

Tribal Self-Governance Demonstration Project

SOVEREIGN NATIONS

April 1993

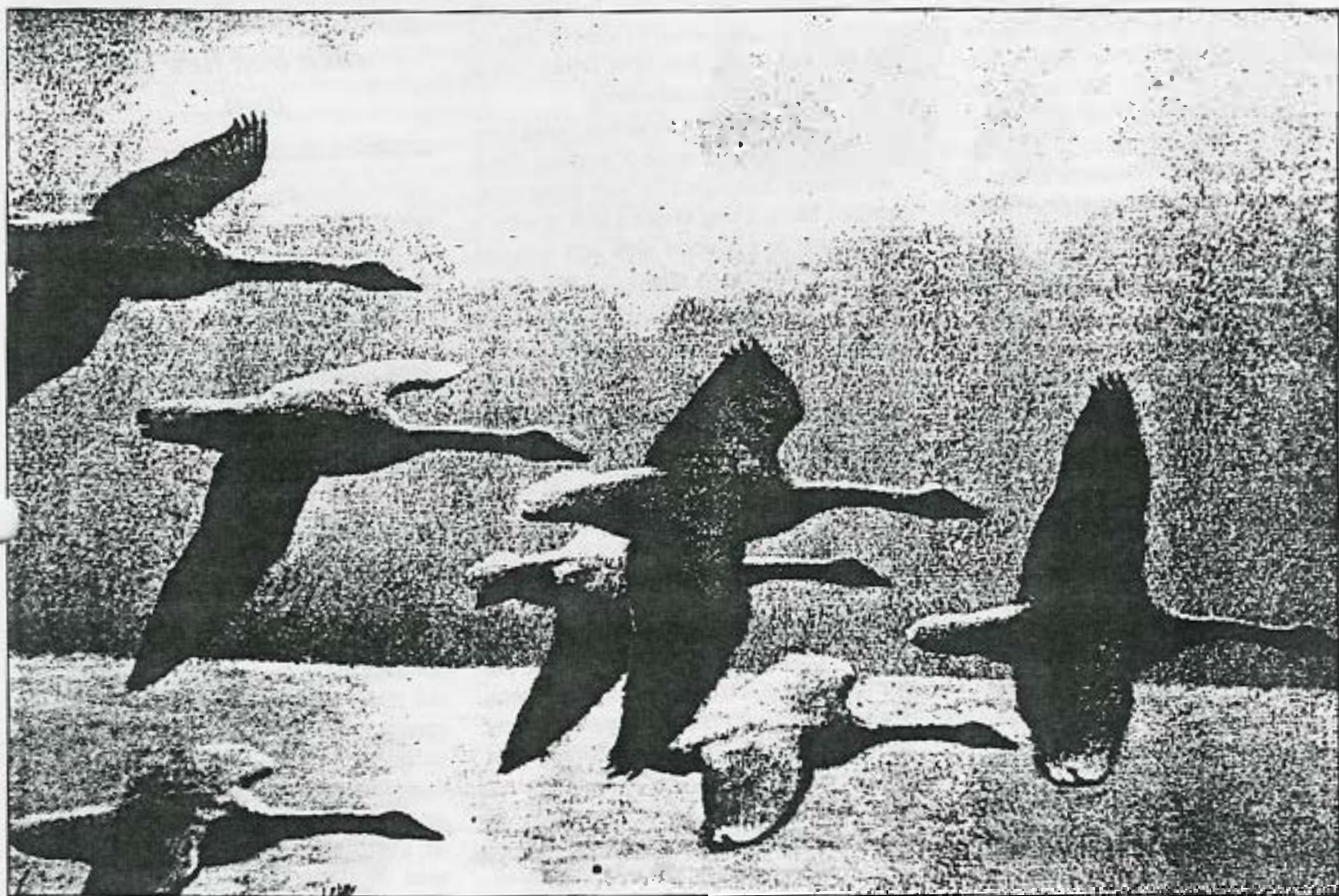
Volume 2

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"Are You As Smart As A Goose?"

I really appreciate the time given to me to share my thoughts and expectations in regards to Self-Governance. As I've said over the last four years, we're living in very exciting times, and it has been very exciting in the last four years being involved in Self-Governance, the Task Force on reorganization and Indian Gaming, on and on. There has clearly never been a dull moment in regards to Indian issues, concerns, etc. But what I've been most impressed about is the involvement, leadership and commitment of Tribal leaders and Tribal governments to this cause.

When we begin to take a look at what we're working at and what's the overall goal, I think, we see that that's the level it should have been all along. If we're going to get change in Indian community, in legislation, then Tribal government must be at the lead in directing and guiding that change, and that we as civil servants within Bureau of Indian Affairs and Department of Interior, need to be in tune with what that is, and then begin to work, advocating on behalf of Indian people but at the same time, carrying out that major trust responsibility that we have.

If we look at some of the comments that I've

heard in regards to what we're trying to do, looking back almost four years ago, when I came aboard, people were trying to explain to me what Self-Governance was all about. I had people whispering in one ear that it was probably the most terrible thing that could be introduced, so be careful. In the other ear, people were asking, when are you going to implement it? Well it's very clear, that the leadership in implementing this has clearly come from the Tribes. The direction has been strong support and movement by the Tribes and it hasn't been an easy one. In the last two years, it has really moved forward because of the leadership involvement of Tribes, Tribal leaders and Tribal governments.

We talked about diversity within Tribal governments within our society, perhaps that's the greatest challenge I've been doing some reading lately, trying to take a look at what's happening on a national scale just with our society in general. It seems that one of the critical things standing out there is, how do we adapt to diversity? Because clearly after all these years, we've moved away from this melting pot concept of everybody coming in being the same, looking the same, and out of the melting pot comes a lot of strength. One of the things we're finding out what really comes out is everybody looking at but the idea now, is saying let's talk about diversity. Diversity and people with different views and ideas and purposes, and etc., really creates strength, they do not distract from the situation. By coming to a table, being able to put things on top of a table and to address them, we have much more creative options, many more different ideas, greater creativity, but we also have got to be able to risk a little more, so all the little things, go together when we say how do we deal with diversity. Now, there is a danger in diversity. It can lead to chaos. What keeps diversity a strength, and the difference between diversity being a strength and diversity leading to chaos, is that we have got to have some common goal. If the people involved all believe in a common goal or overall objective then diversity can become a strength and here I think we've set a common goal in the last few years of talking about how do we strengthen Tribal government. That is our goal. How do we recognize Tribal governments, how do we move to a stronger government-to-government relationship? Just this morning I talked to a group on the Tribal budget system. I'm delighted to see us moving

to do something like the Tribal budget system. Again, though, the goal is the same as the goals here in Self-Governance, it is how do you get tribes more involved participating and running. How do you put more dollars down at the Tribe level with the greater

"...By flying in a V-formation, the whole flock adds at least 70 percent greater flying range than if each bird flew on its own..."

greatest flexibility, the same kind of goal. So, as we look across the way, I said this morning: we've got to remember constantly what our purpose is, and why we're here, because it becomes easy, particularly in a time of transition here that sometimes we can forget about what our ultimate purpose is and start getting caught in little turfboids or whatever, and that we have to constantly come back and say what are our guiding principles, that guide us in why we're here and what we expect to do.

And again, we've got to talk about government-to-government relationships. We've got to talk about strengthening Tribal governments. Tribal control and Tribal input and involvement in the budget and we've got to talk about putting more dollars at the Tribe/agency level with greater flexibility. If we can remember those key elements, and every time we have to ask ourselves a question are we accomplishing these things? Then we're on. If we find we're moving away, then we need to bring ourselves back. You know there's nothing more difficult than trying to do things differently than what you've done over the last 20, 30, 40, 50 or 100 years and because of that, like anything, we have to keep reminding ourselves of why we're doing things, of why we've got a program or demonstration project and we've got to stay true to those values and standards and reasons of why we initiated them.

I have been pleased to see the kind of cooperation that has taken place between the Tribes, the bureau and the non-participating Tribes. It hasn't been easy and I'm still concerned. I will tell you, that the future of this demonstra

SOVEREIGN NATIONS

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Self-Governance is a Tribally driven initiative intended to provide Tribal governments more control over their own destinies. The Project fosters the shaping of a "new partnership" between Tribal governments and the government of the United States. We believe that excellence in tribal communication and education is fundamental to the achievement of these goals.

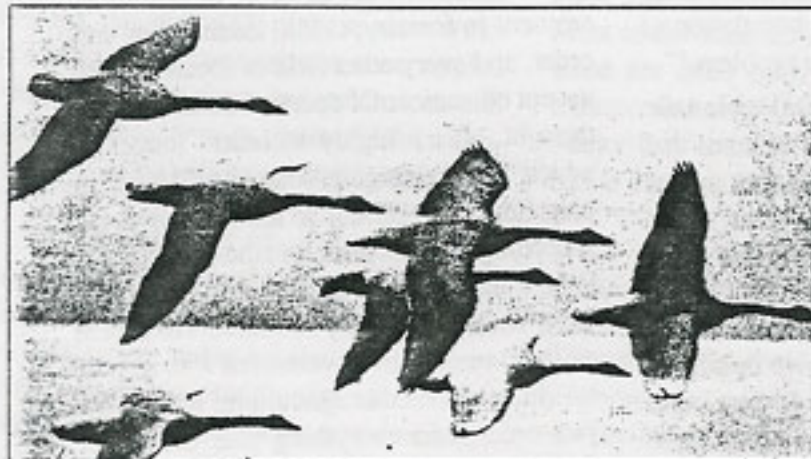
Note to contributors/editors:

We encourage your input, but cannot guarantee appearance due to time and space constraints inherent in the publication of this newsletter.

For information, please write to:
Maureen Kinley, Coordinator
Communication & Education
Self-Governance Demonstration Project
c/o Lummi Indian Business Council
2616 Kwins Road
Bellingham WA 98226
Phone (206) 738-2301
Fax (206) 647-0898

tion project will lie in the hands of our ability to continue to have the kind of cooperation that we need. Its continued success will depend on how Tribes work together with the participating Tribes and the non-participating Tribes, and how well the Bureau internally works together with the Office of Self-Governance and the BIA is critical. Every day I hear some concerns, and conflicts bubble up: did you hear? or did you know? These things are happening, etc. Those kinds of things are going to occur. Change will create conflict, and there will be those conflicts or issues that will keep bubbling up but it's at conferences like this that we have to pull together to keep the issues on the table, to keep them open, keep people talking about this and to hammer out ways that will allow this step to happen. It will not happen on its own. Those of you who have already put in considerable time and work to just get where we are today already know that. So again, I would ask that we look and see those areas where we can cooperate and find those win-win situations, find those areas that we can move in.

A year or two ago I talked about some ideas of Joel Baker. I watched a video of his in which he talked about the power of vision. I have yet to follow or visit any Tribal leader who didn't have clear vision in his mind of where he wanted to go or where that Indian Nation wanted to go, but you know Fred Colt, who is a researcher sociologist who does world-wide research on nations and how they came to develop. He makes a statement here in his research of many nations as they began their climb to greatness that they didn't have the critical population base or the necessary resources or obvious strategic advantage, but what they did have was a profound vision of the future. And again, throughout history, if it's told us anything about vision, it says that if we've got a profound vision of what we want, we can make that happen. We've seen it happen time and again with the American Indian people in the history of America. It's perhaps that vision, that even ensures that we have Indian people here today and Indian people residing in the United States, still recognized as Sovereign Nations, because nations with visions are powerfully enabled; nations without visions are at risk. Clearly, I do not believe that we are at risk, I think we as Indian people have a very strong, strong vision and it's that vision tied to a plan and a cooperation that will get us from one point to another.



I want to close by reading you some of this article I ran across the other day. This headline caught my eye: "Are you as smart as the goose?" But I thought it was appropriate today, it's on the premise that by observing God's hand in nature we can gain some basic truths for ourselves. It says this spring when you see geese heading back north for the summer, flying in a V-formation, you might be interested in knowing that scientists have discovered why they fly that way. As each bird flaps its wings, it creates an updraft for the bird immediately following it. By flying in a V-formation, the whole flock adds at least 70 percent greater flying range than if each bird flew on its own.



Dr. Eddie Brown

Basic truth number one: people who share a common direction and a sense of purpose can get where they are going quicker and easier because they are traveling on each other's thrusts. Now, whenever a goose falls out of formation, it suddenly feels the drag and resistance of trying to go it alone and quickly gets back into formation to take advantage of the lifting power of the bird immediately in front.

Basic truth number two: the going is a lot easier if we stay in formation with those who are headed in the same direction that we are going. Now, when the lead goose gets tired, he rotates to the back and another goose flies point.

The third truth, it pays to take turns doing the hard jobs, and there will be times when leadership will change for the benefit of the whole and we will be allowed to rest and to follow.

Now the geese honk from behind to encourage those up front to keep up their speed and that's basic truth number four.

It is important to show our support and to encourage those who are out in front providing the leadership, we would want the same when it becomes our turn. Finally, when a goose gets sick and falls out, two geese fall out of formation and follow him down to help protect him. They stay with him until he is able to fly or until he is dead and then they launch out on their own or with another formation to catch up with their group.

And the final truth, if we are to reach our final destination, we must stand by each other in times of hardship and even in times of failure.

People, we have a challenge and I would hope that we would take some of those basic truths and apply them because they apply exactly to the kind of effort we are doing today. I can tell you it's been a real pleasure for me and an opportunity as far as the federal government to serve as "lead goose" for a few years. I look forward to the time of dropping back and being carried by someone else's thrust, but also ensuring that I give my support to the efforts that have been brought alive in these last few years. I think all of us owe that and we should renew our commitment in that.

Indian Self-Government

by Felix S. Cohen

Following are excerpts from an article written in 1949 by Felix Cohen, editor of the Handbook of Federal Indian Law. It is reprinted here in 1993 to indicate how principles of Tribal Self-Governance have remained unchanged through the generations.

Not all who speak of Self-Government mean the same thing by the term. Therefore let me say at the outset that by Self-Government I mean that form of government in which decisions are made not by the people who are wisest, or ablest, or closest to some throne in Washington or in Heaven, but, rather by the people who are most directly affected by the decisions. I think that if we conceive of Self-Government in these matter-of-fact terms, we may avoid some confusion.

Self-Government is not a new or radical idea. Rather, it is one of the oldest staple ingredients of the American way of life. Many Indians in this country enjoyed Self-Government long before European immigrants who came to these shores did. It took the white colonists north of the Rio Grande about 170 years to rid themselves of the traditional European pattern of the divine right of kings or, what we call today, the long arm of bureaucracy, and to substitute the less efficient but more satisfying Indian pattern of Self-Government.

In the history of Western thought, theologians, missionaries, judges, and legislators for 400 years and more have consistently recognized the right of Indians to manage their own affairs. For 400 years, men who have looked at the matter without the distortions of material prejudice or bureaucratic power have seen that the safety and freedom of all of us is inevitably tied up with the safety and freedom of the weakest and the tiniest of our minorities. This is not novel vision but ancient wisdom.

What gives point to the problem in 1949 is that after 422 years of support for the principles of Indian Self-Government, in the thinking of the western world, there is so little Indian Self-Government. There we have, I think, the main problem on which I should like to throw the light of a few concrete examples and incidents.

How can we explain the fact that despite all the respect and reverence shown to the principle of Indian self-government across four centuries, there is so little left today of the fact of Indian Self-Government? How can we

explain this discrepancy between word and deed?

The simplest explanation, of course, and the one that is easiest for simple, unsophisticated Indians to understand is the explanation in terms of white man's hypocrisy.

I think we must go deeper into the wellsprings of human contact and belief to understand what is happening in the field of Indian self-government and to relate facts to words.

Double-talk is not always a sign of hypocrisy. Probably the easiest way of maintaining consistency in our principles is to have a second-string substitute vocabulary to use in describing any facts that do not fit into the vocabulary of our professed principles. Thus, if we believe in liberty and find that some particular exercise of liberty is annoying, we may call that license, rather than liberty. So it is possible to talk about the virtues and values of Self-Government without allowing this talk to influence our conduct in any way, if we have a substitute vocabulary handy which will permit us to dismiss the appeal for Self-Government in any concrete case, without using the term "Self-Government." The second vocabulary to which professed believers in Self-Government continually turn when concrete cases arise is the vocabulary that talks about "a state within a state," "segregation," and, in the words of the Hoover Report, "progressive measures to integrate the Indians into the rest of the population as the best solution of 'the Indian problem.'"

There are two answers to this double-talk: One is to deny the clichés and to insist that there is nothing wrong about having a state within a state; that, in fact, this is the whole substance of American federalism and tolerance. We may go on to say that the right of people to segregate themselves and to mix with their own kind and their own friends, is a part of the right of privacy and liberty, and that the enjoyment of this right, the right to be different, is one of the most valuable parts of the American way of life. We may say further that it is not integrate Indians or Jews or Catholics or Negroes or Holy Rollers or Jehovah's Witnesses into the rest of the population as a solution of the Indian, Jewish, Negro, or Catholic problem, or any other problem; but that it is the duty of the federal government to respect the right of any group to be different so long as it does not violate the criminal law.

Apart from this challenging of clichés, there is a second cure for the habit of double-talk in our discussions of Indian Self-Government. That remedy is to reject what Stuart Chase called "the tyranny of words" and to think facts.

The great American philosopher, Ralph Barton Perry, coined the phrase, "the ego-centric predicament" to call attention to the fact that each of us is at the center of his world and cannot help seeing the world through his own eyes and from his own position. It takes a certain amount of sophistication to realize that the vision of others who see the world from different perspectives is just as valid as our own. One of the striking features of the administrative or bureaucratic mind is that it lacks such sophistication. Thus, it often turns out that the officials who have the most to say in praise of Indian Self-Government have a certain blind spot where Indian Self-Government comes close to their own activities.

I recall that when we were helping Indians draft the constitutions and charters which were supposed to be the vehicles of Self-Government under the Wheeler-Howard Act, all of the Indian Bureau officials were very strongly in favor of Self-Government, and in favor of allowing Tribes to exercise to the full extent their inherent legal rights. There was only one difficulty. The people of the Education Division were in favor of Self-Government in forestry, credit, leasing, law and order, and every other field of social activity except education. Of course, education, they thought, was a highly technical matter in which Tribal council politics should have no part. Education should be left to the experts, according to the experts, and the experts were to be found in the Education Division. Similarly, with the Forestry Division. They were all in favor of Self-Government with respect to education, credit, agricultural leases, law and order, and everything else except for forestry. Forestry, of course, involved matters of particular complexity and difficulty in which the experts ought to make the decisions, and the experts, of course, were to be found in the Forestry Division. So it was with the Credit Section, the Leasing Section, the Law and Order Division, and all the other divisions and subdivisions of the Indian Bureau. The result was that while every official was in favor of Self-Government generally, by the

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Rocky Boy Gives Nod to Compact

Note: In all likelihood, the next Tribe to complete a Self-Governance Compact will be "Rocky Boy."

The Chippewa Cree Tribe on the Rocky Boy Reservation in Montana is the smallest Tribe in the Billings region. It's also the only one opting to go Self-Governance so far. The Tribe is in the planning stage, set to take over its 638 contracts, with an eye on following suit with all other programs not contracted now.

That perks a few ears up among some other Tribes in the vicinity, as well as the Tribal members employed by the Bureau of Indian Affairs in the Area Office.

"Things have been going well, but there have been a lot of rumors that have caused these BIA employees some concerns. Some of them have heard that our Self-Governance process will mean they'll lose their jobs or benefits. But we don't think this will necessarily be the case," said Chippewa Cree Tribal Council Member Kelly Eagleman.

"We've been telling them that Self-Governance is going to benefit all Tribal members," said Tribal Self-Governance Coordinator Ronnie Henry. "Who's better qualified to coordinate these projects, and the jobs associated with them, than the Tribe, itself. We want to see them get good benefits. And we think the Tribe is in the best position to ensure these things in the years to come."

The Rocky Boy Reservation consists of 120,000 congruous acres in North Central Montana. About 40,000 of these acres are in the scenic green mountainous area, rippled with free-flowing rivers and streams, as well as lakes and reservoirs, most of which provide some of the most outstanding trout fish-

ing in the world. The Cree ancestors of the Tribe hail from Canada and the Chippewas are emigrants from the eastern United States. Today, there are 4,000 members enrolled in the Tribe, 2500 of whom reside on the reservation. The Tribe is unique in that it owns all the acreage within its borders, a fact that underscores the logic of the Tribal government being directly responsible and accountable for Tribal programs.

A number of Tribal programs may come under the umbrella of Self-Governance in the future. In terms of economic development, the Tribe looks forward to maintaining its agricultural base under the process. The Tribe owns and operates two farms and a cattle ranch which raises cattle to sell at reduced rates to Tribal members through a tribally operated butcher shop/meat market.

The Tribe's top priority in the Self-Governance effort is education. Already, the Tribe operates a highly successful community college program, Stone Child College, named after one of the Tribe's founding chiefs, Stoneman. The college is accommodating more than 300 students this semester alone. Most of the students are from the Tribe, but some are from other Tribes and the non-Indian community. (Historical note: The name Rocky Boy actually resulted from an inaccurate interpretation of Stoneman's name.)



Ronnie Henry, Harold Monteau and Kelly Eagleman of the Chippewa Cree Tribe on the Rocky Boy Reservation.

"Some of the other Tribes in the region are concerned about the Self-Governance process," said Henry. "There is an attitude in Billings that since Rocky Boy is the smallest and poorest of the Tribes in the region, we should be the least likely to have a Self-Governance compact. I guess we'll just have to prove them wrong. We've always been a pretty feisty Tribe...we'll make it work. Self-Governance is a creative process. And that's just what we need...to have the ability to be creative. Our Tribe has faced 60 to 80 percent unemployment rates over the years. We think the Self-Governance process is part of the remedy to this problem...through education and economic enterprise."

Harold Monteau, Tribal Attorney and member of the BIA Reorganization Task Force, said, "Sovereignty doesn't mean anything unless it's exercised. Self-Governance is our opportunity to really exercise it. We're looking forward to the progress we think it will bring."

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same token he was opposed to Self-Government in the particular field over which he had any jurisdiction. In that field he could see very clearly the advantages of the expert knowledge which he and his staff had accumulated, and the disadvantages of lay judgment influenced by so-called political considerations which would be involved in decisions of local councils.

Those of us in the Department who had been given a special responsibility for protecting Indian Tribal Self-Government finally went to the Commissioner and pointed out that if we followed the traditional practice of yielding to each expert division on the matters with

which it was concerned, there would be no Indian Self-Government. There was a long and bloody argument and eventually the Commissioner upheld the principle which is now written into most Indian Tribal charters, that the Indians themselves, at some point or other, may dispense with supervisory controls over most of their various activities. Some of the charters include a special probationary period of five years or ten years, during which leases and contracts are subject to Departmental control. In many cases this period has terminated and the Indians are free, if they choose to do so, to make their own leases and contracts and various other economic decisions without Departmental control. That, at

least, is what the charters and constitutions say.

Yet I must add that instances have been called to my attention where decisions and ordinances that were not supposed to be subject to review by superintendents or by the Commissioner of Indian Affairs have been rescinded or vetoed by these officials. Tribes without independent legal guidance frequently acquiesce in such infringements upon their constitutional and corporate powers.

May we not profit, may not the world profit, if in a few places in our Western hemisphere there is still freedom of an aboriginal people to try out ideas of Self-Government, of eco-

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Senator McCain on Self-Governance



U.S. Senator John McCain

Editor's Note: This feature column will appear in *Sovereign Nations* from time to time, and be designed to present readers straight answers to some no-nonsense questions about Self-Governance. Featured interviews will be with federal and Tribal officials.

Senator John McCain, R-Arizona, is vice chairman of the Senate Committee on Indian Affairs, as well as several other important committees. He was re-elected to a second term as U.S. Senator in 1992, having formerly served two terms as a U.S. Representative. His is a career of great distinction. He has served as Chairman of the International Republican Institute. He chairs the Energy and Environment Study Conference. He was named by former President Bush to chair the Veterans for Bush Committee. He is a graduate of the U.S. Naval Academy, who was highly decorated as a result of a distinguished military career. He was a prisoner of war in Vietnam for five and a half years.

We interviewed him recently in his office in Washington D.C.

Sovereign Nations: How do you see the Self-Governance project relative to carrying out the U.S./Tribal government-to-government relationship?

Senator McCain: I think the only way you can fulfill the commitment we have made as a nation to treat the Tribes as sovereign nations on a government-to-government basis is to provide them with self-governance. Self-governance means that they can run their own programs, they can administer their own governments. Obviously, without the funding to do so, it's basically a shell game.

SN: How do you relate this to the federal trust responsibility to the Tribes?

McCain: The federal trust relationship is to provide for certain basic needs for the Tribes...health care, education, etc. The question is, do the Tribes then take monies

that are for those programs and administer them how they see best, and how they think meet the needs of their Tribal members...or does the federal government come in with their bureaucracy and make those decisions? I think when the federal bureaucracy comes in and makes those decisions, then that basically betrays the fundamental principle of self-governance.

SN: Do you feel the Tribes are capable of handling their own affairs with little federal oversight?

McCain: When we first introduced this legislation, there was a lot of cynicism and voices that said it would be impossible. There would be corruption, etc. We've had enough demonstration projects now to show that that's not the case. They have demonstrated amply that they can do a better job than the federal bureaucracy does...which is logical since they are sensitive to the needs of their members, and I think that the success indicates that we should make Self-Governance a permanent legislative act rather than a demonstration project.

SN: What do you predict will happen with the permanent legislation?

McCain: I think we'll get it through this year. I think that the demonstration projects have enjoyed a degree of success, and that we'll get it into law this year...remembering, now, that Self-Governance is an option. It's not mandatory. If the Tribes don't choose to pursue this option, they don't have to.

SN: What, in your view, are some of the key problems in getting the federal system to cooperate with the Self-Governance Process?

McCain: The key problem is the bureaucrats' recognition that this would destroy, or dramatically reduce the size of the bureaucracy. That's one of the major problems associated with it. And another problem is that some Tribes are not ready yet to administer their own programs. That's reality. But when they have a goal that they can set up the kinds of institutions necessary so they can govern themselves, I say this is an enormous incentive for them to do so. BIA's role would be dramatically reduced, obviously...I want to say that individuals who work within the BIA are dedicated, hard-working people...it's the nature of the bureaucracy that leads to the kinds of ineffectiveness that we see and have seen for over 200 years. And the only way to do away with that is to have the Tribes basically govern themselves. How do they govern themselves? Only by having the suffi-

cient funds to do so. You can give them all the authority and responsibility, but without the funds to administer the programs, then it doesn't work.

SN: Do you think the Self-Governance concept could work throughout the federal system for all Indian programs?

McCain: I think it could eventually, but that would take a long period of time. We started out somewhat small, with small Tribes, with a few demonstration projects...and moved slowly into it. For many of the Tribes, it would take many years to make this transition. But, again, if they know they can make the transition to Self-Governance, then they'll work toward it. Without that kind of hope or optimism, then it's going to be business as usual, which is, at least to me, not acceptable.

SN: What do you see in the future for Self-Governance?

McCain: I think we are raising a generation of Native American leaders throughout Indian Country that is going to prove themselves capable of governing themselves. I see this everywhere, from the Midwest to the Northeast, to my own state of Arizona. I think that Self-Governance will succeed. I think that the great danger is that the federal government, once the Tribes start administering themselves, will cut off the money. Then, it loses credibility and we're back to where we started. So it's my job, and those of us who are on the Indian Affairs Committee, to make sure that the funding is maintained...and not only maintained, but keeps pace with inflation.

SN: What advice do you have for Tribes that might be considering the Self-Governance Process?

McCain: For those considering Self-Governance, I would strongly recommend that they look at the Tribes that have already adopted it...I think you'll find that they're, over all, very pleased with the results, and I would encourage you to seriously consider it...Again, I want to emphasize that no one should force any Tribe to embark on this Self-Governance Process if they don't choose to.

SN: What should the general public think about this process?

McCain: For the general public, if you want to reduce the deficit and you want to get Native Americans into a kind of economic self-sufficiency that not only is good for all Americans, but part of our obligation to Native Americans, then I think that you should support Self-Governance, as well.

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nomics, of social relations, that we consider to be wrong? After all, there are so many places all over the world where we Americans can try out the ideas of economics and government that we know to be right. Is there not a great scientific advantage in allowing alternative ideas to work themselves out to a point where they can demonstrate the evils that we believe are bound to flow from a municipal government that maintains no prisons, or from a government that gives land to all members of the group who needs it? Are we not lucky that the areas within which these governmental ideas can work from themselves out are so small that they cannot possibly corrupt the nation or the world?

Have we not been learning from Indian examples for a good many years...disrespect for kings and other duly appointed authorities...the eating of poisonous plant products, like tomatoes, potatoes, tapioca, and quinine? Of course, we must all of us start with the assumption that we are right or as

near being right as we can be. But can we not also recognize, with Justice Holmes, that time has upset many fighting faiths, and that even if we are possessed of absolute truth it is worthwhile to have somebody somewhere trying out a different idea?

Just as serious as the habit of double-talk or the egocentric predicament is the method of procrastination as a way of avoiding the concrete implications of Indian Self-Government. On May 20, 1834, not 1934 but 1834, the House Committee on Indian Affairs reported that a large part of the activity of the Indian Bureau was being carried on in violation of law and without any statutory authority. It urged that the Indian Bureau work itself out of a job by turning over the various jobs in the Bureau itself to the Indians and by placing the Indian Bureau employees on the various reservations under the control of the various Indian Tribes. These recommendations were written into law. They are still law. The justice of these recommendations has not been challenged for 115 years. But

always the answer of the Indian Bureau is: Give us more time. We must wait until more Indians have gone to college, until the Indians are rich, until the Indians are skilled in politics and able to overlook traditional jealousies, until the Indians are experts in all the fields in which the Indian Bureau now employs experts. But we are never told how the Indians are to achieve these goals without participation in their own government

*Reprinted from *The Legal Conscience: Selected Papers of Felix S. Cohen* (New York, 1970). This article first appeared in 1949 in *The American Indian*.

Ed. Note: This article by Felix Cohen was written during the emergency of the Termination Era in federal Indian policy, and thus is insightful for that reason. Moreover, because of the popularization of the term "Indian Self-Government" over the past fifteen years, the article provides a necessary perspective or context for students of contemporary federal Indian policy.

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Lummi Indian Business Council
2616 Kwina Road
Bellingham, WA 98226



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