

of Arts and Sciences of the University of Virginia stating:

"We urge our representatives in the Congress . . . to take sufficient measures to guarantee a speedy end to the military involvement abroad and a return to the Constitutional rights that ensure peace and justice in the United States."

I also received more than 500 separate telegrams from persons at the University of Virginia voicing disapproval of the war in Indochina, a letter from seven students, and a petition from 68 members of the University of Virginia medical community.

Signatures of 252 persons from San Francisco State College "distressed by the President's total defiance of Congressional channels and Constitutional guidelines, as well as the frightening potential this action implies."

A petition from 101 members of the Edgewood United Church, East Lansing, Mich., opposing American military action in Cambodia.

A letter signed by seven Arkansas students at Randolph-Macon Women's College, Lynchburg, Virginia, urging support for the Hatfield-McGovern amendment to limit funds for military operations in Cambodia, Laos and Vietnam and to provide for a phased withdrawal.

A resolution signed by 121 students and faculty of the Cornell University Graduate School of Medical Sciences which concluded:

"Responsible Americans must insist that our elected representatives reconsider their priorities. Let us stand with our young people who sincerely seek to reaffirm those ideals of justice and equality that we all share as the keystone of our democracy. No conceivable gain in Indochina is worth the loss to society of a generation capable of restoring America's moral leadership."

A letter from the 185 members of the Detroit Business Executive Move for Vietnam Peace stating:

"The invasion of neutral Cambodia, in disregard of our Constitution and the Charter of the United Nations . . . has widened rather than decreased the war. This action can only result in more losses of American lives as well as the people of that country and further waste of their resources as well as our own."

A petition from 53 persons in Monterey, Calif., backing a cut in funds for the war in Southeast Asia.

A petition from 1750 faculty, students and citizens in the Amherst Area Four College Community (Amherst College, Mt. Holyoke College, Smith College and the University of Massachusetts) stating:

"We . . . support your declaration that the President's committal of American troops to the soil of Cambodia is unconstitutional. We support your statement that the President has acted without the consent or knowledge of Congress, and usurped the constitutional and traditional war-making powers of Congress. We urge that your committee continue unrelentingly to make the President recognize the dangerous proportions of his action, and honor the Senate's Constitutional prerogatives. We urge the Senate Foreign Relations Committee to demand an immediate and total withdrawal of all American troops from Southeast Asia."

A petition signed by 450 physicians attending the meetings of the American Federation for Clinical Research, the American Society for Clinical Investigation and the Association of American Physicians in Atlantic City, May 3-6. Signed by doctors from across the nation, the petition condemns increased U.S. military involvement in Indochina and calls for a reversal of that policy.

A statement signed by 288 staff members of the Sloan-Kettering Institute for Cancer Research which concludes:

"The future of the country is in jeopardy; we cannot see a way to restore our traditional

ideals and heritage without demanding an immediate end to our involvement in the war in Southeast Asia."

A telegram signed by 24 students and faculty members from the University of Arkansas Graduate School of Social Work, Little Rock reading:

"We are asking you to vote against the extension of war appropriations for Indochina other than monies needed for evacuation of troops. We also ask that the national priorities be reordered."

A statement from the Representative Council of Agnes Scott College in Georgia "opposing the legally questionable invasion of Cambodia and offering 'unyielding support for the elimination of continued funds . . .'"

A petition from 17 medical social workers in St. Louis supporting "legislation limiting military spending in Southeast Asia . . ."

A petition from 30 persons in Collingdale, Pa., calling for the withdrawal of American troops from Cambodia.

A telegram from 24 members of the cast of "Promises Promises" calling on the Senate to "revoke the Gulf of Tonkin Resolution and to restrict . . . funds for the Department of Defense."

Petitions from 430 persons in the New York area which read:

"We . . . applaud your staunch stand against U.S. involvement in Southeast Asia and the escalation of the war . . . We want an end to this insane killing and our boys brought home so that all efforts may be spent in correcting the problems within our own country."

A petition from 12 Americans studying in Rome "convinced that there is no justification of continued United States involvement in Southeast Asia and deploring the President's 'blatant disregard of America's desire for peace.'"

Petitions with 1036 signatures from the New York area "supporting the Foreign Relations Committee's position against any military involvement in Cambodia."

A petition from 11 students and faculty in the Department of Chemical Engineering at the University of California, Berkeley, urging termination of U.S. involvement in Cambodia and Vietnam and concentration of our abundant energies and ingenuity on "the crucially important problems of our society."

A petition from 66 staff members of the Whitney Museum of American Art expressing "profound opposition to the expansion of the war in Indochina."

229 signatures from Mill Valley, California, on petitions calling for cessation of the invasion of Cambodia and that the President "take no further military action without the advice and consent of the Congress."

Petitions from 466 Boston area residents urging the Congress to take "strong action to reverse this latest tragedy in United States foreign policy" and reaffirm its Constitutional responsibility.

Some 100 additional letters from Crawfordsville, Indiana, stating:

"We cannot support these acts of escalation in the Southeast Asian conflict and we call upon Congress to act in response to the recent policies of the President."

A petition from 307 students at American International College and others in Springfield, Mass., urging immediate repeal of the Tonkin Gulf Resolution.

A letter signed by 120 members of the faculty of Cornell University calling upon Congress to reassert its authority.

Petitions with 400 signatures from the Rye Neck area of Westchester County, New York, supporting the Foreign Relations Committee.

A petition with 14 names from Pound Ridge, N.Y. calling for withdrawal of American troops from Cambodia and Vietnam.

A letter signed by 127 students and fac-

ulty in the Department of Electrical Engineering at Columbia University stating:

"We feel that the people and Congress can no longer stand idly by while our Asian misadventure in the name of freedom and democracy destroys the foundations for these principles both here and abroad."

A letter from the Baltimore Section, National Council of Jewish Women, deploring "President Nixon's unilateral decision to send American troops into Cambodia."

Petitions from 23 persons in Syosset, N.Y., and 17 in Englewood, N.J., opposing the extended war.

A petition from 54 persons in Mount Kisco, N.Y., with a copy of a letter to the President stating:

"There is dissent in America precisely because you have now committed us to continue and extend violence against the Indochinese peoples. Dissenters deplore your violence and demand that in the name of the American people it stop."

A petition from 10 school teachers in Corpus Christi, Texas, opposing the action in Cambodia.

Petitions circulated by high school students in the Champaign-Urbana, Illinois, area, containing 1,184 signatures opposed to the U.S. involvement in Cambodia.

112 signatures on petitions from Key West, Florida, supporting the "Amendment to End the War."

Letters from 48 persons in Mankato, Minn., stating:

"As a person concerned with the rehabilitation of disabled persons I feel compelled to express my grave concern over the re-escalation of the war . . . The toll in human misery, injury and death from this war demands the involvement of all people in the finding of a way to end it."

Signatures from 123 faculty members and students at Union College, Cranford, N.J., strongly opposing the war.

A petition from 250 persons at Blackburn College, Illinois, deploring U.S. military involvement in Cambodia.

Petitions opposing the President's recent actions from 575 persons gathered by faculty groups and students in the Worcester, Mass., area.

Petitions bearing 1,307 names gathered in the Wall Street area of New York by students at New York University. The petitions urge withdrawal of American troops from Southeast Asia.

Petitions containing 1,484 signatures collected by the Benjamin Franklin Reform Democratic Club in New York. The petitions read:

"We . . . fully support the Senate Foreign Relations Committee's position against any military involvement in Cambodia. We urge you and other members of your committee to take all necessary steps to bring before the full Senate and the American public all the facts behind this further expansion of the war. The tragic experience of Vietnam must not be repeated in Cambodia."

A petition from 56 members of Lodge 890 of the Brotherhood of Railway Clerks, San Francisco, stating that "the tragedy in Southeast Asia must be stopped and our priorities restructured."

A petition from 325 citizens of Viola, Salem, Mammoth Spring and other Arkansas communities opposed to the war.

Petitions from Southern State College, Magnolia, Arkansas, containing 190 signatures of persons protesting against the intervention in Cambodia.

#### INDIAN DROPOUTS

Mr. MONDALE. Mr. President, for years we have heard about the high dropout rates among Indian students, but we have heard surprisingly little about pro-

that this list of additional petitions I have received be printed in the RECORD.

There being no objection, the petitions were ordered to be printed in the RECORD, as follows:

#### PETITIONS

A petition signed by 190 veterans, many of them now students or faculty members at the University of Massachusetts. The petition, which was personally delivered to my office, states:

"We the undersigned, undergraduates, graduate students and faculty at the University of Massachusetts, registered voters of the Commonwealth of Massachusetts and veterans, support any legislation to withdraw troops from Cambodia and Laos."

A petition signed by 15 citizens of Great Neck, N.Y., stating:

"We deplore the loss of lives for a fruitless cause. We deplore the credence our government has given to corrupt regimes in South Vietnam year after year. We deplore the fact that our elected representatives in the House and Senate have been ignored and autocratically 'tuned out.' We deplore the way the Executive has turned away from the voice of the people. We deplore the systematic villification of any form of dissent."

A petition with 143 names from the New York area deploring the extended escalation of the war and calling for withdrawal of U.S. troops from Southeast Asia.

313 signatures on petitions from Stamford, Norwalk and other Connecticut cities urging "support for the McGovern-Hatfield-Goddell-Hughes amendment to the Military Authorization Bill."

A petition from 75 students and faculty of the Anthropology department of Sacramento State College, California, which said:

"We are not 'bums,' 'effete intellectual snobs,' 'punks,' or 'communist dupes.' We firmly believe in the Constitution and its system of checks and balances and we are opposed to the unilateral decision of our President to wage war. We protest the encouragement of violence from either the extreme left or extreme right through reckless rhetoric and the impulsive use of armed forces as a reaction to student dissent."

A petition from 640 member of the Swarthmore College (Pa.) community opposing the extension of the war.

181 signatures on a petition from administrators, faculty, students and staff of the University of Southern California Law Center protesting "the increased militarism of United States governmental policy."

A resolution opposing the extended war adopted by the California College of Arts and Crafts Faculty, Oakland, and a petition signed by 207 students and faculty members.

A petition from 22 residents of Alameda, California, stating that the President's actions are contrary to the principles of "strict constructionism" and calling for a withdrawal of troops from Southeast Asia and concentration on urgent social and environmental problems here.

A petition with 24 names from the Shoemsmith School faculty and staff.

988 additional names for a petition from the Queens College Community, New York, 79 additional names for a petition from San Francisco, 94 more signatures from the New Democratic Coalition, New York.

A petition from 75 faculty members and 202 students at Cabrillo College, Aptos, California, protesting the government's actions in Indochina and expressing the belief "that domestic problems are being neglected in order that our military commitments be maintained or expanded."

A petition from 105 faculty, staff and students of the School of Social and Community Service of the University of Missouri opposing the President's policies in Cambodia and "the continued slaughter of American youth in foreign nations" and attempts "to suppress dissent . . . by naked force."

248 signatures on petitions from residents of Westchester County, New York, opposed to our military involvement in Cambodia and supporting the Senate Foreign Relations Committee.

Letters from 49 persons in Lynn and Beverly, Massachusetts, stating:

"We abhor and decry the continuing escalation of faraway wars and other defense commitments of questionable validity. We are concerned about the continuing neglect of problems in this country . . . We support you in any action you take to stop our military involvement."

Petitions with 559 signatures gathered in Montefiore Hospital, Bronx, N.Y., and the surrounding community. The petitions read:

"We, the undersigned health workers of Montefiore Hospital and Medical Center, support your opposition to this brutal, unconstitutional war. We urge you to lead the Senate into immediate steps to stop the Cambodian escalation, end the war, and bring all our troops home now . . . and use the billions of dollars devoured by our military machine to care for the health, housing and education needs of our people."

1,050 signatures on petitions from San Francisco calling for cessation of the invasion of Cambodia and our withdrawal from Indochina.

511 signatures on petitions from groups in the New York area strongly disapproving the extension of the war.

Letters from 67 additional citizens of Chicopee, Massachusetts, expressing disapproval of our involvement in Cambodia.

A petition from 17 residents of Oak Park and Southfield, Michigan, saying "Stop this war and bring our boys back home."

A petition with 81 names from the Boston Young Women's Christian Association and a letter stating:

"We support your efforts in the Senate to bring this immoral and illegal war to an end. We can no longer afford the luxury of policing the world. Our youth, our best resource for the future, are too precious—we cannot lose them on the battlefield or risk their complete alienation, and even their deaths on American campuses."

A petition from 97 New York area residents "supporting every effort for the withdrawal of American troops from Indochina."

Sixty-one signatures on petitions from Greenville High School, Greenville, Michigan indicating "our support of whatever you can do to keep from expanding the Vietnam war into Cambodia."

Petitions containing 1,009 signatures gathered by students and health professionals from the Downstate Medical Center, State University of New York, "fully supporting the Senate Foreign Relations Committee's position against military involvement in Cambodia."

A petition from 64 teachers at P.S. 155, Bronx, New York, urging the use of "all constitutional means necessary to end the current illegal and immoral war," and another from 28 teachers at P.S. 140, New York, saying "Bring our boys home now."

A petition from 88 Boston area residents endorsing the McGovern-Hatfield amendment.

A petition from 35 students, faculty and staff members at Lexington Theological Seminary opposed to the extension of the war.

Signatures from 25 citizens of San Mateo, California, pleading for "responsible and immediate action in withdrawing our troops," and from 57 persons at Santa Monica, California, opposing U.S. involvement in Southeast Asia.

A petition from 80 students of Case Western Reserve University, Cleveland, expressing opposition to further involvement in Southeast Asia.

Petitions with 181 names from Gettysburg College, Pennsylvania, deploring the escalation of the war.

A petition from 69 persons in the Chicago area, stating:

"The President has ignored the lessons of history and has set a dangerous precedent in making a decision of this magnitude without consulting our representatives in Congress. . . . (Our) signatures testify to a strong opposition to our country's economic and military involvement in Southeast Asia."

Fourteen signatures from Sigma Chi Alpha Fraternity, Berkeley, California, calling for "immediate termination to our involvement in the Indochinese War."

A petition from 36 staff members from the Cooper Community Based Center, New York, stating (in part):

Dedicated as we are to the prevention and treatment of drug addiction, we firmly believe that the brutalization and dehumanization which are concomitant to the war are causing a continuing, abhorrent deterioration in the quality of American life, and we believe this appalling factor relates in a very crucial way to the ever-spreading drug problem. . . .

A petition from 28 faculty and graduate students in the School Psychology Program at Teachers College, Columbia University.

Signatures from 61 Asian Studies students and faculty members at Yale University on a letter that read (in part):

"The invasion of Cambodian territory can only widen the centuries-old divisions that had been barely muted during Sihanouk's regime. Our alliance with the Vietnamese, traditionally hostile to Cambodians, will contribute to the ultimate dismemberment of a small and hitherto peaceful country. It will also bog us down interminably in yet another Asian civil war."

"It is simply not true that the preservation of the present Thieu-Ky government is necessary to avoid American defeat. The complete withdrawal of American troops and the end of military assistance must be our policy now."

A petition from 31 persons in the Foreign Language Department at San Jose State College, California, deploring "the invasion of Cambodia."

A petition from 86 students and others at the University of Arkansas, Fayetteville, who stated:

"We are not troublemakers, malcontents, rioters, freaks, hippies, yuppies, crazies, Communists, nihilists or revolutionaries. We are not even effete snobs. Most of us are very straight and inconspicuous people. We are loyal citizens of the United States who love this country more than Richard Nixon does. We would like to see the country become a healthy society to live in . . . We . . . believe that President Nixon's invasion of Cambodia without the advice and consent of the Senate clearly exceeds the Constitutional authority granted to the President."

A petition signed by 28 faculty members of the Yale Political Science Department urging opposition to the Administration's policies "by asserting Congress's prerogatives regarding war powers under the Constitution."

A petition from 730 members of the faculty and student body of Herbert H. Lehman College, City University of New York, calling the Cambodian intervention "contrary to the spirit of the American Constitution, contrary to the true interests of the United States and contrary to the interests of world peace."

A petition from Sacred Heart Academy, Louisville, Kentucky, with 91 signatures, asking for legislation to prohibit the future use of United States forces without the consent of two-thirds of the Senate membership or a majority of both Houses of Congress.

A petition from 27 persons in Virginia Beach, Virginia, favoring immediate withdrawal of troops from Cambodia and Vietnam.

A petition signed by 50 faculty members and history students in the Graduate School



grams which try to encourage Indian youth to continue in school and seek advanced education.

Today I would like to call attention to efforts being made in Minnesota to assist Indian students. One is the State department of education's Indian scholarship program, which this year is providing \$60,000 in scholarship moneys to Minnesota Indian youth. When this program started 12 years ago, the legislature appropriation was only \$7,500. Next year \$75,000 will be appropriated.

One of the main reasons for this substantial increase in State scholarship moneys is the strong support given this cause by Minnesota Labor's Committee for Minnesota Indian Youth. Under the cosponsorship of Minnesota State AFL-CIO unions, Minneapolis Teamsters Joint Council No. 32 and its affiliates, and the Jewish Labor Committee, an Indian student project has been founded which each year brings a number of Indian high school seniors to Minneapolis-St. Paul for 4 days of orientation activities. The students tour colleges, vocational schools, hospitals with nurses training programs, and other sources of education and employment.

The Indian student project has had a fantastic record in regard to the number of its participants who have graduated from high school. Over the 12 years the program has been in operation, 433 Indian students have participated in the program. Of that number, 417, or 97 percent, graduated from high school. Eighty-one percent of the total went on for advanced education.

The Minnesota Department of Education together with Mr. Lou Lerman, executive director of Labor's Committee for Minnesota Indian Youth, has prepared a summation of the committee's activities, both in regard to the orientation tours and the State scholarship program. I ask unanimous consent that the summary be printed in the RECORD.

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

**SUMMATION OF ACTIVITIES 1958-69—LABOR'S COMMITTEE FOR MINNESOTA INDIAN YOUTH**

We received a communication from Senator Walter F. Mondale enclosing two volumes of a survey titled "Indian Education, A National Tragedy," a 1969 report of a special subcommittee on Indian Education. Senator Mondale is a member of the committee.

It was gratifying to note that the percentage of the 9th grade enrollment of students who graduate from high schools in Minnesota is 92 per cent, the highest in the nation. The national average is 77.8 per cent with Georgia having the poorest state average with 64.9 of students entering high school who graduate.

At about the same time we received a report from Erwin F. Mittelholz, Indian Guidance Consultant of the State of Minnesota, Department of Education, which was a summary of the annual 4-day Indian High School Seniors' Orientation Trip to the Twin Cities from 1958-1969, a period of 12 years. The summary shows that of the 433 Indian High School Seniors who have made the tour in the 12 year period, 417 students graduated, or 97 per cent, which helped boost the state's average to 92 per cent.

It is more gratifying is the knowledge that the orientation Tours over the 12 years inspired 382, or 81 per cent, of the high school graduates to go on to advanced education.

Of 51 Indian high school seniors who did not go on to higher education after high school graduation, 11 of the girls married, 2 students went into missionary work, 14 entered military service and 8 entered employment. A total of 16 students did not complete their senior year and hence did not graduate from high school.

The Indian Student Orientation Tour was one of 4 projects initiated as a result of a survey made by the Minnesota C.I.O. in 1955 by a committee composed of Rodney Jacobson, Sec'y-Treas. of Minnesota C.I.O. and Lou Lerman, Regional Director of Jewish Labor Committee, who was consultant and secretary of the C.I.O. Civil Rights Committee. The Committee surveyed conditions of discrimination, employment, education, housing and the health needs of the Minnesota Indians.

The Indian Student Project is under the co-sponsorship of Labor's Committee For Minnesota Indian Youth composed of Minnesota State AFL-CIO Unions, Minneapolis Teamsters Joint Council No. 32 and its affiliates and the Jewish Labor Committee. John Curtis of the Joint Board of Hotel, Restaurant, Waitresses and Bartenders Union and Carl Winn, Regional Director of AFL-CIO, were its original co-chairmen. Former State Senator Frank Adams is Treasurer and Lou Lerman, Regional Director of Jewish Labor Committee, is the Executive Director.

Each year with the co-operation of Erwin F. Mittelholz, Indian Guidance Consultant of the State Department of Education, high school seniors of Indian ancestry from about 26 high schools in close proximity to the 7 Indian Reservations, selected by the high school principals are brought to the Twin Cities for 4 days of orientation and observation. They tour the colleges, vocational schools, hospitals with nurses training programs and potential sources of employment. All expenses, including transportation, housing, meals and entertainment are paid by the sponsors.

It is interesting to observe that in 1945 there were only 8 Indian students who graduated from Minnesota high schools. In 1958, the year the Indian Student Program was launched, there were 74 Indian students graduating from high schools. The sponsors brought 19 high school seniors to the Twin Cities for the 4-day tour that year. In 1969, there were 255 graduates from high school. A report from the State Department of Education dated August 8, 1969, states that of the 51 Indian Students who made the 4-day Orientation Tour in October, 1968, all 51, upon graduating, went on to higher education. Not one dropped out of school. Of the 51 who made the tour that year, nineteen went on to college and 32 went to vocational schools. Of the students who made the tour during the period 1958-1969, 107 entered colleges and universities. Forty-five girls entered nurses' training and 230 students entered vocational training.

Mr. Erwin Mittelholz, in one of his reports under interesting sidelights, states that Indian high school seniors compete to be among those selected by the schools for the tour. Principals of the schools report that the students return to their classes and tell of their experiences on the tour in oral reports. This not only stimulates interest for the tour for the next year but also encourages the students to continue their schooling until graduation so that they can participate in the tour as seniors.

The students find it easier to make their vocational choice upon high school graduation and after having experienced the orientation tour. They learn more about specific job opportunities in certain fields after visiting the various vocational schools. Many of the Indian students are now holding skilled jobs. The benefits to them go beyond themselves because they have taken back to their families and friends on the reservations the

message that education is the key to successful and rewarding lives.

Erwin Mittelholz, Indian Guidance Consultant, in his report 1958-1969, inclusive, states that this fine record is due to the scholarship program along with Labor's Committee for Minnesota Indian Youth's orientation program. We believe it is proper also to dwell on the Committee's part in the scholarship program.

The Annual Report for 1969, prepared by Consultant Mittelholz and Will Antell, Director of Indian Education, shows the appropriations for Indian student scholarships from 1958, when Labor's Committee for Minnesota Indian Youth was organized, until 1970. In 1958, the State Legislature appropriated \$7,500.00 and the Bureau of Indian Affairs appropriated \$5,000.00. The appropriation by the State was increased to \$10,000.00 in 1959. A Sub-Committee of Labor's Committee for Minnesota Indian Youth met with a committee from the State Legislature asking that the appropriation be increased to \$15,000.00. The Labor Committee met strenuous opposition from the Legislative Committee. However, it pointed out that it was short-sighted for the Legislature to appropriate almost 3-million dollars annually for relief and welfare for Indians and not increase the allocation for scholarships. The suggestion was made that it should be \$100,000.00 annually so that relief and welfare could be materially cut down in the future.

It was also pointed out that the 3-million dollars did not include the cost of the Indian in our penal and reform institutions. As a result of our meeting with the committee, the Legislature reduced the allocation back to \$7,500.00 for 1960 and 1961.

Mainly through the efforts of former Senator and later Vice President Humphrey the appropriations have been increased to \$60,000.00 in 1970 by the State Legislature with \$75,000.00 appropriated in 1971. The Federal appropriation was increased from \$5,000.00 in 1958 to \$83,700.00 for 1970. Former Governor Orville Freeman, Elmer C. Anderson, Karl Rolvaag, Senator Walter Mondale, and Congressman Donald Fraser assisted in this accomplishment.

As a result of the original survey by the C.I.O. in 1955, which included the medical and health needs of the Minnesota Indian, Governor Orville Freeman appointed a committee from the Governor's Human Rights Commission to further investigate the medical and hospital requirements of the Indian. Dr. Henry Allen of the University of Minnesota and Louis E. Lerman were appointed to a committee which included the heads of the Department of Health and Welfare. The committee found Indian children undernourished and suffering from malnutrition. Indians could not obtain medical attention unless certified by the County Welfare Department as paupers. The survey brought to light instances where our first Americans were found dead in their tar papered shacks, too proud to beg for relief. As a result of the survey, the State of Minnesota entered into an agreement with the United States Public Health Service called the "Minnesota Plan," under which Indians may receive public health aid without regard to their status as on or off the reservation.

Jobs for Minnesota Indians was launched in 1956 under the auspices of the Jewish Labor Committee. About 200 jobs were obtained for Indians. With the support of Andrew Jones, then president of Honeywell Teamsters Union, over 60 Indians were placed in Honeywell, Inc.

In 1962, Operation Vegetable Gardens was started on the Red Lake Reservation, also sponsored by the Jewish Labor Committee. Northrup King Seed Company donated the seed and Midland Co-op Wholesale donated the fertilizer. Prizes were offered to Indian families as an incentive to plant vegetables to supplement their sparse diets. The Jewish

community of Minnesota donated 20 Presto Pressure Cookers and the Episcopal community taught the Indian women how to can and preserve vegetables. After three years, with 157 families participating, the County Agricultural Agent, Floyd Jorgensen, was placed on the Bureau of Indian Affairs payroll to continue the project at Red Lake. The project was then moved to the Fond du Lac Reservation where it was continued. According to the health authorities the Indians now have a better balanced diet year round which is contributing toward the improvement of their health and has increased their longevity.

A fourth project, "Operation Book Start" functioned previous to "Operation Head Start" at the Fond du Lac Reservation with an outstanding nursery teacher, Mrs. Arnold Lindquist, in charge. With the exception of a small amount paid for board and lodging for the teacher, all expenses were paid by the Jewish community of Minnesota. Office space and clerical help for all of these projects has been furnished gratis by the Jewish Community Relations Council of Minnesota.

The Executive Director of the Jewish Labor Committee gave his services to direct the four projects gratuitously as an ex-curricular activity on his part.

### POLISH CONSTITUTION DAY

Mr. TOWER. Mr. President, May 3 is a significant day for the Polish people and Americans of Polish descent. On that date in 1791, 179 years ago, Poland adopted her constitution which, like our own adopted by the Constitutional Convention in 1797, recognized that a government derives its powers from the people. Unlike our own, however, the Polish constitution was not allowed to thrive and serve the Polish people. In 1795 her powerful and aggressive neighbors, Russia, Austria, and Prussia carved up the Polish nation among them. This tragic situation obtained from that time until after World War I, when an independent Poland was reestablished by the Versailles settlement.

Independence was again shortlived. The German-Soviet nonaggression pact in 1939 resulted once again in Poland's falling prey to more powerful neighbors. Soviet troops occupied eastern Poland and commenced a policy of rounding up and imprisoning Polish officers and intellectuals. Some 15,000 of these, the natural leadership of Poland, were never heard from again. The Soviet Government repeatedly sidestepped inquiries from the Polish Government-in-exile in London as to the well-being of the officers. In 1943, in an area formerly occupied by the Soviets known as the Katyn Forest, the Germans announced that they had uncovered mass graves containing the bodies of more than 4,000 Poles. This was the population of one of the three camps that the Soviets had established to house the captive Polish officers and intellectuals. It is supposed that the residents of the other two camps met a similar fate.

The German-Soviet nonaggression pact and the concomitant Katyn massacre struck a devastating blow to Polish independence from which the nation has never recovered. After the war, Russia refused to deal with the London Poles and established a Communist puppet government instead.

In the tempestuous and beleaguered history of Poland, the May 3d Constitution stands as a beacon of hope, a bright reminder of what might have been and what might yet be. Polish-Americans are rightly proud of the democratic example set by their forebears in the Constitution of May 3, 1971. The third of May is an occasion for all Americans to mark and to consider our kinship with the spirit of democracy which bloomed so early in Poland and was so early snipped.

### BIG THICKET SUPPORTERS RALLY FOR A NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the need to preserve the beautiful and unique Big Thicket of southeast Texas has been recognized by conservationists for many years. Since 1966 I have introduced legislation to accomplish this long-sought goal—to preserve the Big Thicket as a national park.

My bill, S. 4, to establish a 100,000-acre Big Thicket National Park, has received the support and endorsement of a great number of concerned groups and individuals.

The distinguished senior Senator from Nevada (Mr. BIBLE) has scheduled hearings on my bill before his Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs. The hearings will be held in Beaumont, Tex., on June 12, 1970, and a tour of the Thicket will be made on June 13, 1970.

An indication of the great interest in my bill and the tremendous support for the proposed 100,000-acre Big Thicket National Park is an article published recently in the Dallas Times Herald.

Mr. President, I ask unanimous consent that the article, written by Mr. Bert Holmes, associate editor, and published on page 16-A the May 12, 1970, Dallas Times Herald, be printed in the Record.

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

[From the Dallas Times Herald, May 12, 1970]

#### BIG THICKET'S FANS PUSHING PARK PLANS (By Bert Holmes)

Every year as vacation time rolls around, many Texans probably do as I do. We read again about the many interesting attractions scattered throughout this sprawling state and resolve to include some of them on the year's itinerary.

Once, several years ago, I drove through an area considerably more famous now than then, the Big Thicket. Located north of Beaumont, the Big Thicket has become the rallying point of conservationists and nature lovers, who hope to see a national or state park established there.

You can't see much of the Big Thicket beauty from the highway. I discovered. Deep, dark forests line the road, but you have to leave the main highway, by foot or special vehicle, to see the thicket's breathtaking loveliness.

Orrin H. Bonney, who is heading a Big Thicket Coordinating Committee, reports that on foot you can see ferns growing from the moss of gnarled tree trunks, the unbelievable green solitude of duckweed-matted bayous, tree-encircled meadows resplendent with wildflowers, magnificent magnolia groves, azaleas exploding with color, luminous beech forests and eerie cypress swamps.

Those who have been postponing a visit to the Big Thicket will have to hurry, Bonney says. Unless a U.S. park is established soon, the vast area known as the biological crossroads of North America may disappear.

Bonney and friends are hoping that a Senate subcommittee hearing to be held in Beaumont on June 12-13 will help convince the national government of the merits of the proposal. The subcommittee, headed by Sen. Alan Bible, will be taking testimony on Sen. Ralph Yarborough's bill providing for acquisition and preservation of a large part of the Big Thicket.

There is some fear that the Big Thicket plan may not be received too enthusiastically since a lot of federal money has been spent in recent years in acquiring Padre Island seashore areas and the Guadalupe park. Whether Sen. Yarborough's defeat in the Democratic primary will have further effect is not yet known.

#### LARGE ATTENDANCE BEING SOUGHT

The Big Thicket Coordinating Committee, composed of the Lone Star Chapter of the Sierra Club and several other conservation groups, believes that only a large attendance at the June hearings will impress the Senate group.

Speakers will urge that 100,000 to 200,000 acres be acquired, only a small part of what was once a sweeping expanse of 3.5 million luxuriantly forested acres. The entire remaining acreage, some 300,000 acres, is under steady attack, Bonney reports.

It is all privately owned, most of it by five lumber companies. Lumbermen, pipeline companies and real estate promoters are racing to carve up Big Thicket at the dismaying rate of 50 acres a day, Booney says, and prompt action is needed to preserve this unique area for Texans and the rest of the nation.

The Big Thicket committee has recommended a variety of acquisitions in its plan. It provides the following:

1. Unique specimen areas, the "pearls" preserved in their natural and untouchable state, and under the jurisdiction of the National Park Service.
2. Wildlife areas for restoration, habitat and protection. These include the floodplains of the Neches River and the Saratoga-Kountze-South Lake triangle.

#### CONSERVATION ZONE RECOMMENDED

3. Environmental conservation zone, an overall area in the locality to encourage maximum environmental conservation. Timber harvest, grazing, hunting will continue within zoning and conservation concepts.
4. Rivers and streams with a wide corridor on both sides preserved in their natural beauty, accessible to canoeists and motorless boats with primitive camping.
5. Highways bordered with a deep corridor of natural forest, providing access and sight-seeing to Texas' "greatest tourist attractions, so long unnoticed."
6. Recreational facilities outside the environmental zone and unique areas.

Why all the excitement about the Big Thicket? Because it is unparalleled in the richness and diversity of its plant life, Bonney reports. Its 60-inch annual rainfall and gulf climate make it a lapping-over point of subtropical and temperate vegetation, found nowhere else in the United States.

Giant trees thrive; wild orchids and ferns abound. At least 300 species of birds make the thicket their home.

If the Big Thicket is to be preserved, a lot of people are going to have to join the battle. Soon it will be too late.

#### PERSPECTIVE: FREDERICK DOUGLASS, PIONEER BLACK LEADER

Mr. HART. Mr. President, Fred Douglass was, by any account, one of the





United States  
of America

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## Senate

### S. 4388—INTRODUCTION OF INDIAN EDUCATION ACT

Mr. MONDALE. Mr. President, it is with a great deal of pride that I join the distinguished senior Senator from Massachusetts today in introducing what I believe will become recognized as a landmark act in the field of Indian education.

For almost 2½ years the Senate Indian Education Subcommittee, first under the dedicated leadership of the late Senator Robert Kennedy and later under the equally dedicated chairmanship of Senator EDWARD KENNEDY, investigated the education received by Indian Americans. The subcommittee, which I was privileged to serve as a member, issued a shocking report. The report's title aptly described the subcommittee's findings: "Indian Education: A National Tragedy—A National Challenge."

We have witnessed the tragedy portion of that title. Indian people have been experiencing it for 400 years. Now it is time to take up the challenge portion. That is what we are doing today.

This bill represents the hope of thousands of Indians, many of whose opinions were heard by the Subcommittee in hearings and field investigations, for a quality education for their children. I only hope that this legislation will receive the expedient action which it deserves.

I was privileged to serve on that subcommittee, and in doing so, I became educated in the problems faced by our Nation's first Americans in seeking a first-rate education. Since the publication of the subcommittee's final report last November, thousands of Americans have read that report, and their eyes, like mine, have been opened to the horrors of Indian education:

Fifty percent dropout rates: 12,000 children not in school—and most of them severely physically or mentally handicapped; an average educational level of 5 school years for all Indians under Federal supervision.

The statistics are appalling. But one can become immune to statistics. One cannot become immune, though, to the stories of Indian schoolchildren being disciplined with handcuffs, of school counselors "counseling" students with jail referral slips, of teachers punishing Indian students for speaking their native languages, of teenagers committing suicide in order to escape the life they dread.

The Indian Education Subcommittee looked at these incidents. We studied the statistics. And we determined that the education afforded Indian Americans was "a national tragedy."

The subcommittee's final report listed 60 recommendations which would radically improve Indian education. A number of these recommendations have been implemented. For example, bilingual education efforts have been expanded considerably. The National Council on Indian Opportunity has been funded again. The Department of Health, Education, and Welfare and the Department of the Interior have begun devising a plan to better coordinate their Indian education activities. Public Law 81-815 has been amended so that public schools educating Indians will have higher priority in funding than they have in the past. And bills have been introduced to legislate a number of other proposals, including recommendations to hold a White House Conference on Indian Affairs, and to raise the BIA Commissioner to Assistant Secretary of the Interior status.

There were a number of other recommendations which can never be legislated. The impoverishment of Indian education will never change, for example, without a true commitment to excellence by all concerned with the education of Indian children, or without a recognition of the basic right of the Indian not only to equal educational opportunity, but to dignity and respect for his culture and heritage.

But there were many fundamental recommendations the Congress can act upon, and which we have incorporated into the bill that has been introduced today.

This bill is unique in two respects. First, it is an expression of the wishes of many Indian people. During its 2½ years, the Indian Education Subcommittee traveled to all parts of the country to listen to the Indian people. We held public hearings in Washington, D.C., California, Oklahoma, Arizona, South Dakota, Oregon, and Alaska, and conducted field investigations in Minnesota, Idaho, Maine, New York, and several other locations. We compiled over 4,000 pages of hearing testimony during that period. We heard from Indians throughout the country. We have taken their suggestions and put them together into this bill we are introducing today.

This bill is also unique among Federal education legislation. It is not an attempt, for example, simply to provide some funds and set up some new administrative machinery to do more of what has been done in the past. It is an attempt rather to change the very nature of what has historically passed for Indian education.

For too long, the education of Indian Americans has been the imposition of white American educational institutions upon American Indian communities. Indians were expected to attend the schools controlled by non-Indians. There they learned that Indians were savages and the white men who killed them were heroes. They learned that everytime the cavalry won it was an heroic feat, but everytime the Indians won it was a massacre. They were told their traditions were meaningless, archaic, and silly.

But now the Indian does not want that kind of Indian education. He wants an education that will tell him the truth about his tribe, his heritage, his traditions, his place in the world—an education over which he will have some control. That is what this bill is going to enable him to do.

I am not going into a lengthy explanation of the different titles of this legislation. Basically, title I provides for payments to schools educating Indian children. It includes funds for urban as well as reservation Indians, and the money is to be used for programs designed to meet the special educational needs of Indian children. Title II is a grant program for planning, pilot, and demonstration programs in a number of areas: bilingual, bicultural, health nutrition services, instructional materials, guidance and counseling services, and other such programs. Of special significance is the fact that grants can also be made for developing programs to prepare persons to teach Indian children, and to improve the qualifications of persons currently working with Indians in schools. One of the major findings of the Indian Education Subcommittee was that teachers of Indians were not attuned to the traditions and culture of the Indian child. They were not, in effect, culturally sensitive. This title approaches this problem through specialized preservice and in-service programs for teachers of Indian children. The bill authorizes \$25 million for grants under this title in fiscal 1972, and \$35 million for each of the succeeding years.

Title III provides special programs for educating American Indian adults. This title also provides programs for planning, pilot, and demonstration projects designed to improve employment and educational opportunities for Indian adults. The bill authorizes \$5 million for this effort for fiscal 1972, and \$8 million for each of the four succeeding year.

Title IV establishes a National Board of Indian Education and a Bureau of Indian Education within the Office of Education. It will be the function of the OE

Bureau of Indian Education to administer the provisions of this legislation. That Bureau will be headed by a Deputy Commissioner of Education appointed by the President from nominees submitted by the National Board. I will discuss this National Board in more detail later.

Finally, title V makes funds available for the expansion and development of community colleges educating American Indians, and amends the Higher Education Act so as to encourage the development of Indian teachers.

There are two elements of this bill which I believe are of special significance and, for that reason, deserve elaboration. One is that funds in both the formula entitlement and grant programs will go toward the education of Indians in urban as well as Federal reservation schools. The other is that all programs and projects must be planned, operated, and evaluated by tribal communities and parents of the Indian children affected.

For years, the Bureau of Indian Affairs has refused to recognize the growing population of Indians in urban areas. It has maintained that it must concern itself almost exclusively with Indians living on or near reservations. As a result, Indian children living in urban areas have attended public schools which received no assistance from the BIA in providing for the special needs of educating Indian children.

Today there are almost as many Indians in the cities as on the reservations. Minneapolis alone there are about 15,000 Indians. Many of the urban Indian students need special materials and special help if the 50-percent-plus Indian dropout rates so common in these cities is to be improved. We would provide per student payments to these school districts for programs aimed at meeting these special needs—as they are defined by the parents of the Indian children. The bill would also make available to these districts grants for funding special projects and programs to better meet the unique needs of Indians in our cities.

The second major feature of this comprehensive bill is that it puts Indian education into the hands of not Indian experts, but expert Indians. Local control has been the foundation of public education in this country from its inception, yet we continue to permit a Washington-based bureaucracy to control the education of thousands of Indian children. Every project authorized by this legislation is conditioned upon the approval of the parents of the Indian children affected. In the language of the bill:

The Commissioner shall not approve an application for a grant . . . unless he is satisfied that there has been participation by tribal communities and parents of the children to be served in the planning and development of the project, and that there will be such participation in the operation and evaluation of the project.

Besides giving Indians basic control over special programs and projects, the bill creates a National Board of Indian Education which is authorized to establish local school districts and locally selected school boards for Federal Indian schools. Since 1968 when President Johnson told the Bureau of Indian Affairs to establish Indian school boards, we have been waiting for the BIA to respond to the President's order. Since that date, only three Federal schools have been turned over to the local communities. At that rate, it will be the year 2044 before the Bureau's 223 schools are locally controlled.

In the meantime, Indian people must be content with advisory boards, which have to sit idly by and watch their children being taught by civil service appointees, many of whom are totally ignorant of Indian language, customs, or traditions.

The National Board established by this bill is a 15-man board selected by the President from a list of nominees furnished him by Indian tribes and organizations. This Board would take over the education functions presently handled by the Bureau of Indian Affairs. It would appoint a superintendent for the Federal Indian schools. Among its responsibilities would be to investigate of reservation boarding schools and determine which should be converted to therapeutic treatment centers and how the placement of students in boarding schools can be improved. This was a subcommittee recommendation. But most importantly, the Board would be charged with the responsibility of establishing local school boards—a responsibility which the BIA has failed to meet but which a board of Indian parents is sure to accept more seriously.

I was delighted some weeks ago to see the President responding to some of the points raised by our subcommittee, and urging greater control of Federal programs by the Indians, themselves. I think the features of the legislation we are introducing today follow logically upon this concern, and I would hope that we could receive broad bipartisan support.

I believe enactment of this bill will go a long way toward improving the status of Indian education in this country. We have had enough speeches, studies, and surveys; it is time now for action.

Mr. President, I cannot express how deeply I feel the need to be for the adoption of this measure. The human tragedy visited upon the Indians of this country, and all of us as a result of the failure of our educational system in this area, is a national disgrace.

I am very hopeful that this legislation will be adopted. We have had enough speeches, studies, and surveys; it is time for action.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. HARRIS. Mr. President, I am very pleased to commend the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Minnesota (Mr. MONDALE) for the excellent product of that work, which is in the form of the Indian Education Act. One of the single most important events so far as progress of American Indians in recent years was the establishment of the Special Subcommittee on Indian Education, first headed by the distinguished Senator from New York, the late Senator Robert F. Kennedy, and followed by the continuing efforts of Senator EDWARD KENNEDY and Senator MONDALE.

The new thrust, the new efforts that are involved in the work of that subcommittee, that are embodied in this legislation, can do much to right the wrongs of centuries.

Again, I commend the Senators for their work in this matter.

Several Senators addressed the chair.

Mr. MONDALE. Mr. President, I yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I commend the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Mr. MONDALE) for their coauthorship of this bill. As a member of the Committee on Labor and Public Welfare, and as chairman of that committee for the past 2 years, I was a member of this Indian Subcommittee from the time it was first formed.

I participated in hearings in Washington when Robert Kennedy was chairman. I held hearings on the west coast, and I sat in on hearings concerning the Indian tribes in the Northwest, in the States of Oregon and Washington. Then it was my privilege to appoint the distinguished senior Senator from Massachusetts as chairman of the Indian Education Subcommittee later, when the chairmanship was changed.

Having been interested in the problem from the very beginning, having attended a number of hearings, having worked as diligently as possible to continue the Indian Subcommittee, although we had some jurisdictional problems with other committees, I congratulate the Senator on the progress in this field.

We in the Southwestern States have been much interested in this problem. There are not so many Indians in my State, but we live next door to New Mexico, which has a large population of Indians. In the 3½ years that I was in the practice of law in El Paso, Tex., I was in New Mexico many times and learned the need in this field. A survey was made by a professor of the University of New Mexico to show that in New Mexico only one-third as many dollars were spent on the average Indian in the pueblos on education as was spent in the Anglo counties of New Mexico. They were called the forgotten children.



That was as far back as 1940. I happen to have a copy of that report, which was autographed by Chief Justice Stone. I had sent a note to the author of that work commending him for it. So, as far back as 1940, we find discrimination, failure, and lack of programs to educate Indian children. This is a failure that has gone on for generations.

I am very proud of the fact that the committee on which I serve, the Committee on Labor and Public Welfare, which held hearings all through the West and in Alaska, has pinpointed the great need.

The Senator from Minnesota was speaking of the Chippewas in his State. He was a spokesman for the protection of the Chippewas when he was attorney general of Minnesota, when the Chippewas were being kicked around. As attorney general, he gave them protection they had never had. So he has been interested in this problem for a long time.

I commend all the Senators who have been concerned in this problem for their interest, leadership, imagination, and real study of the problem. I think this bill will do something in that direction.

Mr. MONDALE. Mr. President, I thank the Senator from Texas. No one has given more support and extended more support to the work of our committee and its objectives than has the Senator from Texas.

S. 4388

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Education Act".*

#### TITLE I—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

SEC. 101. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III, as title IV, by redesignating sections 301 through 303 and references thereto as sections 401 through 403, respectively, and by adding after title II the following new title:

#### "TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

##### "SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

##### "DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs designed to meet these special educational needs.

"(b) During the period beginning July 1, 1972, and ending June 30, 1977, the Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

#### "GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 303. (a) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year in the period during which grants are to be made, as specified in section 302(b), the Commissioner shall determine the number of Indian children who were in average daily attendance at the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(b)(1) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (A) the average per pupil expenditure for such agency (as determined under paragraph (3)) multiplied by (B) the sum of the number of children determined under subsection (a).

"(2) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year, unless the number of children under subsection (a), with respect to such agency, is at least ten.

"(3) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

#### "USES OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(a) planning for and taking other steps leading to the development of programs designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(b) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, designed to meet the special educational needs of Indian children.

#### "APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title may be made only to a local educational agency or agencies, but only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed be-

cause of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources and will substantially increase the educational opportunities of Indian students in the area to be served by the applicant; and

"(B) has been made available for review and comment by the parents of the children to be served and by tribal organizations; and

"(3) the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

#### "PAYMENTS

"SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

"(b)(1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational

agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

**"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS**

"Sec. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.

**"DEFINITION**

"Sec. 308. As used in this title, the term 'Indian' means any individual who is an enrolled member of a tribe, band, or other organized group of Indians, or who is a descendant of any such enrolled member."

(b) (1) Paragraph (1) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended—

(A) by striking out subparagraph (B), and by striking out "(A)" where it appears after "Sec. 103. (a) (1)";

(B) in the fourth sentence thereof, by striking out "and the terms upon which payment shall be made to the Department of Interior"; and

(C) by striking out the third sentence thereof.

(2) Paragraph (1) of section 303 of the Act of September 30, 1950 is amended—

(A) in the second sentence, by striking out "(A) except for the purposes of section 6, real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the

United States," and by reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.

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(2) Paragraph (1) of section 303 of the Act of September 30, 1950 is amended—

(A) in the second sentence, by striking out "(A) except for the purposes of section 6, real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States," and by redesignating clauses (B), (C), and (D) therein, and all references thereto, as clauses (A), (B), and (C), respectively; and

(B) in the fourth sentence, (i) by inserting before the period at the end thereof the following: "or (C) Indian reservations, or other property held (i) in trust by the United States for individual Indians or Indian tribes or (ii) held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States", and (ii) by striking out "and (B)" and inserting in lieu thereof "or (B)".

**TITLE II—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN**

**AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965**

SEC. 201. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

**"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR AMERICAN INDIAN CHILDREN**

"Sec. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for American Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for American Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to American Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which American Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to American Indian children.

"(b) The Commissioner is authorized to make grants to State and local educational agencies and other appropriate public and private educational and research agencies, organizations, and institutions (including federally supported elementary and secondary schools for Indian children) to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for American Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to the National Board of Indian Education to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for American Indian children. Grants may be used—

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped and preschool children;

"(F) bilingual and bicultural education programs; and



"(G) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(e) The Commissioner is also authorized to make grants to, and contracts with, public and private agencies, organizations, and institutions (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commissioner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section; and

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (b) or (c) unless he is satisfied that there has been participation by tribal communities and parents of the children to be served in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated \$25,000,000 for the fiscal year ending June 30, 1972, and \$35,000,000 for each of the four succeeding fiscal years."

(b) (1) Effective after June 30, 1972, the Elementary and Secondary Education Act of 1965 is amended—

(A) in section 202(a) (1), by striking out "(A) the Secretary of the Interior the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the";

(B) in section 302(a) (1), by striking out "(A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the";

(2) Effective after June 30, 1972, the second sentence of paragraph (1) of section 612(a) of the Education of the Handicapped Act is amended to read as follows: "The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Island, according to their respective needs."

### TITLE III—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

#### AMENDMENT TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 301. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto as sections 315, and 316, respectively, and by adding after section 313 the following new section:

#### "IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT AMERICAN INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies and other appropriate public and private educational and research agencies, organizations, and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of programs for providing adult education for American Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult American Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible.

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, edu-

cation programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public and private agencies, organizations, or institutions (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that there has been participation by tribal communities and individuals to be served in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1972, and \$8,000,000 for each of the four succeeding fiscal years."

### TITLE IV—NATIONAL BOARD OF INDIAN EDUCATION; BUREAU OF INDIAN EDUCATION; MISCELLANEOUS

#### NATIONAL BOARD OF INDIAN EDUCATION

SEC. 401. (a) There is hereby established the National Board of Indian Education (referred to in this title as the "National Board"), which shall consist of fifteen members appointed by the President of the United States, with the advice and consent of the Senate. Such appointments shall be made by the President from lists of nominees furnished from time to time, by Indian tribes and organizations.

(b) Members of the National Board shall be appointed for terms of three years; except that the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, five at the end of one year, five at the end of two years, and five at the end of three years. No member shall serve for more than two consecutive terms. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman. The Vice Chairman, during the absence or disability of the Chairman, shall act for, and exercise the powers of, the Chairman. The Vice Chairman shall perform such duties as the Chairman may prescribe from time to time.

(c) Members of the National Board shall be compensated at the rate prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

# STAFF OF NATIONAL BOARD

SEC. 402. Subject to such rules and regulations as may be adopted by the National Board, the Chairman shall be authorized to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as the Chairman deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates, but at rates not in excess of the maximum rate for grade GS-18 of the General Schedule under section 5332 of such title;

(2) appoint and affix the compensation of a Superintendent of Indian Education, without regard to the provisions of title 5, United States Code, governing appointments in competitive service, who shall be compensated at the rate prescribed for grade GS-18 of the General Schedule under section 5332 of such title, and who shall have such duties as the National Board shall prescribe; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$100 a day for individuals.

## POWERS AND DUTIES OF NATIONAL BOARD

SEC. 403. The National Board is vested with the following powers and duties:

(1) to carry out the functions transferred to the National Board pursuant to section 304 of this title;

(2) to establish, in its discretion, local school districts comprising Federal Indian schools over which it has jurisdiction and control;

(3) to establish, in its discretion, local school boards, who shall be selected at the local level in accordance with regulations promulgated by the National Board, having administrative control and direction over Federal Indian schools located within districts established pursuant to clause (2) of this section; and

(4) to advise the Commissioner of Education with respect to the administration of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810 title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act.

## FUNCTIONS OF NATIONAL BOARD

SEC. 404. (a) (1) There are hereby vested in the National Board all functions which were carried out immediately before the effective date of this Act by the head of any agency in the executive branch of the Government relating to the education of Indians, in any elementary, secondary, or vocational school, or any institution of higher education, including all such functions being administered through any agency, service, bureau, office, or other entity of any such agency.

(2) All functions of any agency of the United States, except the Office of Education and the Office of Economic Opportunity, relating to the education of Indians in any elementary, secondary, or vocational school, or any institution of higher learning, are hereby transferred to, and vested in, the National Board.

(3) All orders, determinations, rules, regulations, permits, contracts, grants, certificates, licenses, and privileges—

(A) which have been issued, made, granted, or allowed to become effective in the exercise of functions transferred by this section; and

(B) which are in effect at the time this section takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the National Board, by any court of competent jurisdiction, or by operation of law.

(4) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used, primarily in connection with the functions transferred under this section are transferred to the National Board. Personnel engaged in functions transferred under this section shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(5) As used in this section, the term "functions" includes powers and duties.

(b) The National Board is directed—

(1) to conduct, in concert with a team of professional consultants competent in areas of personality development and mental health, a detailed investigation of the off-reservation boarding schools to determine which ones should be converted into therapeutic treatment centers, and to cooperate with the Public Health Service to the extent necessary to bring about such conversion;

(2) to examine the present distribution and location of Federal boarding schools and the pattern of student placement, with the view to developing and implementing a new rationale and plan with regard to such schools; and

(3) to submit to the Congress on or before July 1, 1972, a report on its activities under this subsection.

## BUREAU OF INDIAN EDUCATION

SEC. 405. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Bureau of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The Bureau shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the President of the United States from a list of nominees submitted to him by the National Board of Indian Education.

(b) Section 5318 of title 5, United States Code, is amended by adding at the end thereof the following new clause: "(130) Deputy Commissioner of Indian Education, Department of Health, Education, and Welfare."

## TITLE V—MISCELLANEOUS PROVISIONS

### AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

SEC. 501. (a) Section 503(a) of the Higher Education Act of 1965 is amended (1) by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians," and (2) by inserting after "the Department of Labor," the following: "the Department of the Interior."

(b) Section 504(a)(1) of such Act is amended by inserting after "secondary

schools" the following: "(including such schools operated by the Department of the Interior for Indians or by an agency of an Indian tribe.)".

(c) Section 505 of such Act is amended by inserting after "shall consult with" the following: "the Secretary of the Interior,".

(d) Subsections (a) and (d) of section 552 of such Act of 1965 are each amended by inserting after "in all the States" a comma and the following: "including such needs in schools operated by the Department of the Interior for Indians, or by an agency of an Indian tribe."

(e) Section 553(a) of such Act is amended by inserting at the end thereof the following: "The Commissioner may also enter into arrangements with the Secretary of the Interior, or with an agency of an Indian tribe, and use funds appropriated for the purpose of this section with respect to schools operated by the Department of the Interior for Indians, or by an agency of an Indian tribe."

### AMENDMENT TO TITLE III OF HIGHER EDUCATION ACT OF 1965

SEC. 502. Section 302(d) of the Higher Education Act of 1965 is amended by inserting before the semicolon at the end thereof a comma and the following: "except that the Commissioner may waive the five-year requirement of this clause with respect to an institution located on or near an Indian reservation in any case in which he determines that such action will increase the availability of higher education to Indians".

### INSTITUTE OF AMERICAN INDIAN ARTS

SEC. 503. The National Board of Indian Education is directed and authorized to raise the Institute of American Indian Arts at Santa Fe, New Mexico, to the level of a 4-year college.

### COMMUNITY COLLEGES

SEC. 504. (a) The National Board of Indian Education is directed and authorized to provide continuing support for the community colleges on or near Indian reservations.

(b) The National Board is directed to conduct a study exploring the feasibility of Indian community colleges, to work toward the establishment of such Indian-controlled institutions, and to submit a report respecting such study to the Congress on or before July 1, 1972.

The section-by-section analysis, presented by Mr. KENNEDY, is as follows:

### THE INDIAN EDUCATION ACT—SECTION-BY-SECTION ANALYSIS

#### TITLE I—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

SEC. 101—Amends P.L. 874 by redesignating Title III as Title IV and adding the following new Title III:

#### TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

SEC. 301—This title may be cited as the "Indian Elementary and Secondary School Assistance Act."

SEC. 302—Declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs to meet the special educational needs of Indian students in the United States.

Directs the Commissioner of Education to carry out this policy through a program of grants to eligible, local educational agency applicants beginning July 1, 1972 and ending June 30, 1977.



#### GRANTS TO LOCAL EDUCATIONAL AGENCIES

**Sec. 303**—To compute a local educational agency's yearly entitlement, the Commissioner is to determine the number of Indian children in average daily attendance for whom free public education is provided in the agency's schools in that fiscal year. An agency is not entitled to a grant unless there are at least ten such children.

The amount of the entitlement shall be equal to the agency's average per pupil expenditure multiplied by the number of Indian children in attendance.

The agency's average per pupil expenditure for any fiscal year is computed as follows: the total current expenditures of all agencies in the State two fiscal years ago, plus any direct current State expenditures for agency operations, divided by the total number of children in average daily attendance who received free public education from such agencies two fiscal years ago.

#### USES OF FEDERAL FUNDS

**Sec. 304**—Grant may be used for: planning, including pilot projects to test the effectiveness of plans developed; and the establishment, maintenance and operation of programs, including minor remodeling and acquisition of equipment to meet the special educational needs of Indian children.

#### APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

**Sec. 305**—Grants may be made only to applying local educational agencies. Applications shall:

Provide that the activities for which assistance is sought will be administered or supervised by the applicant.

Act forth a program for meeting the special educational needs of Indian children, including proper and efficient methods of program administration;

In the case of planning applications, provide that planning is directly related to and will likely result in programs or projects to be carried out under this title, and that such funds are needed either because of the innovative nature of the program or because the agency lacks the necessary resources for adequate program planning;

Provide that effective annual evaluation procedures, including objective measurement of educational achievement will be adopted;

Assure that Federal funds will supplement, and in no case supplant, the funds that the applicant would make available for the education of Indian children in the absence of Federal funds;

Provide for the necessary fiscal control and accounting procedures; for making an annual report and other reports required by the Commissioner to determine the effectiveness of these funds in improving Indian educational opportunities; and for keeping accessible records verifying these reports.

Applicants which meet the above requirements must also:

Provide for the utilization of the best available talents and resources and substantially increase Indian educational opportunity;

Have been made available for the review and comment of tribal organizations and the parents of children to be served, and brought to the attention of the State educational agency for its recommendations.

Amendments of applications shall also be subject to these provisions, except as otherwise provided by the Commissioner.

#### PAYMENTS

**Sec. 306**—Directs the Commissioner to pay to each approved applicant an amount equal to its expenditures for activities under this title, but no payments shall be made if the State has taken these payments into consideration in determining the agency's eligibility for State aid. Nor shall payments be made if the combined State and local educational agencies' fiscal effort is less than that of two fiscal years ago.

#### ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

**Sec. 307**—If insufficient funds are appropriated to pay the local educational agencies' full entitlement, the entitlements of all such agencies shall be ratably reduced. If additional amounts become available, entitlements shall be increased in the same manner.

If entitlements have been reduced and additional funds are not available, local educational agencies shall report their estimated expenditures to the Commissioner by certain dates. Any unused funds shall then be available for reallocation to agencies which need additional funds, but no agency shall receive an amount which exceeds its entitlement.

**Sec. 308**—In this title 'Indian' means any enrolled member of a tribe, band, or other organized group of Indians, or his descendant.

**Sec. 103(a)(1)** of the Elementary and Secondary Education Act is amended by deleting references to Indian children and allotments to the Department of the Interior in subparagraph (A) and striking out subparagraph (B), referring to Department of Interior payments to local educational agencies with out-of-State Indian children.

**Sec. 303(1)** of P.L. 874 is amended by removing Indian property from the definition of Federal property.

#### TITLE II—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

**Sec. 201**—Amends Title VIII of the Elementary and Secondary Education Act of 1965 by adding the following new section: IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR AMERICAN INDIAN CHILDREN

**Sec. 810**—Directs the Commissioner to carry out a program to improve Indian education by:

Making grants to State and local educational agencies and other public and private organizations (including federally supported elementary and secondary Indian schools) for planning, pilot, and demonstration projects including (1) innovative programs for the educationally deprived, (2) bilingual and bicultural education, (3) activities to meet the special health, nutrition, social and psychological problems of Indian children, and (4) coordination with other related Federal programs;

Making grants to State and local educational agencies and the National Board of Indian Education to assist and stimulate programs to provide educational services not available in sufficient quality or quantity for Indian children (including compensatory instruction and other services to encourage them to enter, remain in, or reenter school; comprehensive academic and vocational instruction; instructional materials and equipment; guidance, counseling and testing; programs for handicapped and preschool children; bilingual and bicultural education and

other services), and to establish and operate exemplary and innovative programs and centers to enrich Indian education;

Making grants to institutions of higher education, and to State and local educational agencies in combination with such institutions, to prepare or improve the qualifications of educational personnel serving Indian children. Grants may be used for fellowships, institutes, and for other purposes which are part of a continuing program;

Making grants to and contracts with other public and private nonprofit organizations for disseminating information on Indian education and evaluating the effectiveness of federally assisted programs.

Grant applications shall describe the activities planned. Program grant applications will provide for: the use of available funds and the coordination of other resources to insure a comprehensive program; the training of participating personnel; and evaluation.

Parent and tribal community participation in project planning, development, and evaluation is required for approval.

For grants under this section, \$25,000,000 is authorized for fiscal 1972 and \$35,000,000 for each of the four succeeding fiscal years.

Effective June 30, 1972, amends Titles II and III of the Elementary and Secondary Education Act (relating to school library resources and supplementary educational centers and services) and the Education of the Handicapped Act to eliminate allotments to the Department of the Interior for Indian children in the Department's schools.

#### TITLE III—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

**Sec. 301**—Amends Title III (the Adult Education Act) of the Elementary and Secondary Education Amendments of 1966 by redesignating sections 314 and 315 as sections 315 and 316 and adding the following new section:

#### IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT AMERICAN INDIANS

**Sec. 314**—Authorizes the Commissioner of Education to

Make grants to State and local educational agencies and other public and private organizations to support planning, pilot, and demonstration projects to test the effectiveness of programs to improve employment and educational opportunities for American Indian adults, including bilingual and bicultural programs, and programs to coordinate the operation of related federally assisted programs;

Assist in the establishment and operation of programs to stimulate opportunities for adult Indians to acquire basic literacy skills and quality for a high school equivalency certificate; support a major research and development effort to find better ways of meeting these goals; and determine the extent of illiteracy and lack of high school completion on Indian reservations;

Make grants to and contracts with public and nonprofit private organizations to disseminate information on Indian adult educational programs and to evaluate the effectiveness of such federally assisted programs.

Grant applications shall describe the activities to be funded, provide for program evaluation, and shall not be approved unless the Commissioner is satisfied that there has been and will be participation by tribal communities and the individuals to be served in the planning, operation and evaluation of the project.

\$5,000,000 is authorized for fiscal 1972 and \$8,000,000 for each of the four succeeding fiscal years.

#### TITLE IV—NATIONAL BOARD OF INDIAN EDUCATION; BUREAU OF INDIAN EDUCATION; MISCELLANEOUS

##### NATIONAL BOARD OF INDIAN EDUCATION

Sec. 401—Establishes a fifteen-member National Board of Indian education, appointed by the President, with the advice and consent of the Senate, from nominees furnished by Indian tribes and organizations.

Members shall be appointed for three years, but the terms of the first appointees shall expire as follows: five at the end of one year, five at the end of two years, and five at the end of three years. No member shall serve more than two consecutive terms. Vacancies filled prior to the expiration of a term shall be filled for the term's remainder. The President shall designate one member as Chairman and another as Vice Chairman. Members shall be compensated at the rate prescribed for grade GS-18.

##### STAFF OF NATIONAL BOARD

Sec. 402—Authorizes the National Board Chairman to appoint and fix the compensation of an Executive Director, a Superintendent of Indian Education, and additional staff without regard to provisions of the United States Code governing appointments in the competitive service, classifications and General Schedule pay rates, but rates must not exceed the maximum rate for a GS-18. The Chairman may also procure temporary and intermittent services at rates not to exceed \$100 a day per person.

##### POWERS AND DUTIES OF NATIONAL BOARD

Sec. 403—Vests the National Board with these powers and duties: carrying out the former functions of all other executive agencies (except the Office of Education and the Office of Economic Opportunity) relating to Indian education; establishing local school districts of Federal Indian schools; establishing, at its discretion, local school boards selected at the local level in accord with National Board regulations, having administrative control over Federal Indian schools in such districts; and advising the Commissioner on the administration of Title III of P.L. 874 and Title VIII of the Elementary and Secondary Education Act, as added by this Act.

##### FUNCTIONS OF NATIONAL BOARD

Sec. 404—Vests in the National Board all functions which were formerly carried out by other executive agencies relating to Indian education at all levels.

Transfers all these functions, except for those of the Office of Education, and the Office of Economic Opportunity, to the National Board.

All outstanding orders, rules, contracts and the like shall continue until changed by the National Board, the courts, or the operation of the law.

All personnel, property, records and the like which are primarily concerned with the functions transferred shall also be transferred to the National Board.

Directs the National Board to: investigate off-reservation boarding schools to determine

which should be converted to therapeutic treatment centers and to cooperate with the Public Health Service in their conversion; examine distribution, location, and student placement in Federal boarding schools with a view to change; and report to the Congress on these studies by July 1, 1972.

##### BUREAU OF INDIAN EDUCATION

Sec. 405—Establishes a Bureau of Indian Education in the Office of Education, with responsibility for administering the provisions added by this Act to P.L. 874 and the Elementary and Secondary Education Act. The Bureau shall be headed by a Deputy Commissioner of Education to be appointed by the President from nominees submitted by the National Board.

##### TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501—Amends the following sections of Title V (the Education Professions Development Act) of the Higher Education Act of 1965:

Sjc. 503, relating to the appraisal of education personnel needs, is amended to include a consideration of the educational needs of Indians;

Sec. 504, designed to attract qualified persons to the field of education, is amended to include Indian children in Department of Interior and other Indian schools in efforts to identify and encourage capable youth in secondary schools who may wish to pursue a career in education;

Sec. 505, which provides for consultation by the Commissioner of Education with other agencies to promote coordinated planning of educational personnel training programs, is amended to include the Secretary of the Interior.

Sec. 552, relating to leadership development awards for vocational educational personnel, is amended to include a consideration of the needs of Indian children in Department of Interior and other Indian schools, for qualified vocational education personnel.

Sec. 553 is amended to authorize the participation of Department of Interior and other Indian schools in exchange programs, institutes and inservice education for vocational education personnel.

Sec. 502—Amends Title III of the Higher Education Act—Strengthening Developing Institutions—to authorize the Commissioner of Education to waive certain requirements (relating to admissions policy, educational programs, and accreditation during the five years preceding the year for which assistance is sought) in institutions on or near Indian reservations if this action will increase the availability of higher education for Indians.

##### NATIONAL BOARD OF INDIAN EDUCATION

Sec. 503—Directs the National Board to raise the Institute of American Indian Arts at Santa Fe, New Mexico, to the level of a 4-year college.

Sec. 504—Directs the National Board to provide support for community colleges on or near Indian reservations, to conduct a feasibility study of Indian community colleges and work toward their establishment, and to report to the Congress on these matters on or before July 1, 1972.



Rev. John Stankard, M.M., Maryknoll Fathers, Maryknoll, New York.

Rev. DeSales Young, O.F.M. Cap., Pastor, St. Ambrose Church, Cresaptown, Maryland.

#### ASSISTING MINISTERS

Rev. Bruce W. Barth, Pastor, Trinity Lutheran Church, Cumberland, Maryland.

Rev. William J. Cox, Pastor, Holy Cross Episcopal Church, Cumberland, Maryland.

Rev. William W. Crawford, Pastor, St. Mark's United Church of Christ, Cumberland, Maryland.

Rev. Goodwin Douglas, Pastor, Metropolitan A.M.E. Church, Cumberland, Maryland.

Rev. Vernon I. Naugle, Pastor, St. Luke's Lutheran Church, Cumberland, Maryland.

Rabbi Philip Rosenberg, B'er Chayim Temple, Cumberland, Maryland.

Rabbi Meier Samberg, Beth Jacob Synagogue, Cumberland, Maryland.

Rev. A. D. Tice, Pastor, Emmanuel United Methodist Church, Cumberland, Maryland.

#### LECTORS

Brother Lawrence J. Colhocker, F.S.C., Principal, Bishop Walsh High School.

Mr. William Walsh, Nephew of Bishop Walsh, Cumberland, Maryland.

#### COMMENTATOR

Brother James A. Vendetti, F.S.C., Faculty Member, Bishop Walsh High School.

#### CANTOR

Rev. Arthur W. Bastress, Pastor, Immaculate Heart of Mary Church, Baltimore, Maryland.

#### ORGANIST

Rev. James M. Burns, Director of Music, St. Dominic's Church, Baltimore, Maryland.

The Boys' Choir and Men's Choir of Immaculate Heart of Mary Church, Baltimore, Maryland are under the direction of Mr. Norman Sydnor.

### SECOND NATIONAL INDIAN EDUCATION CONFERENCE

Mr. MONDALE. Mr. President, at the end of August, the Second National Indian Education Conference was held in my home State, Minnesota. Some 800 American Indians and their friends attended the event.

A number of recommendations to the Federal Government for the improvement of American Indian education came out of the conference. In addition, the National Indian Education Association was organized. This group consists of 17 Indian people actively involved with education throughout the United States.

I am proud to report that the President of the organization is Mr. Will Antell, from my State. Mr. Dillon Platero, from the Navajo, was elected first vice president. He serves as the gifted director of the impressive Rough Rock Demonstration School. Mr. John Winchester, a Potawatomi Indian from Michigan, was elected second vice president. Mr. Sparlin Norwood, a Cherokee from Oklahoma, was elected secretary, and Mr. William Demmert, a Tlingit from Alaska, was elected treasurer.

I am happy to see American Indians from all parts of the country coming together to work on educational problems and pleased that Minnesota provided the forum for this great effort.

Also at the Second National Indian Education Conference, a major statement on national priorities was outlined

in one of the workshops. This statement highlighted a number of crucial educational issues. I ask unanimous consent that the press release describing these events be printed in the RECORD.

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

AUGUST 28, 1970.

The Second National Indian Education Conference met in Minneapolis on August 26, 27, and 28 to assess programs in Indian education and to explore directions on a national scope.

A major workshop was National Priorities. The objective was to delineate a composite of Indian issues that are crucial to Indian people and the entire nation.

The U.S. Senate Special Sub-Committee on Indian Education said, "We have concluded that our national policies for educating American Indians are a failure of major proportions." It was stressed further that Congress, the U.S. Office of Education, and the Bureau of Indian Affairs implement these findings and those priorities as stated in the President's July 8th message to Congress.

Historically the Indian people have not been involved at federal, state or local levels in legislation and administrative decisions affecting their lives. The federal government now supports a policy of Indian self determination.

The following major priorities were listed by the workshop:

1. Scholarships for Indian students must be increased significantly on all levels. An equal emphasis should be placed on academic and vocational education. The appropriation for college scholarships should equal, if not surpass, the current \$38 million appropriation for vocational training.

2. Indians must have a more articulate voice in the education of Indian people on the local, state, and federal levels. The newly formed National Indian Education Association can be a powerful lobbying agent to develop strategy for Indian conceived plans and programs. Further, the Office of Education and other federal agencies concerned with the education of Indian people should establish a permanent committee composed of members of this association to analyze and develop new policies and programs in Indian education. It is imperative that Indian people be on school boards in direct proportion to the number of students enrolled in those schools.

3. The creation of a special developmental fund of \$4 million for demonstration and innovative moves in Indian education for the purpose of creating new educational systems, new methods of administration and specialized staff training operated and controlled by Indian groups, organizations and tribal governments.

4. Educational institutions should be assessed and restructured to make education more meaningful to Indian people. This must be implemented by native American communities. Indians must have a major role in this assessment and restructuring.

5. Indian studies programs and all research relating to Indians should be under the surveillance and control of Indian people.

6. The criteria for granting federal moneys should emphasize local Indian need and control as it affects the education of Indian children. All contracts for federal moneys concerning Indian education programs in urban and non-reservation areas should be with urban Indian organizations, centers and other local Indian organizations; and on reservations with Indian groups, with Indian organizations and tribal governments.

7. The federal government should set aside adequate construction facilities moneys so that Indian communities may develop local school facilities.

We suggest careful appraisal of these priorities and a personal commitment to their implementation.

### WHO IS AFRAID OF BORIS AVERIANOV?

Mr. FULBRIGHT. Mr. President, who is afraid of Boris Averianov? Someone is, because on May 27 of this year the State Department announced that it had denied a visa to this Soviet labor leader. The United Auto Workers had asked the State Department to grant Mr. Averianov a visa so that he could attend a symposium sponsored by the United Nations and the United Auto Workers. The Department told the UAW that it would not recommend to the Justice Department that waiver be granted for Mr. Averianov but declined to say why. In a letter to Victor Reuther, Director of the International Affairs Department of the UAW, the Department stated that:

The United States Government has concluded that it is inadvisable at this time to change our long-standing policy on the admission of Soviet labor officials to this country.

Mr. Reuther wrote my office, commenting on the State Department decision and reporting on a conversation with U.N. Secretary General U Thant and U.N. Under Secretaries Ralph Bunche and Philippe de Seynes in which they indicated that the State Department action might be a violation of the convention between the United States and the United Nations. He asked that the Committee on Foreign Relations inquire into the denial of a visa to a delegate to a United Nations Conference solely on the ground that he was a Soviet trade union leader.

I therefore wrote Secretary Rogers on June 5, asking him to furnish me with a detailed explanation of the background and reasons for the decision. Mr. David M. Abshire, Assistant Secretary for Congressional Relations, replied on June 29. Instead of providing a detailed explanation of the background and reasons for the decision, Mr. Abshire's letter simply stated:

Among other factors, the Department of State must consider the view that Soviet trade unions are not independent organizations but rather are controlled instruments of Soviet policy. As you know, the AFL-CIO attaches the highest importance to this factor and has long and vigorously opposed contacts with Soviet labor officials.

I then wrote Mr. Abshire on July 10 asking him a number of specific questions including what specific criteria were used by the Department of State to determine whether the admission of a Soviet labor leader was consistent with the public interest, how the criteria of the public interest applied to the particular case of Mr. Averianov, why it made any difference whether Soviet trade unions were independent of or subordinate to Soviet policy, and which Soviet and other Communist labor leaders had been admitted to the United States in the last 5 years. I also wrote Mr. Reuther and asked for his comments on the State Department's letters.

In his reply to my letter of July 10, Mr. Abshire stated that:

To date and on balance, we have been unable to perceive a sufficient public interest in cases of this kind to justify a waiver recommendation.

Mr. Abshire stated that the policy had been reviewed, "in consultation with other concerned Government agencies" but in the case of Mr. Averianov it had been "determined that insufficient justifications existed at this time for changing our policy." Mr. Abshire's letter also said that the State Department did not keep statistical records by occupation on individuals to whom visas are issued. Its records showed, however, that five Soviet labor officials had toured the United States in April 1967 but had sought entry as tourists rather than as labor officials.

I wrote Mr. Abshire again on August 4, saying that while I appreciated these additional comments I would like the Department's answers to the first three questions I had posed in my letter of July 10. I also said that I would appreciate knowing whether the Department would have issued a visa to Mr. Averianov if he had applied for one as a tourist and, if so, why it would be in the public interest to have him visit this country as a Soviet tourist but not as a Soviet labor leader. Mr. Abshire's reply stated that:

The Department's policy on the admissibility of Soviet labor leaders in their official capacities was a coordinated position of the Administration and further reflects consultation and discussion with American labor organizations which have an interest in this policy.

His letter referred specifically to the fact that "the AFL-CIO remains vigorously opposed" to the admission of Soviet labor leaders and added that if Mr. Averianov were to apply for admission as a tourist consideration would be given to recommending that a waiver be issued if his program and activities in the United States indicated "that tourism was in fact his purpose in seeking entry and that he would not be acting in his official capacity."

I sent a copy of this letter to Mr. Reuther and asked for any additional comments. In his reply, Mr. Reuther pointed out that the United States is now virtually isolated in the International Labor Organization and that U.S. relations with the ILO have reached such a low level that on the recommendation of the AFL-CIO, the chamber of commerce, and the Labor Department, U.S. funds to the ILO have been cut off. He also reminded me that when President Eisenhower invited Premier Khrushchev to visit the United States in 1959, he apparently felt that we were sufficiently strong to survive a direct exposure to Premier Khrushchev and that a dinner meeting with the 10 leading U.S. trade union leaders was arranged in San Francisco, Mr. Reuther commented that:

It struck him as "rather ludicrous that whereas the Administration of General Eisenhower felt it constituted no threat to the internal democracy of our country and was in the overall interest of the Nation to expose a group of U.S. trade union leaders to the views of the number one communist

leader in the world and, in turn, expose him to U.S. workers' views, the Administration of President Nixon considers the issuance of a visa to a Soviet trade union official (minor in the Soviet hierarchy) somehow would endanger the internal security of the U.S.

Mr. President, I ask unanimous consent that at the conclusion of my remarks there be printed in the RECORD Mr. Reuther's letter of May 28 to my office, together with its enclosures; my letter of June 5 to Secretary Rogers, together with its enclosures; Mr. Abshire's reply of June 29; my letter to Mr. Abshire of July 10; a letter to me from Mr. Reuther dated July 15; a further letter to me from Mr. Abshire dated July 17; a letter from me to Mr. Abshire dated August 4; his reply dated September 10 and, finally, a letter to me from Mr. Reuther, dated September 25, together with its enclosures.

I urge Senators to read the documents placed at the conclusion of my remarks. They tell a sorry story, in my view, which does not reflect to the credit of either the AFL-CIO or the Department of State. But the documents do provide a clear answer to the question: "Who is afraid of Boris Averianov?" The answer is that the leaders of the AFL-CIO are afraid of Boris Averianov and the State Department is afraid of the AFL-CIO.

There being no objections, the items were ordered to be printed in the RECORD, as follows:

UNITED AUTO WORKERS,  
May 28, 1970.

Mr. LEE WILLIAMS,  
Administrative Assistant to Senator J. William Fulbright, Senate Office Building,  
Washington, D.C.

Subject: State Department Action Denying Visa for Soviet Trade Union Leader Scheduled to Participate in United Nations Conference at UAW Center in Onaway, Michigan, June 14 to 20, 1970

MY DEAR LEE: In accordance with my phone conversation with you yesterday, I wish to put into your hands the pertinent documentation relating to the denial of a visa by the State Department to a Soviet trade union leader scheduled to participate in the above mentioned UN Conference.

Enclosed is the following documentation:  
1. Official UN press release of May 22, describing the nature of the Environmental Conference to be held by the UN with UAW as host.

2. Full text of the UN Aide Memoire, which was transmitted by the UN months ago to the State Department. This Aide Memoire clearly indicates that the invited ten trade union participants were to have the same status as the official government representatives of the twenty nations.

3. Letter from Victor Reuther to U.S. Ambassador to Moscow, Jacob D. Beam, dated February 13, 1970, informing him of the invitation extended to the Soviet trade union leader.

4 and 5. Text of Victor Reuther's letters to the Soviet and trade union leader extending an official invitation.

6. Response of Ambassador Beam.

7. Covering letter to Deputy Assistant Secretary, Emory C. Swank, dated February 13, officially notifying him of our invitation.

8. Response of State Department dated May 5, denying visas.

9. Release by U.S. State Department dated May 27, as carried by UPI to the effect that the visas had been denied, but declining to say on what grounds.

10. Two clippings from the *Washington Post* and *Evening Star* in 1966, indicating a

previous controversy over visas for Soviet trade unionists. The final clipping indicates that the visas were granted and, in fact, the UAW did receive the Soviet trade union delegation.

At a public press conference this morning, the newly elected president of UAW, Leonard Woodcock, was asked about this action of the State Department. I enclose that portion of the transcript of his press conference, setting forth the question put to him and President Woodcock's response.

The above documentation clearly indicates the considerable effort made by our union to give proper notice to avoid the embarrassment to our government which has finally occurred. The United Nations itself, when it became aware that such difficulties might arise, has taken its own direct contacts at the very highest level.

Last Monday, May 25, I was invited by Secretary General U Thant to a luncheon at the United Nations and present also were Under Secretaries Ralph Bunche and Philippe de Seynes and the heads of various important divisions within the United Nations. U Thant, Ralph Bunche and de Seynes were most outspoken in this private luncheon meeting, indicating that in the UN's judgment this action by the State Department is a violation of the Convention between the U.S. and the UN, which obligates the U.S. to provide courtesies to official participants in UN meetings, and the Secretary General indicated that the United Nations could not tolerate such flagrant violation of this Convention. I am certain the UN itself is continuing its protests, as well as discussions with the State Department and the U.S. Mission to the UN.

Following the luncheon, I sought to reach U.S. Ambassador to the UN Charels W. Yost, and since he was not available, I spoke with his Deputy Ambassador, William B. Buffum, and related to him the substance of the conversation with the Secretary General and his associates. I told him that as far as the UAW was concerned, we were not having controversy, but we felt it impossible to comprehend a policy by the State Department which ruled out an entire class of people, meaning all trade union leaders in the Soviet Union from eligibility for visas. The inference of such a policy is either that Soviet trade union leaders, per se, are more Communist than leading Soviet scientists, political leaders, journalists and educators, who frequently come to the U.S. on private invitations or that the UN, or the UAW, are more vulnerable to Communist subversion than the growers of corn in Iowa, the heads of U.S. corporations, educators, etc.

It has been the stated policy of successive U.S. administrations, including the present one, to seek to build bridges of understanding with the people of East European countries. Only a few weeks ago, I was invited by astronaut Borman to attend a high level conference in New York with U.S. State Department and other U.S. leaders and leading Soviet spokesmen. This invitation was extended by a private organization called the Fund for Peace. Under Secretary of State, Elliot T. Richardson, addressed the conference, as did Averell Harriman, George Ball and the leading Soviet figures. I was pleased to participate in this conference. This experience adds even more to my sense of shock and amazement at the inconsistencies of the State Department's action in this instance where a delegate to a United Nations conference to be held in the U.S. is denied a visa solely on the grounds that he is a trade union leader. It was made quite clear to me by the State Department that this was not a decision against the individual, but it would have applied to any official designee of the Soviet trade union.

I shall be most grateful if you will call this matter to the attention of Senator Fulbright with the urgent request that he and



ers it would give to the President to assure fair and freer trade have been largely overlooked. Yet the expanded role of the President is the most significant single fact of the bill.

The President has tremendous discretion to avoid quotas under the textile and shoe provisions of the bill, and under the revised escape clause procedures of the bill.

If the bill becomes law, I give you this assurance:

The same Administration which did not seek it in its present form will not administer it in such a way as to provoke an international trade war.

I am not here in defense of the legislation as it stands. Instead, I am an advocate of the Administration's trade legislation as it was introduced some months ago, together with quotas for textiles and DISC. But if the bill as it passed the House of Representatives becomes the law of the land, it will be administered with wisdom and restraint, in full view of the President's firm commitment to fair and freer trade.

#### REACTION

Recognizing all of the options and the safeguards which are built into the bill, we cannot help but wonder if some of our friends in Europe might not have over-reacted to the Trade Act of 1970. We wonder if they might not have conjured more of a danger than is really there—for the fact is that if the Mills Bill becomes law world trade will continue to expand.

We have no intention of closing our borders, and so we do not expect to see the spectre of massive retaliation. Other nations will continue to want to buy goods and services from us, just as much as we want to sell them.

We have no wish to close our markets, any more than any other nation wants them closed—for others want to share in all that we offer as the greatest export market on earth.

In short, we do not believe that anyone will provoke a trade war, or retaliate against retaliation, or launch a new age of economic isolationism.

Our commitment to freer trade under more reciprocal conditions will be met.

#### DISAGREEMENTS

We hope that our trading partners in other parts of the world—principally the Common Market in Europe, and Japan in the Far East—will make a similar commitment to freer trade through fair, equal, reciprocal practices and policies.

Unfortunately, we feel at the moment that in some ways the Common Market does not share such a commitment. We look upon its agricultural policies, its border taxes, its preferential trading agreements and several other practices as being discriminatory against the United States, and not in the best interests of friendship or freer trade.

In particular we feel that enlarging the E. E. C. through preferential arrangements rather than full membership is a distortion of the original concept, and is contrary to the world's interest in better trade relations and freer trade.

We look to Great Britain hopefully to serve as a possible harmonizing factor on this matter. We are anxious, on a continuing basis, to resolve issues of this kind before they can become major problems which will split the world into hostile trading blocs.

We are not quite certain this desire exists on the European side. Over the past few months, in fact, we have wondered if some of the intensified European criticism which has been directed at the Mills Bill might not have been designed deliberately to divert attention from some of our complaints against the Common Market.

#### COMMON MARKET

But notwithstanding those complaints, the United States strongly reaffirms its sup-

port of the Common Market. We believe the inclusion of Great Britain and other members of the Outer Seven will be to the world's benefit, and this growing economic union in Europe could lay the groundwork for generations of political stability and peace.

Some of this enlargement inevitably may damage some aspects of U.S. trade. But we are prepared to adjust, where there is also a willingness to adjust on the other side, matched by an equal commitment to fairness.

We recognize that Britain's interest is basically with Europe and the Common Market. But we also recognize and greatly value Britain's traditional ties with the United States, and we hope the full-fledged British membership in the Common Market will serve to bring us all closer together.

#### CONCLUSION

Without doubt we live at the most exciting economic time in history. Never before has so much of the world tried to develop or achieve a better life at a single time, and never before has so much of the developed world had such great productivity, technology and resources.

For its part, the United States seeks nothing more in this continuing process than new and expanded partnerships, fair rules and competitive equality, all in a spirit of reciprocity among nations.

Fortune Magazine recently noted that business everywhere is outgrowing national boundaries. Trade and investment have shown their great capacity to rise above other barriers to friendship and to hold men together in common interest.

We pledge ourselves to pursue policies with all the nations of the earth which will contribute to that bond. Mutual economic progress, we believe, has become man's greatest hope to tie together all the nations of this earth, in abundance and in peace.

#### CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

#### PUEBLO DE TAOS INDIANS CULTURAL AND CEREMONIAL SHRINE PROTECTION ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The assistant legislative clerk read as follows:

A bill (H.R. 471) to amend sec. 4 of the act of May 31, 1944 (48 Stat. 108).

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator will state it.

Mr. METCALF. Mr. President, on my desk is an amendment to H.R. 471 intended to be proposed by the distinguished Senator from Oklahoma and his colleagues.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. METCALF. The amendment is identical to the bill that was stricken out by the Senate committee, and the Senate committee has a substitute before us.

My parliamentary inquiry is: Is it in order to vote for the amendment proposed by the Senator from Oklahoma or the amendment of the committee, and which would be the first measure to be voted upon?

The PRESIDING OFFICER. If the amendment of the Senator from Oklahoma is identical to the House language, the amendment would not be in order. The question would come on whether the Senate committee language should be substituted for the House language.

Mr. METCALF. I thank the Presiding Officer.

I direct this statement to the attention of the Senator from Oklahoma, who is in the Chamber, and I suggest that unless there are perfecting amendments or other minor amendments, the whole question on this bill is going to be voted up or down on the committee amendment and it will be not in order to submit an amendment after the committee amendment is voted upon.

The PRESIDING OFFICER. Once the committee amendment in the nature of a substitute is agreed to, floor amendments would not be in order except by unanimous consent.

Mr. METCALF. I thank the Presiding Officer.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. JACKSON. Mr. President, legislation dealing with the desire of the Pueblo de Taos Indians to gain title to lands within the Carson National Forest in New Mexico has been pending before the Congress for a number of years. After long and careful hearings in the 89th, 90th, and 91st Congress, H.R. 471, as amended and as reported by the Senate Interior and Insular Affairs Committee, is now before the Senate.

It is my view, and it is the view of a majority of the members of the committee that the committee amendment to H.R. 471 provides a fair, reasonable, and workable solution to this long standing controversy. The committee amendment protects the Taos Pueblo Indians religious shrines and ceremonial areas and, at the same time protects the general public interest in maintaining the Carson National Forest in public ownership. More important, as reported by the committee the bill does not reverse the important and long standing congressional policy of money compensation rather than payment in land which was established in 1946 when Congress

at a time when the Market is expanding into one of the major trading blocs of the world.

So Britain, like the U.S., is entering a new competitive atmosphere—and today I would like to address myself to three fundamental points about these changing conditions in which all of us have a mutual interest.

First I would like to look briefly at our own trade policies, and reaffirm the direction in which we are heading. Then I would like to discuss the trade bill now pending in the Congress, and our mutual interests in it. Finally, I will offer a few observations on the Common Market, and on Britain's new relationship with it.

#### FREER TRADE

President Nixon has repeatedly made it clear that the United States is committed to the pursuit of freer trade.

The trade legislation he submitted to the Congress last year was pointed strongly in that direction. Among other things it asked for the repeal of ASP, for authority to negotiate limited tariff reductions, and for improved ways of dealing at home with the problems of industries affected by imports. In addition, all of the actions that have been taken by the Executive Branch in these past two years have had the effect of encouraging greater two-way trade among nations.

For example:

We have invited other major nations to join us in a concerted effort to reduce or eliminate nontariff barriers.

We have offered specific trade expansion help to the nations of Latin America, and we are seeking to extend tariff preferences to most of the developing countries.

We have significantly liberalized our trade list with Eastern Europe, and are still continuing to do so.

We are taking every possible step to achieve a more secure climate for foreign investments throughout the world.

And we have also launched a major export expansion effort of our own, which has had very encouraging results. Our exports have grown remarkably from the low point of two years ago.

#### PROBLEMS AND IMPEDIMENTS

Nevertheless, our problems are far from resolved. Some of those who engage in superficial analysis of our international trade position have stated that the resurgence of our favorable balance of trade has met all of our needs. This is completely fallacious.

For one thing, the balance of trade has not come back to a surplus anywhere near an acceptable level. Our balance of payments continues to run at a severe deficit. In the annual exchange of American dollars with other countries, the other countries are still coming out far ahead.

For another, we are concerned over many conditions and impediments that have developed in international trade in recent years.

We are all aware, for example, of the many non-tariff barriers that have risen over the past decade or less. Our trading position, very frankly, has been jeopardized by the maze of rules, regulations, tax discriminations, import restrictions, export subsidies, preferential trading agreements and investment restraints which have confronted us increasingly around the world.

We are also concerned that some of our major trading partners continue to do business in violation of the rules of the GATT.

Finally, we are concerned about some of the consequences of all these conditions. Notwithstanding the rise in our exports overall, we do have a deficit of imports over exports in many crucial items of trade, even some of our surplus categories are facing vigorous new competition; and it is a fact that in a growing number of American industries, large and small, plants are closing and increasing numbers of jobs are being transferred to other countries.

#### PROTECTIONISM VERSUS FREE TRADE

So we are faced both with a commitment to freer trade, and with conditions which impede it.

Our trade policy must reconcile the two.

This is not a simple matter of choosing between "protectionism" on the one hand and "free trade" on the other. We know that classic protectionism is self-destructive and has no place in the 20th century. We also know that absolute free trade is a myth which does not exist anywhere in the world.

The London Times stated recently, for example, that "European and Japanese protectionism (is) more comprehensive than anything . . . found in the United States." It stated that "Japanese industry and Common Market agriculture are the most heavily protected in the developed world."

We have to agree.

#### RECIPROCAL POLICIES

In view of these conditions, we are trying to develop trade policies which are realistic in light of conditions that prevail. We are determined that our policies take into account the attitudes of others, and at the same time reflect our own best interest.

In short, we are seeking the achievement of freer trade through fairer trade.

We believe the key word in this effort is reciprocity. We ask for nothing more than fair and equitable trading conditions, and we pledge reciprocal trading opportunities in return.

Toward this end:

We want to achieve the fair and reciprocal application of all of the rules of the GATT.

We want to redouble our efforts to bring down non-tariff barriers, everywhere in the world.

We want to achieve better means at home for business and labor to adjust to the impact of sudden trade changes, so that new barriers will not be erected to international commerce.

And finally, while we are reasserting our own national self-interest in trade we must also make it clear to other countries that we stand willing to achieve harmonization of their views and ours in every way possible to improve the flow of trade between us.

Each of these we can support with honor and with confidence—and we hope each will have the respect of the other nations of the world with which we do business.

#### TRADE BILL

Having said that much about the framework of our trade policy, let me turn to the more specific matter of the trade legislation which is now pending in the Congress.

We are fully aware of the concerns in Europe over the possible effects of the Trade Act of 1970. Notwithstanding anything you may have read in the press, no one in a responsible position here believes you are indifferent to it.

Your concerns—and those of our mutual trading partners—deserve to be discussed, and I welcome this opportunity to do so.

May I begin by reviewing some pertinent history, and then offer some reassurances.

#### TEXTILES

First, as you recall the Nixon Administration did not seek the broad scope of restrictive possibilities which are now in the bill.

We did seek, instead, only the means to moderate the disruptive rate of growing imports affecting a single industry—the U.S. textile industry—which accounts for one person out of every eight employed in American manufacturing.

We did so reluctantly, but in the belief that it was absolutely necessary.

Regardless of statistics that have been provided by others, the hard fact is that jobs are being lost in the American textile industry at an increasing rate, almost in direct ratio to rising imports. Since January 1969,

113,000 U.S. textile jobs have disappeared. Over the same two years, according to Dun & Bradstreet, more than 400 firms have closed; others are on reduced time.

Behind this lies the fact that we are the only major unrestricted market in the world for man-made fiber textiles and wool. We do not have restrictive agreements on the flow of these products, such as those which already exist between Japan and a number of other nations, including Great Britain.

As the world approached over-capacity in synthetic textile production, the American market approached the saturation point, and severe damage to our domestic industry has set in. The rapidity of increase in imports became a tidal wave, and the industry had neither time nor means to adjust to it.

I believe, without any doubt, that every nation in Western Europe, if confronted with a similar trend in a domestic industry of comparable importance, would have taken steps to protect that industry.

#### LONG-TERM ARRANGEMENT

Our first step was to seek an international agreement to cover the world's growing trade in synthetic fibre textiles, similar to the Long-Term Arrangement on Cotton Textiles to which all of us are parties.

The success of the LTA may be measured by the fact that it has twice been renewed, most recently just a few months ago.

Every exporting country which has participated in the LTA has been able to share in the continuing growth of the American market for cotton textiles.

#### GATT AGREEMENT

Under the new international agreement which we sought, all participating countries would have been able to share in the continuing growth of the American market for synthetic textiles and wool.

We sought to achieve such an agreement through the GATT, but we did not succeed. Ironically, on November 23 a report in the Washington Post stated that if the so-called Mills Bill is passed, "the Common Market is likely either to propose multi-lateral talks in GATT, or negotiate bilaterally with her trade partners, to control textile exports."

We wish this thought had prevailed many months ago.

#### HEATED RHETORIC

In the wake of our own failure to achieve either multilateral or bilateral agreements on the subject, the Congressional process began.

As we all know, it has generated a great deal of heated rhetoric. One of your own British trade spokesmen said recently that discussion of the bill has been "too damn polite for too damn long."

Open threats of retaliation are being made.

We believe the time has come to cool the rhetoric.

We recognize that a certain amount of it is designed to generate Congressional fears, and contribute to the defeat of the bill.

But inflammatory terms such as "trade war" and "retaliation" tend to over-simplify very complex problems, and today's problems cannot be approached effectively from these antagonistic positions.

This does not mean that we do not take Europe's threats of retaliation seriously. We do. But we should all realize that no country is invulnerable to the retaliation process—and none will gain by it.

#### REASSURANCE

The most fundamental point to realize about this bill is the fact that on every major issue it delegates responsibility to the President to act. This being so, the concern should not be with the law itself, but with the way it will be administered if it becomes law.

With all the melodramatic scare talk that has centered around the bill, the broad pow-



adopted the Indian Claims Commission Act. If the committee's position is not sustained by the Senate and if an amendment is adopted to transfer title and it is my view that a precedent have been established which will result in a host of claims by many other Indian tribes to lands within the Nation's national forests, parks, monuments, and recreation areas.

ISSUES PRESENTED BY H.R. 471

The problems presented by H.R. 471 are difficult and complex. They will not yield to slogans and simple answers. The solution proposed by the committee required a careful balancing of a great many conflicting desires and interests in the uses to be made of the land within the Carson National Forest. It also required a careful balancing and a sensitive appreciation of the many national issues which are of concern and which in important respects are involved in the Senate's action on H.R. 471. These issues include:

First. The legitimate desire of Indian communities to be legally safe and secure and free from interference in the use of Federal lands which are of unique historical, cultural, and ceremonial significance to their members;

Second. The protection of the rights of other members of the public who may have legal interests in the same lands claimed by an Indian community;

Third. Avoiding any Federal action which abridges in any manner the Constitution's first amendment ban which provides that "Congress shall make no law respecting an establishment of religion";

Fourth. The public interest in maintaining the high management principles established for national parks, forests, monuments, and recreation areas, and insuring that these areas remain open and accessible to all Americans;

Fifth. The need for conservation management programs which will continue to insure that all Federal lands are free from the ravages of fires, erosion, and pollution; and

Sixth. The necessity of avoiding the establishment of a policy, a system, or a precedent which could result in great portions of the Nation's national parks and recreation areas being closed to the general public or being commercially developed at some future date.

All of these issues are of great importance and require careful consideration. I want to discuss two of them at some length: First, the need for a uniform national policy to deal with cases of this nature; and second, the precedent which adoption of the House-passed bill could establish.

#### NEED FOR A NATIONAL POLICY

The Taos-Blue Lake controversy has made clear that there is a need for a national policy for preserving and protecting areas which are of unique cultural and ceremonial significance to American Indian communities. At present, there is no declared congressional policy and no system of policy implementation which allows Indian people to maintain their traditional heritage and traditional practices on federally owned lands which

have special cultural or ceremonial significance.

In the past, the practice has been to deal with the desires of particular Indian communities on a case-by-case basis. In some cases administrative action has provided temporary solutions. In others, congressional action has been required. In far too many cases, however, the legitimate desires and expectations of Indian communities to use Federal lands for traditional cultural and ceremonial uses have simply been ignored or have been frustrated by management practices which are incompatible with the uses the Indian community has customarily made of the land.

On October 13, 1970, I introduced legislation, S. 4469, the National Indian Cultural and Ceremonial Shrine Act, which would establish a uniform procedure whereby all recognized Indian tribes would have an opportunity to petition the Secretary of the Interior and request him to recommend to the Congress the establishment of a national Indian shrine for their use and benefit. The procedure is fair and just to all concerned parties and insures that their views will be considered and that their interests will be protected.

H.R. 417 as reported by the Interior Committee is not inconsistent with the measure I have proposed to establish a uniform national policy on problems of this nature. The bill as recommended by the committee deals only with the specific fact situation presented by the Pueblo de Taos claim. It represents an effort to provide a final settlement to a longstanding conflict over the use and administration of the lands in question. It does not, however, represent a precedent for future cases or an expression of national policy on the handling of religious, sacred, or ceremonial land claims which have been or which may be advanced by other Indian communities. In ordering H.R. 471 reported to the Senate the committee has made clear that it was reserving a decision on the national issues presented by sacred and ceremonial land claims until there was an adequate opportunity to develop a comprehensive policy which would allow the fulfillment of the legitimate aspirations of particular Indian communities and, at the same time, protect the rights of the public in the administration and management of the country's national parks, forests, monuments, and public lands.

It is my hope, Mr. President, that the Senate will approve the bill as reported by the committee and allow an opportunity for an early and rational consideration of legislation to establish a uniform national policy early in the 92d Congress.

#### PRECEDENT

I am gravely concerned, as are other members of the committee and the leaders of national conservation organizations that the adoption of language providing for a grant of title to lands within the Carson National Forest to the Pueblo de Taos will set a precedent which will have the effect of opening all lands within the national parks, forests, monuments, and recreation areas to land

claims by Indian tribes all across the Nation.

In my view, many people who are sympathetic to the contentions advanced by the Pueblo de Taos Indians have allowed their concern for this specific case to overshadow and obscure the larger public policy issues which are involved. The Senate and the Congress have a responsibility in connection with any action dealing with the public lands to consider not only the interests of specific claimants, but also to consider the interest of the public in the future management of lands which belong to all of the American people.

It has been said by some that the Pueblo de Taos case is a "special" case; that it is distinguishable from other situations; and that it will not establish a precedent for granting park and forest lands to other Indian tribes and communities. This contention does not square with the facts.

I am aware of a number of specific cases involving land claims for religious and ceremonial use by other Indian tribes which cannot be distinguished from the Pueblo de Taos case. These cases involve claims by the Hopi Tribe to the Coconino National Forest; claims by the Cochito Pueblo to the Santa Fe National Forest and the Bandelier National Monument; claims by the Santa Clara Pueblo to the Santa Fe National Forest; claims by the San Juan Pueblo to the Carson and Santa Fe National Forests; claims by the Nambe Pueblo to the Santa Fe National Forest; claims by the Zuni Indians to the Cibola National Forest; claims by the Mescalero Apaches to the Lincoln National Forest; and claims by the Jemez Pueblo to the Jemez Forest Preserve.

In addition, there are many other claims which are based, at least in part, on grounds other than religious and ceremonial use which will be influenced by the action the Senate and the Congress take on H.R. 471. These include the claim of the Yakima Tribe in my State to 22,000 acres of the land in the Gifford Pinchot National Forest; 11,000 acres of the land claimed is within the Mount Adams National Wilderness Area. The claim of the Yakima Tribe is based on a surveyor's error and has substantial merit.

Other claims which were discussed in the committee's hearing records involve the claim of the Warm Springs Reservation in Oregon to part of the Mount Hood National Forest; and the claims of the Flathead, Crow, and Blackfoot Tribes in Montana to the Bighorn National Monument, Yellowstone River, and Glacier National Park. For every claim which has already been made to date, it is my view, that there will be ten more within a matter of days if the Congress enacts a Pueblo de Taos bill granting title to lands within the Carson National Forest.

In short, Mr. President, H.R. 471 as passed by the House of Representatives creates more problems than it solves. That is why I cannot support it and why the Interior Committee has recommended an amendment in the nature of a substitute. The bill reported by the committee will preserve this area, protect it

from any desecration, and meet all of the legitimate requirements of the Taos Indian tribe. Most important, I do not see that the Senate bill will set a precedent which will create additional problems for future sessions of Congress.

It has been difficult to deal with this problem because of a lack of understanding by the press and many others of the history, the facts, the legal situation, and the problems that would arise if title to the lands in question is transferred to the Pueblo de Taos Indians. Many articles and public utterances have been published which say the Taos Tribe had title to the Blue Lake area and the Government confiscated the land. It has also been contended that:

The only sound way to assure the continued survival of the Taos religion and culture is to restore the title to the lands to the Indians.

The first contention is simply not true. As to the second contention, I do not know how Congress can restore title when the Indians never had title to this tract of land.

The Indian Claims Commission has not ruled that they had title, speaking in the legal sense. The Commission ruled that the Indians had "aboriginal use" or what has come to be commonly referred to as "Indian title." These phrases simply mean that the tribe traditionally roamed, hunted, and fished over this area. This was true with all Indian tribes however, and the terms do not denote legal ownership. Indian tribes generally had aboriginal or Indian title to the areas over which they traditionally hunted and fished and from which they obtained their subsistence. There is, therefore, a great difference between "legal title" and aboriginal or Indian title.

Failure to understand or recognize these distinctions has been one of the main obstacles to achieving a clear understanding of what is involved in this legislation. If the House position is accepted, and if the Taos Indians are entitled to receive a trust title to this land, then why would not every other tribe in the United States have the same right to seek trust title to the lands over which they roamed? Other tribes have a like claim. How can we say to one tribe, "We will give the Taos Indians the land they claim," but say to other tribes, "You must accept a cash payment" as provided in the Indian Claims Commission Act? There is no doubt in my mind that if a bill is passed giving trust title to the Taos Indians, the Congress will be besieged by requests from other tribes for like treatment. I think this may be particularly true of the other 18 pueblos in New Mexico, each of which received four-league square grants for their reservations but who also roamed over large areas outside the reservation. As a matter of fact, I am informed that some of the tribal officials from other pueblos have already discussed this with Senator ANDERSON and his staff.

To insure that Members of the Senate will appreciate the magnitude and the ramifications of the pending legislation I want to quote from the committee

hearing record on this matter in the 90th Congress:

Senator HATFIELD. So this question of land in lieu of money has been before us for some time and we are not only setting a precedent with Indians relating to Indian practices but we must deal with the type of claims that will relate to the future Indian Claims Commission.

Let me remind you the Seminole Indians have a claim in that their aboriginal title has been recognized. What could we do to prevent them coming in and asking for a section of the Everglades National Park in lieu of money?

If you study their history you will find their ancestral lands were sacred to them long before the first Spaniard set foot in St. Augustine.

I believe we can go back and resurrect claims of Indians based on religion that are now part of our national parks, part of our national forests. That is why the Secretary of Agriculture's letter dated September 18 takes great exception to our position and represents a view that this does set a very questionable precedent in history, in his view.

A similar view was expressed by Kenneth B. Pomeroy, chief forester of the American Forestry Association:

Mr. POMEROY. Compensation should not be made by "payment in kind." Paying a debt with publicly owned land abridges the rights of all other citizens in property held by the United States. If such a procedure is applied to other situations, it could have unexpected consequences.

For example, the Indian Claims Commission has recognized the right of the Seminole Indians to about two-thirds of the State of Florida. A preliminary estimate has placed the value of the Seminole claim at \$34,000,000. Would the Congress consider settlement of their claim by giving the Seminoles the Everglades National Park? or the Ocala National Forest? or Eglin Field Air Force Base? or the Okefenokee National Wildlife Refuge?

I think the Congress was fully aware of the dangers inherent in "payment in kind" when it enacted legislation to establish the Indian Claims Commission. At that time the Congress specified that Indians claims will be paid in money.

#### CONCLUSION

I and the members of the Senate Interior Committee are not trying to contend that the Federal Government has always been right in its treatment of Indians; but if the Taos Indians' claims to certain lands were wrongly extinguished in 1906, the Congress has done the same to every other American Indian tribe. Therefore, if we are to reverse past policy in the Taos case, the other Indian tribes of this Nation have every right to expect the Government to reconsider their claims.

It is my view that the Senate Interior Committee's amendment in the nature of a substitute should be accepted by the Senate and that efforts should be undertaken to establish a national and a uniform policy on questions of this nature early in the 92d Congress. I have proposed S. 4469 as a first effort to define the parameters of a national policy for Federal recognition and continued protection of publicly owned lands which are of unique cultural and ceremonial significance to recognized Indian tribes. I am open to and welcome other suggestions dealing with this specific problem.

Mr. President, in connection with the

remarks I have made concerning the impact of the language of the House passed bill as a precedent affecting our national parks, wilderness areas, national monuments, and national forests, I think every Member of the Senate should know that the conservation organizations of this country are unanimously opposed to the House passed bill. They fear what I fear—that we are establishing a precedent here which will involve, perhaps require land settlements in all Indian claims cases. It will mean, in many instances, a situation, if the House version passes, where we in the Senate will be confronted with many efforts to move into our national forests, national parks, and wilderness areas.

The able and distinguished Senator from Montana (Mr. METCALF) put in the RECORD yesterday a telegram and other statements from conservation organizations opposing the pending legislation as approved by the House, and, of course, supporting the version adopted by the committee.

Here are the organizations: Wildlife Management Institute, National Wildlife Federation, Trout Unlimited, Sierra Club, Izaak Walton League of America, American Forestry Association. The telegram is signed by Spencer M. Smith, secretary of the Citizens Committee on Natural Resources.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. JACKSON. May I finish? Then I shall be glad to yield.

Mr. HARRIS. It is on that very point. The Senator said the Sierra Club supported the bill. I believe that is a mistake, and I think he would like to be corrected at this time.

Mr. JACKSON. They are opposing the House version of the bill.

Mr. HARRIS. If the Senator will yield further, I would like to read the telegram I received today. The telegram is addressed to me:

Imperative you know the Sierra Club has not endorsed Senator Anderson's substitute bill which I personally oppose regarding Taos Indian Blue Lake Wilderness. Sierra Club has taken no stand on this issue. Similar messages were sent this morning to JACKSON, KENNEDY, and McGOVERN.

ELLIOTT PORTER,  
Director, Sierra Club.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. METCALF. I put the telegram in the RECORD. The telegram is signed by Mr. Spencer Smith, and enumerates the major conservation groups as outlined by the Senator from Washington, including the Sierra Club, the Izaak Walton League, and the American Forestry Association.

Mr. HARRIS. Mr. President, if the Senator will yield, that is exactly the point. Somebody else sent that telegram.

Mr. METCALF. Perhaps somebody else sent the telegram the Senator read.

Mr. HARRIS. Mr. Elliott Porter called my office last night, and followed it up with the telegram this morning.

Mr. JACKSON. Mr. Elliott Porter is simply on the board of directors of the Sierra Club. I met with the Sierra Club's



representative earlier. The club made clear its opposition to the House-passed bill. I think they probably are opposed to any legislation, but they are specifically opposed to the version that the Senator from Oklahoma is supporting, which is the House substitute language.

Mr. HARRIS. Mr. President, if the Senator will yield, what difference does it make to the Senator's argument, then, if they are opposed to his bill as well, if they are opposed to the Senate version? I am not sure that is the case, but if they are opposed to either bill, how does that bolster the Senator's argument?

Mr. JACKSON. Mr. President, the Sierra Club has not notified me that they are opposed to the so-called Anderson version. They have made it very clear, however, that they are opposed to the House-passed version, which the Senator from Oklahoma supports.

The reason they oppose it is that they know that if the House-passed version is approved, then we are going to have to face a long series of claims on the part of various Indian groups for an adjudication of their claims—not by payment of money, which the Indian Claims Commission Act specifically provides—but by specific performance, turning over title to land, which will invade our national parks, national monuments, national forests, and the other areas that the conservationists have fought for so long.

Mr. HARRIS. Mr. President, will the Senator yield right there?

Mr. JACKSON. Yes.

Mr. HARRIS. The Senator says that we would set a precedent by passing the House-passed bill because we would be compensating the just claim of this tribe not by money.

But if there is a question of setting a precedent, does not the Senator's position do so equally? It does not compensate in money; it gives what is called exclusive use of a national forest. That is the first such precedent I have ever heard of.

Mr. JACKSON. I would point out that the significant difference, of course, is that the Anderson version leaves the administration of the lands in question under the Forest Service, so that other matters—conservation, fire protection, and so forth will be properly considered. This is our concern.

Does the Senator feel that where Indian claims exist involving wilderness areas, and so on, the tribe involved should come in and get title to those lands?

Mr. HARRIS. Mr. President, we made clear in the RECORD last night—the Senator was not here, but it is available to him—how this argument of a precedent being set by the House-passed bill is utterly demolished.

It is utterly demolished because there is no other claim such as this existing, despite, with all due respect, what the Senator has said, because I do not believe the Senator can point to any other such lands, where there has been, over a long period of time, 30 years or more, exclusive use by an Indian tribe of what is claimed to be a religious shrine.

But the argument is further demolished, Mr. President, because when we

pass, as I hope we will, the House-passed bill, the Senator's committee will not be abolished. The Committee on Interior and Insular Affairs will continue to be there, and will continue to make free will judgments on each individual case. Senators will not be hamstrung; they can still decide justice in each individual case. I do not know of any oath I am taking as to future Indian claims that may come up, and neither is the Senator from Washington.

The Senator's claim of precedents being set is further demolished by the realization, which I hope we will all come to, that justice must be done in the case before us. Let us do justice in the case before us, and then, as individual cases come up later, do justice in those cases.

Lastly, I would say to the Senator, in answer to his question, that what is really a dangerous precedent about to be set here would be if we passed the bill the Senator is advocating, carving out what will continue to be called a national forest, and taking out of public use altogether, a certain area, and granting exclusive use of that area to someone other than the public. That is the dangerous precedent involved, and I would ask the Senator to respond on that point.

Mr. JACKSON. Well, Mr. President, what we have done here is to achieve what the Indians have been doing, by irrevocable permit. We have provided for a guarantee by law of the right of the Indians to use this area for a religious shrine.

If we follow the House substitute, as the Senator from Oklahoma is proposing, of course, we would take the land out from under the Forest Service, and turn it over to the Bureau of Indian Affairs. I do not think the Bureau of Indian Affairs is in a position to adequately protect the proper conservation interests in the area.

I simply want to reiterate, Mr. President, and make it very clear—and the Senator from Montana (Mr. METCALF), who followed this matter very closely in the testimony before our committee, I am sure will agree—that the conservation organizations feel very strongly about this, and with good reason. We cannot dismiss the fact that we will have a series of requests for invasions and intrusions into areas that are of historical interest, areas that are of great recreation value conservation interest. I mentioned a situation in the State of Washington, my own State, where we have a beautiful wilderness area which the Yakima Indian tribe has made a claim to, and in the State of Montana, where they want part of a national forest.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to my friend from Montana.

Mr. METCALF. The whole question involved here is, is it not, a transfer from the Forest Service to the Bureau of Indian Affairs?

Mr. JACKSON. The Senator is correct.

Mr. METCALF. And the agency in America that is most notorious for its incompetence in the management of lands is the Bureau of Indian Affairs;

and the best agency in America in management of the public lands and watersheds under public control is the Forest Service.

The only significant difference—and I ask for the attention of the Senator from Oklahoma—between the Senate bill and the House bill is that we give to the Department of the Interior—and the Secretary of the Interior, whoever he may be—control of this land, instead of giving it to the Department of Agriculture, which has managed this land so well and so competently over the years.

Mr. JACKSON. Mr. President, may I also add that I do not know what the Indians really want, beyond what Senator ANDERSON has proposed in his substitute. It will take care of all of their cultural and religious interests in the area. But the idea of conveying title in trust, of course, opens the door for similar requests from other Indian groups in the United States.

Mr. HARRIS. Mr. President, will the Senator yield at that point?

Mr. METCALF. Just a moment. Will the Senator wait a moment?

Mr. HARRIS. The Senator asked for my attention.

Mr. METCALF. Just a minute. It will open the door to similar requests for transfer in trust from national parks, wilderness areas, national monuments, and all these things that we thought were secure for the benefit, in the public interest, of all the people.

Mr. JACKSON. The Senator is correct. And right at that point, Mr. President, I ask unanimous consent to have printed in the RECORD, from the report of the hearings held by the committee on S. 750 and H.R. 471, the information contained on pages 218 and 219 of the hearings record which sets forth other known Indian religious interests in national forest lands. I ask unanimous consent that those specific areas, as identified on pages 218 and 219, be set out in the RECORD, at this point.

There being no objection, the excerpt from the hearing record was ordered to be printed in the RECORD, as follows:

#### OTHER KNOWN INDIAN RELIGIOUS INTERESTS IN NATIONAL FOREST LANDS

The *Gochiti Pueblo*, in June of 1968, requested the Bureau of Land Management to transfer several thousand acres (approx. 24,000) of the La Majada Grant to the Pueblo for administration in connection with the Cachtit reservoir. The La Majada Grant is an LU project administered by the Santa Fe National Forest. The reasons for the request were that the land was needed for the development of a new city in connection with the reservoir, and as access from their present Pueblo to the Bandelier National Monument, where people from the Pueblo go each year in connection with religious ceremonies. The Indians also have shrines on Tetilla Peak within the LU project, but not within the area requested. If a precedent were established for transferring lands with religious significance, these Indians would undoubtedly apply for an additional area.

The *San Juan Pueblo* attempted to acquire title to a large acreage near their Pueblo through Federal legislation. Their intent was published June 6, 1966 in the Santa Fe New Mexican as a feature item. The tract included the National Forest land adjoining

the north boundary of the Santa Clara Indian Reservation, plus land around the City of Espanola. The claim was based on a use for centuries "for religious ceremonies, and for fuel and vigas."

The Santa Clara Pueblo filed a claim before the Indian Claims Commission labeled Docket No. 356, on August 11, 1951. Under this claim the Pueblo is requesting 30,000 acres of National Forest and AEC lands in the vicinity of Chicoma, Clara, and Caballo Peaks, which they purportedly used for centuries and which have religious and ceremonial significance.

The Navasupai Tribe requested 180,000 acres within the Kaibab National Forest, the Grand Canyon National Park, and the Grand Canyon National Monument. The request was recognized by House Resolution No. 19072, introduced July 30, 1968, by Congressman Steiger. The request was based on their long use of the area and the need to improve the Tribe's financial resources.

The Fort Apache Indians, through Bureau of Indian Affairs officials, have indicated that they believe the boundary between the Sitgreaves National Forest and their Reservation to be erroneously located. They contend that the boundary should have been on the drainage line which would entitle them to approximately 11,600 acres of National Forest land.

The Mescalero Apaches have indicated for a number of years a desire to acquire the Ruidoso Creek drainage on the Lincoln National Forest. In 1963, they acquired the improvements for the ski area on Sierra Blanca. This could have been an opening wedge. In 1968, they requested Senator Anderson to introduce legislation to transfer this area to them.

The Sandia Indians have shrines on the Sandia Mountains. There is no evidence of the size of the area or amount of use.

The Nambe Pueblo has filed a claim before the Indian Claims Commission labeled Docket No. 358 covering a large area within the Santa Fe National Forest, much of which is within the Pecos Wilderness Area. They have identified Lake Tamoyoge Okwinge (Sandy Lake), Lake Kate Okwinge (Lake Katherine) and 16 other religious shrines which are important ceremonial grounds. These shrines are supposed to bring good luck in hunting and other endeavor. They are visited regularly and cornmeal strewn over them at the time of secret religious rites.

The Hopi Indians consider the San Francisco Peaks within the Coconino National Forest as sacred area which are the homes of their Kachina gods. A portion of their ceremonies in the area involve the changing of the tribal government from summer to winter. The gods are supposed to come from the mountain to the Hopi villages in the spring and return to the mountain in the fall. The size of the area involved in the ritual is not known.

The Navajo Indians have numerous sacred areas surrounding their reservation. Mount Taylor on the Cibola National Forest, Blanca Peak on private land in southern Colorado, San Francisco Peaks on the Coconino National Forest, Hesperus Peak on the San Juan National Forest, Huerfano Mountain on public domain and private land, Gobernador Knob on public domain, and Hosta Butte on public domain, are all considered to be sacred mountains. El Cabezón and the lava flows south of Grants on public domain and private land, the San Juan River on private land, Oak Creek Canyon on the Coconino National Forest, and Sunset Crater in the National Monument are also sacred places. The acreage in each site and the use are not known. However, the "Mountain Chant" and numerous other myths involve the seven sacred mountains. The Navajo forebears supposedly sprung from a lake in the midst of these mountains.

The Jemez Pueblo believe that Redondo Peak on the Baca Location No. 1, Pajarito Peak on the Espirito Santo Grant, and Church Canyon on the Santa Fe National Forest contain religious shrines. The amount of area and use are not known.

The Yavapai-Apache Indians have requested additional lands in the vicinity of Camp Verde on the Coconino National Forest, and Payson on the Tonto National Forest. These requests appear to be on the basis of aborigine use. They contend that the Yavapai Tribe occupied much of central Arizona in prehistoric times. They were moved to the San Carlos Reservation in the late 1800's where they lived with the Apaches for a time. However, they were discontented and were moved to the Ft. McDowell Reservation on the Verde River from which two bands moved up the Verde River to the Camp Verde and Payson areas. The Bureau of Indian Affairs acquired privately owned land at Camp Verde for the use of that band, but the Payson band more or less "squatted" on the National Forest with no authority for their occupancy.

Mr. HARRIS. Mr. President, will the Senator yield on that point?

Mr. JACKSON. I yield.

Mr. HARRIS. May I first say that the question was, "What do the Indians want?" That is rather clear, and it is documented over the last 60 years. They want title to this land, title that will be held in trust by the Department of the Interior. I think Indians have learned rather well from us non-Indians that "title" is an important word.

The Senator asks: Are we not doing about what the Indians want, anyway? Mr. President, if there is no difference, why not do it the way the Indians want? That is my question.

I ask one other question, in reference to the list which the Senator from Washington—

Mr. METCALF. Mr. President, will the Senator yield?

Mr. HARRIS. I should like to ask one other question in regard to the list that the Senator put into the RECORD about other similar claims.

Each of those is clearly distinguishable from this. But if the Senator thinks they are not, does the Senator intend to say to the Senate that if we adopt the House bill, he will no longer be a free agent and will somehow be required to vote favorably on all these other claims?

Mr. JACKSON. I will take the last question first. In conscience, one Indian tribe cannot be treated differently from another. If we take that position and try to say that a certain case is special and unique and different, then I think we are engaging in a gross injustice to Indians generally.

I happen to be the author of the Indian Claims Commission Act. I have been interested in providing justice to American Indians for a long time. For years—since the founding of this Republic—an Indian tribe, an Indian, could not come into court and advocate a just claim against the Government. It took the Indian Claims Commission Act to be able to do that.

Prior to adoption of the Claims Commission Act we had to pass a special bill to provide jurisdiction in the court of claims. I was the author of the Claims Commission Act, and I have followed this

matter closely. We made a fundamental decision in 1946 that we were not going to settle past wrongs by simply handing out land. If we adopt a new policy of handing out land as a means of final settlement, we are going to raise serious questions about the whole land title situation in the United States.

Mr. HARRIS. Is not the Senator here advocating the violation of his rule, himself?

Mr. JACKSON. No. We are giving the Pueblo de Taos Indians in effect, a guaranteed use in connection with a right they have been performing over the years.

Mr. HARRIS. Rather than money.

Mr. JACKSON. No. The Indians do not want the money.

Mr. HARRIS. Exactly.

Mr. JACKSON. I understand that. On the other hand, we are recognizing that they have been using this land in part. They obviously are not using all 48,000 acres at all times. This is physically impossible. But we recognize that this is a historical and cultural and religious shrine.

I introduced a bill—I spoke with the able ranking minority member of the committee, the Senator from Colorado (Mr. ALLOTT) about this, and the Interior Committee will go into it later—which would recognize the existence of the right of Indians to be protected in those areas that are being utilized for religious, historical, and unique purposes. I think this is fair. But to turn around and go to the other extreme and grant title in trust, we are really going to create some serious problems.

Mr. HARRIS. I thought the Senator said there is no difference between the two.

Mr. JACKSON. There is a vast difference. If title is granted the lands can be open to logging, lumbering, mining, and to purposes that are totally inconsistent with the recreation and conservation programs of this country. That is why the conservation organizations are against it.

Yesterday the able Senator from Montana put a telegram in the RECORD. This is what it said:

While sympathetic to desires of Taos Indians for exclusive use of Blue Lake area, Carson National Forest, granting title to land would set dangerous precedent for opening national parks, wildlife refuges, other public lands to similar claims. Objective of Indians suitably met by proposed Senate Interior Committee amendment, which also safeguards all public interests, in opinion of these major conservation groups: Wildlife Management Institute, National Wildlife Federation, Trout Unlimited, Sierra Club, Izaak Walton League of America, American Forestry Association.

SPENCER M. SMITH,  
Secretary, Citizens' Committee  
on Natural Resources.

This is the nub of the issue, as I see it. I think it is important that we not establish a precedent here that is going to haunt us in connection with the requests by Indian tribes that I have already placed in the RECORD, which are pending and have been pending for some time, for the same kind of special legislative treatment. That is the conveyance of title.





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