Education.

The President's statement echoed the findings of the Senate Special Subcommittee on Indian Education. The subcommittee report, "Indian Education: A National Tragedy—A National Challenge," issued in November 1969, documents the truly disastrous condition of Indian education:

The average educational level of Indians under Federal supervision is 5 school years;

Only 18 percent of all students in Federal Indian schools go on to college, while the national average is 50 percent;

In 1969, the BIA spent only \$18 per year per child on textbooks and supplies compared to a national average of \$40.

The President also supported the subcommittee's key recommendation—that Indian citizens, like other Americans, should govern their children's schools. The President said:

We believe each Indian community wishing to do so should be able to control their own Indian schools.

And yet now more than a year after the President's statement, the BIA has contracted with only one additional Indian community.

S. 1401, the Comprehensive Indian Education Act of 1971, of which I am a cosponsor, would reform the BIA school system by placing control at the Federal level in the hands of a new National Board of Regents of Indian Education, which in turn would support establishment of local school boards to operate BIA schools.

But the administration already has power to extend control of Indian schools to Indian parents. If the President's policy were followed, that would happen.

Mr. President, an article entitled "Indian Run-Around," from the Washington Post of November 7, describes the frustrating experiences of local Indian communities which have tried to take advantage of the President's policy. Strangled in redtape, these local groups are only the latest victims of the BIA's stubborn refusal to permit Indian citizens to lead their own lives. I ask unanimous consent that this article may appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### INDIAN RUNAROUND—HOW THE BUREAUCRACY VETOES A NIXON VOW ON SCHOOLS

(By William Greider)

On the Wind River reservation in Wyoming, which the Shoshone share with the Arapahoe, about 40 or 50 Indian children did not go back to boarding school this fall.

Most of them were under the impression that a new high school would be operating on their reservation, controlled by an Indian school board, supported by the federal government. They were misled by what they heard from Washington. Some of them are still waiting.

The children at Wind River, when they reach high school age, are scattered across the map. About 300 or so go to two public high schools off the reservation in the towns of Lander and Riverton. An additional 150 or so are sent to government boarding schools in six states. Still others, perhaps a couple of hundred, don't go to school any more.

"What we're trying to do," says Allison Sage, an Arapahoe who is president of the Wind River Education Association, "is bring our kids back home and attack the drop-out problem or, rather, the push-out problem."

He and the other parents at Wind River have been trying to get their own community high school, which, after all, is not exactly a radical proposal. They are encouraged by words from the President himself and by a letter from the commissioner of Indian affairs. But so far they have encountered mostly frustration and postponement.

The educational problems at Wind River are a small matter compared to the tens of thousands of Indian young people already lost, but the situation is noteworthy because the parents there have tried—and so far failed—to do something dramatic to "bring back" their kids.

In the process, they have discovered what any seasoned Washington lobbyist could

have told them—that the President makes the grand declarations of government policy, but that he is not there when bureaucrats draft the regulations or negotiate the contracts or keep the project proposals shuffling back and forth from one office to another. The people from Wind River have become convinced that this process, in the end, can twist the President's words or perhaps even veto his ideas.

#### COALITION FORMED

Among Indian leaders, there was general applause and even some cheering when President Nixon first announced his new goals for Indians: The Indians themselves would begin to run things. The paternalism of non-Indian bureaucrats would be replaced with self-determination contracts through which tribal leaders could take over the operation of government programs.

As the President envisioned it, these contracts might cover any of the variety of federal programs on the more than 300 Indian reservations, from real-estate management to police protection. The heart of it, however, was to be education—where people shape their own image of themselves and determine whether their culture will survive in their children.

Mr. Nixon declared: "Consistent with our policy that the Indian community should have the right to take over the control and operation of federally funded programs, we believe every Indian community wishing to do so should be able to control its own Indian schools."

That was July 8, 1970. Since then, only one tribe—the small band of Miccosukee in South Florida—has managed to wrestle out of the Bureau of Indian Affairs the kind of contract which gives the Indians control over their school. They accomplished that in part because their tribal chairman, Buffalo Tiger, waded through repeated tangles of red tape and in part because the tribe had a Washington lawyer lending his time and expertise to the struggle.

Three other tribal groups—the one at Wind River, an Oglala Sioux community at Pine Ridge, S.D., and the Crow reservation at Busby, Mont.—have also waded into the thicket with firm proposals, but so far they have not come out with contracts. Instead, the process has created a lot of legal back-and-forth between them and the bureau. They have felt the need to form a "coalition" of some 10 fledgling Indian-controlled school boards, united to prod the BIA into doing what the President said to do.

#### 32 YEARS LATER

The coalition was in Washington last week, lobbying at the bureau, the Interior Department and Congress. Its "position paper" expressed considerable skepticism about the future of self-determination contracts:

"Each day's procrastination endangers at least four Indian community school projects and retards the education of our children. Our belief in the good faith of this administration as regards self-determination for Indians in education is fast dwindling and only immediate fulfillment of prior commitments can restore our support."

The commissioner of Indian affairs, Louis R. Bruce, an Indian himself, and Secretary of Interior Rogers C. B. Morton periodically reaffirm their devotion to the idea. But the Indian skepticism is based solidly on the history of reform—initial enthusiasm buried by bureaucratic delays and diversions. The official policy of the BIA, for instance, is to phase out government boarding schools. That has been the official policy for more than 35 years, yet the percentage of Indian children who must leave home for their schooling has dropped only modestly since 1930.

The current few who are trying to get self-determination contracts fear that their experience will be a negative object lesson for other tribes who will see the frustration and won't bother to try.

"It's trying desperately to get off the ground," says Mrs. Barbara Sinclair, a Shoshone from Wind River, "but the bureau is saying, Oh, we don't know if that's right. They're so expert in everything. They won't give up anything."

#### QUITE IRRESPONSIBLE

For their part, the BIA officials insist that their caution is merely prudent, that contracts must be carefully drawn to insure accountability, that hastily launched projects might fail and injure the children, that the government must be satisfied that the school-control proposals are what the reservation parents really want.

Elizabeth H. Skelly, an education officer who has done much of the negotiating, says the accusations of foot-dragging are "quite irresponsible." The Wind River sponsors, she says, "just rant and rave on. It's really a political maneuver on their part to build up the pressure and barrel through a loose contract."

She expects that as many as six Indian-controlled schools may be operating with BIA contracts by next fall, though how many follow beyond that is less certain. Even six would represent dramatic progress compared with the past.

"However, in the last six months," Mrs. Skelly says, "we've met with tribal groups that are interested but a great deal of doubt and concern has been expressed. They like the idea, but they see all the problems they are getting into. They have a feeling they might get out on a limb by cutting off the bureau. There's much more reluctance than one might think. After all, this is a big step for these people to take."

Mrs. Skelly contends that each step of delay has involved a legitimate problem, often a requirement which the sponsoring group had failed to meet. The way the sponsors tell it, each time they meet one objection they are given a new one to contend with.

#### THE BRUCE LETTER

At Wind River, for instance, Sage, Mrs. Sinclair, and the others spread the word in April that a new high school could be opened in September, using the facilities of an Episcopal mission. Their confidence was based on a letter from Commissioner Bruce expressing "our firm intent" to contract for a high school in the fall with at least \$250,000.

"This is the kind of local initiative by Indian tribes which I wish to encourage, and I intend to give this matter personal attention until a contract has developed," Commissioner Bruce said.

The Wind River group set out to demonstrate the community support required by the bureau with petitions signed by more than 900 parents and students, in contrast to an opposition petition signed by fewer than 100, mainly Shoshones. A series of referendums held at local elementary schools produced better than 2-to-1 support. The Arapahoe Tribal Council passed a resolution endorsing the proposal—though the Shoshone council did not, a fact which BIA officials consider an obstacle to a contract.

The sponsors did not hear any more encouragement from Bruce, but they heard lots of questions from his subordinates in the Indian agency. A negotiation meeting was set for May, but according to Michael Gross, lawyer for the Wind River association, "We were sitting around the table waiting for the BIA and nobody showed up."

The problem, it seems, was that influential congressmen and departmental contract officers were upset by the new Indian contracts which tribes were seeking and which some BIA officials (mainly Indians brought into office by Bruce) were promoting. They questioned the format, the legal authority, the procedures for audit control. The flap inside the BIA made cautious officials even more timid. All negotiating was suspended while a contract team worked on a "model" contract that would apply to the Ramah, N.M.,

Navajo school started in 1970 as the first of its kind.

The new "model" contract wasn't completed until mid-September and, when they saw it, the Indian school boards objected strenuously, but unsuccessfully. It was 39 pages long and loaded with fine-print prescriptions on how the Navajo parents at Ramah should operate their school, down to the lunch rations of fruit and corn muffins. It was essentially a procurement contract, like those for buying paper clips or pencils.

By contrast, the bureau signs contracts every year with state governments for the distribution of federal aid to educate Indian children—and these agreements are brief and generalized. The state schools get their money in two advance payments, with no requirement for advance proof of expenditures; the Indian schools will have to submit monthly invoices detailing their expenditures before they can get the federal money.

Lawyer Gross contends that the BIA could draw similar contracts with the Indians, giving them more leeway to make their own decisions. "Educational services are not commodities," the school-boards coalition protested. The BIA insists, however, that it must follow the long contract form or run into new objections from Congress or the auditors.

#### OUT OF FAITH

While the "model" contract was still being drafted, the Wind River group met with bureau officials in July and were told that the proposal which the BIA commissioner endorsed in April was impractical. The proposed contract of \$250,000 was not enough to finance a decent high school and, besides, there was not enough time.

"These people," Mrs. Sinclair complains, "are all Eastern and they think in terms of two or three thousand kids for a high school. I pointed out to them that Chugwater, Wyoming, graduated seven kids."

Nevertheless, the Wind River group reluctantly accepted the idea that it would not get a high school this fall, but would try instead for an "education resources center," a euphemism for a special school to deal with 9th and 10th grade children who have left school.

No progress has been made so far on this plan. But, according to Mrs. Skelly of the BIA, any delay can be blamed on the Wind River group because it did not promptly submit the new proposal. In any case, she suggested last week that the Indians may have to produce evidence of community support all over again—since their original petitions and resolutions were in support of a high school, not a special center.

"What's so sad," says Mrs. Sinclair, "is that people were really steamed up about this last spring. We simply can't go back to the community any more and say there's something going to happen in two weeks, then it's three months and nothing. People are out of faith."

The sponsors like Sage and Mrs. Sinclair feel that the opposition has been inspired by whites who do not want to see an independent school district established on the reservation for fear of losing tax revenues which the off-reservation schools draw from oil fields on the Indian lands. In any case, both of Wyoming's senators agree that the Wind River proposal does have strong support among the Indians and they are pressuring the bureau to reach an agreement when they meet again this week.

#### THE BUREAU'S RECORD

Meantime, the school coalition members take a glum view of the bureau's insistence on "good management." Frank LaPointe, representative from the Rosebud Sioux reservation in South Dakota, complains: "They have a mentality that goes something like this—that we can do it better than Indian people can. It goes like this, too—Indian people can't do it."

There is no question that some of the BIA's caution stems from fears that turning over money and school children to Indian parents will risk wasting both. The irony is that the BIA has managed in the past to waste quite a lot itself without involving Indian control.

A harshly critical internal audit of BIA contracts by the Interior Department recently concluded:

"Most of the things we found wrong represent a continuation of long-standing practices. While the new thrusts of bureau programs toward tribal involvement have added to the problems, a conclusion identifying policy changes as the principal cause is, in our opinion incorrect."

Among other things, the auditors found an area director who bought six cars but neglected to get title to the vehicles. In another instance, a bureau employee took over a contract when the contractor died. In another, a training school was advanced \$113,000 but only spent \$67,000—and had use of the extra money interest-free before the bureau got it back. A relocation and training project proposed a contract to handle 77 Indian families for \$216,000, then revised it a month later—reducing the number of families 48 per cent and the price 9 per cent.

The Indians think they can match that record for fiscal responsibility—and maybe even do a little better.

#### ENVIRONMENTAL PROTECTION: IT IS A JOB FOR EVERYBODY

Mr. HANSEN, Mr. President, Russell E. Train, Chairman of the Council on Environmental Quality, recently addressed the National Soft Drink Association at its Houston convention.

His speech, to my mind, strikes an excellent balance between those who are rightfully concerned about the overzealousness on the part of some and the foot-dragging tactics of others as we come to grips with the national problem of environmental protection.

What Judge Train says makes very good sense. He strikes the important balance I referred to between our economic growth and our ability to pay for cleaning up our environment, but he is positive and persuasive on the side of protection.

He is dedicated—as I think most of us are—to getting on with the job of providing a higher quality of human life.

Pollution in the United States, he says, adds up to inefficiency and waste. Pollution, Chairman Train notes—

is basically inefficient, a wasteful misuse of resources. And most importantly, it is an area where we can make specific and positive progress, where we can innovate, to develop new technologies and new processes, and most important of all to dedicate ourselves to the goal of a higher quality of human life.

Mr. President, I know of no one more qualified to do a better job, more factually and forcefully, than Russell E. Train. I was privileged, as a member of the Senate Interior and Insular Affairs Committee, to question him at his confirmation hearing before he became the Under Secretary of the Department of the Interior, several years ago. Since then, he has taken over as Chairman of the President's Council on Environmental Quality and has done a truly outstanding job.

As he put it in the mid-November speech:

Among the challenges of peace, none is more important than the need to direct our