

As we began going to press, the Ferdinand Marcos regime was in the midst of political and military crisis. Despite his efforts to "steal" elections to maintain his dictatorship, it appears that his government will fall and be replaced by the interests and forces supporting the Corazon Aquino presidential campaign. While it is clear that Ms. Aquino has won the elections and will likely replaced the Marcos regime it is not clear that the new government will radically change its economic and military policies toward indigenous nations. Many of the economic and military officials working in the Marcos government are likely to resume their positions in an Aquino government. The interests of Filipino indigenous nations remain at serious risk.

Mr. Claver's article was adapted from his remarks before the United Nations Working Group on Indigenous Populations during its Fourth Session in August 1985.

U.S. POLICY: "Break Up The Tribal Mass"

Old Policy and New Strategies

Rudolph C. Ryser
Center for World Indigenous Studies

The United States of America has long cultivated the image of being a state committed to the protection of human rights and the promotion of the right among nations to freely determine their own political, economic and social future. This image was fostered when the U.S. government entered into serious international relations by promoting the formation of the League of Nations and when the U.S. entered World War I. Though basically an isolationist state, the United States reluctantly entered World War II and once again pronounced its motives to be altruistic. In 1946 the United States became a prime sponsor for the creation of the United Nations and virtually wrote the new international law that has served as the foundation for international relations to the present day.

U.S. image was further enhanced in 1975 when the **Helsinki Accords** were signed as a benchmark of East-West cooperation to promote human rights and political freedom. And now, thirty-five years after its first introduction, the United States government has agreed to join more than eighty other states by formally ratifying the **Convention on the Prevention and Punishment of the Crime of Genocide (1951)** [*The U.S. Senate ratified the Genocide Convention by a vote of 89 to 11 on February 19, 1986*]

The United States of America has been engaged in a

subterfuge since its founding. It has been occupied with an intense competition for growth and survival with Indian nations and tribes; and always its policy has been to destroy these indigenous nations to make way for the "full flowering" of the state of the United States of America. The subterfuge has been that the U.S. government has denied the existence of its long term conflicts with Indian nations, and it has "papered over" its policy of liquidating nations with periodic announcements of "New Indian Policy". From one U.S. government administration to another these announcements have been used to hide the reality of underlying U.S. intentions: Dismember Indian nations and tribes, confiscate their lands and natural resources and continue to build the state. What frequently passed as enlightened and progressive "new Indian policies" have in reality been expressions of "new strategies" to accomplish the underlying policy of "break up the tribal mass."

Public announcement of new U.S. government policies has simply served to avoid international criticism, promote U.S. image and hide actual intent and practice.

PATTERNS OF U.S./"INDIAN POLICY"

Five hundred Indian nations, tribes and communities with a collective population of about 1.5 million (1985) have endured two hundred years of invasion by European states and a little more than two hundred years of invasion and annexation by the United States of America. In the course of these invasions Indian nations suffered a gross decline in population from an estimated 12 million in the 17th century. And Indian nations lost territory once totalling 3.615 million square miles and now estimated at 149 thousand square miles. Territories fragmented and occupied, whole nations

obliterated and millions of Indian people relocated the successor nations which still cling to 289 reservations and hundreds of villages and communities now stand at the threshold of political reemergence or the "end state" of their existence. Indian nations have not been winning the competition for space and existence with the United States of America.

The "Termination Era"

The most clearly remembered period of accelerated assimilation initiated by the United States for the current generation of Indian leadership is the so-called Termination Era of the 1950s. The dismemberment and assimilation tactics long employed by the U.S. government surfaced in the late 1940s under the general title of "Get the U.S. government out of the Indian Business". Developed during the Truman Administration as a result of the work of the Hoover Commission (chaired by former President Herbert Hoover: Commission on Executive Reorganization, Final Report. U.S. Government Printing Office. 1947), the strategy was designed to dissolve U.S./tribal political relations established through treaties. And, furthermore, to deliberately dismember tribal communities, and assimilate tribal populations into the general economy and "legally" expropriate lands and natural resources.

Washington's goals for this strategy were to formally and finally place tribal lands and natural resources directly under U.S. sovereignty by eliminating the "external" political character of Indian tribes. Despite all appearances to the contrary, Indian tribes and their territories were not then, and are not now, within the American political federal system. Indian nations have no direct or formal role in the U.S. government. They remained, and continue to be, islands in a sea of land;

distinct nations surrounded by the independent country, United States of America.

Implementing the "termination strategy" was not without its problems. The principle obstacle to the fulfillment of this strategy was the inability of the Department of the Interior to untangle the "multiple heirship problem" — as many as one thousand individual Indians would often retain partial ownership over a parcel of land. Breaking up Indian land ownership proved cumbersome and complicated. In 1961, then Secretary of the Interior Stewart Udahl lamented in an internal memorandum that termination of Indian tribes would be impossible because it would be too "costly for the United States to resolve all of the heirship and multiple ownership problems." Ironically the "multiple heirship problem" was created by the U.S. government as a result of the imposed General Allotment Act which divided Indian territories into small, privately owned parcels.

The "Get the U.S. government out of the Indian Business" strategy effectively ceased by 1962, though the dismemberment and assimilation policy remained a working policy within the agencies of government. In 1970, the U.S. government publicly renounced termination as a policy, and announced a new policy of "Indian Self-determination". As we shall see, what passed as a new and enlightened policy became a different strategy for continuing the historic policy.

Two Faces of Self-Determination

On July 21, 1970, then President Richard Nixon publicly renounced termination as a policy of the United States. In its place, the Nixon Administration advocated "Indian Self-Determination", as a *social policy* which would promote "local goal-setting, resource allocation,

program design, and program management". While many tribal leaders viewed the new policy as "self-termination", other tribal leaders saw the new policy as an important opportunity to achieve tribal self-government and greater Indian political, economic and social freedom. To the international community outside the U.S., Indian self-determination had the meaning of a *political policy* consistent with new international law (i.e. Convention on Human Rights, Declaration on Decolonization) where Indian tribes would determine their own political future. The political meaning of self-determination implied that Indian tribes would freely choose to achieve political independence, formal political association with the United States, or Indian tribes would formally choose to politically absorb into the U.S. through political assimilation. The underlying international meaning of self-determination was that: Indian tribes would achieve self-governance while the United States assisted them in the process.

Indian Self-Determination had two faces: A domestic face which was social policy aimed at the "Americanization" of tribes through economic development, education and the development of Indian management skills; and an international face which was a political policy aimed at deflecting international criticism of the U.S. in its treatment of Indian tribes. The duality of the U.S. announced policy served it well. Domestically, Indian tribes were becoming increasingly entrapped by Bureau of Indian Affairs regulations with their options becoming more limited. Meanwhile, the U.S. government was engaged, externally, in sensitive negotiations with European States and the Soviet Union over the contents of the Helsinki Final Act.

Social Development and "INCREMENTALISM"

During the closing months of the Gerald Ford Administration, and during the last year of the American Indian Policy Review Commission, the Office of Management and Budget (O.M.B.) augmented the Self-Determination Strategy with a new strategy focus. A Mr. Mitchell, of O.M.B., authored a confidential memorandum to "MR/Interior Branch" (dated: April 19, 1976) entitled: "Organization for Indian Affairs". Supplemented by a "working memorandum" prepared by a Mr. Borgstrom, also of O.M.B., the Office of Management and Budget established an ongoing strategy aimed at producing an "end-state" in U.S./Indian relations. Though political appointees in O.M.B. were replaced with the assumption of power by the Carter Administration, the thrust of O.M.B.'s Indian management strategy remained the same. In the memoranda, two alternate strategies for Federal Indian Policy were outlined: Long-range Social Problem-Solving Strategy, and the Incrementalist Strategy. The O.M.B. goal was to establish a strategy which brings the dismemberment and assimilation policy to an "end-state" -- a policy which ends U.S. obligations to Indian tribes at a "point certain". Each were defined as follows:

1. **Social Problem-Solving:** "the definition of a gap between an extant set of conditions and a desired set of conditions, a gap which is presumed to be susceptible to permanent closure through the application of resources."
2. **Incrementalism:** "things will not go to hell in a hand-basket even if no radical policy shifts are made." The level of federal financial commitment is

essentially rational and conditional, not emotional or moral. Issues of sovereignty and entitlement are viewed as reference points insofar as they are perceived to be valid concepts by some participants, but they are not viewed as "basic" or unconditional principles. Federal programs which perpetuate tribal continuity and undermine federal policy should be systematically eliminated.

Specifically targeted were the Navajo Nation, Northern Cheyenne, Quinault, Kiowa, and the Standing Rock Sioux. During the late 1970s, these were among the most politically active and independent-minded nations. The Reagan Administration adopted the Incrementalist Strategy and accelerated what was begun in the Ford and Carter Administrations. Indeed, the Reagan Administration did not change U.S. policy, but rather gave concrete meaning through an even more focused effort. The promotion of a State Block Grant proposal, Economic Zones, the enforcement of tribal timber administrative fee payments, federal program reductions, audits and strict requirements that contracts comply with federal goals and not necessarily tribal goals are all Reagan Administration initiatives which show the Incrementalist Strategy in action.

Political Denial and Economic Intimidation

The underlying policy of tribal liquidation implemented either by virtue of direct or indirect U.S. government initiatives was further obscured by Reagan Administration theatrics in 1983 when President Reagan issued his "Indian Policy Statement". (January 28, 1983) Pronouncing his administration's endorsement of the Nixon Administration's Indian Self-Determination Policy

and reaffirming the sovereignty of Indian Nations and Tribes President Reagan asserted his commitment to promoting the economic development of Indian tribes. He went on to declare his pledge to conduct relations with Indian nations on a "government to government" basis. Five months after announcement of the Reagan Administration's Indian Policy Indian leaders sought to test the depths of Reagan's commitment. Closure examination showed the Reagan Indian policy to be without substance. No new relationship was forthcoming. Economic development was revealed to be sharp reductions in economic aid and more vigorous legal and administrative investigations of Indian political leaders and Indian government financial affairs.

When asked by Indian officials to clarify or explain the details of the Reagan Administration's "government to government" commitment, U.S. officials from the White House to the Justice Department, to the Department of Interior were unable to elaborate. Indeed, to the present date, three years after the policy was announced, neither the White House nor any other agency of the U.S. government has been willing or able to spell out the details of the widely referred to policy of government to government relations between the United States and Indian Nations. In fact, the Reagan Administration in effect renounced this policy when it accelerated unilateral U.S. government agency decision-making on Indian Affairs without bi-lateral or multi-lateral contact with Indian governments.

Meanwhile, many Indian nations have begun to teeter toward collapse as a consequence of Reagan Administration "economic development" policies. Interventions directly into the financial affairs of Indian nations by U.S. administrative officials has become widespread. Sudden cuts of U.S. aid to various Indian governments have thrown many Indian nations into

economic depression and political instability. And the foreseeable future suggests even more economic intimidation and greater political pressure.

The U.S. Department of the Treasury has become an active tool of intimidation. On December 12, 1985 the U.S. Justice Department concurred with a Department of Treasury assertion that the U.S. Internal Revenue Service had the authority to collect taxes on individual Indian earnings resulting from the exploitation of treaty protected Indian resources. Considering this a violation of treaties and an "unacceptable encroachment by the U.S. government into the internal affairs" of Indian Nations the Lummi Nation, joined by the Tulalip, Quileute and Quinault denounced the Treasury move. And they informed the U.S. government of their intention to defend with all their resources against the U.S. invasion. Despite two hundred years of U.S. government abstinence from imposing its taxation on income earned from treaty guaranteed resources, the Reagan Administration has taken the radical step of imposing its revenue laws within a traditionally Indian government sphere of jurisdiction.

Incremental dismemberment of Indian nations continues even as officials of the U.S. government pledge their commitment to respecting Indian sovereignty. Obviously, the public pronouncements are intended to deflect any possible criticisms of U.S. Indian policy and practices while the strategic economic and political initiatives are calculated to cause the destruction Indian nations and their governments.

While many nations face violent confrontations with states as a matter of daily life Indian nations inside the boundaries of the United States face daily psychological, economic and political violence. For at least 125 years Indian nations have been engaged in a "cold war" with the United States. It has been a war of words,

maneuvering, legal and political strategies and a constant "push and shove" over political and jurisdictional control of the last remaining homelands of the first nations in North America. The "Indian Cold War" with the United States of America has been a hidden reality that now appears to be taking on new and more threatening features which may result in the destruction of Indian nations.

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