

# REPORT OF THE MINNESOTA INDIAN AFFAIRS COMMISSION

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Submitted to  
THE LEGISLATURE OF THE STATE OF MINNESOTA  
January, 1967

Persuant with Session Laws of 1965, Chapter 888,  
Section 8, Subdivision 5, the Indian Affairs  
Commission respectfully submits the following  
report to Governor Harold LeVander and to the  
Members of the Minnesota State Legislature.

INDIAN AFFAIRS COMMISSION

MEMBERSHIP

1965-66

SENATORS:

Harveydale Maruska  
Warren

Richard J. Parish  
Golden Valley

Raphael F. Salmore  
Stillwater

REPRESENTATIVES:

Frank H. DeGroat  
Lake Park

Leonard R. Dickinson  
Bemidji

Curtis B. Warnke  
Wood Lake

TRIBAL REPRESENTATIVES:

Dean F. Blue, President  
Upper Sioux Community  
Granite Falls

Peter DuFault, President  
Minnesota Chippewa Tribe  
Cloquet

Roger A. Jourdain, Chairman  
Red Lake Band of Chippewa Indians  
Red Lake

GOVERNOR'S APPOINTEES:

Judge David R. Leslie  
Minneapolis

Mrs. Richard Parish  
Golden Valley

Mrs. Harold Watson  
St. Paul

EX OFFICIO MEMBERS:

Governor  
Commissioner of Education  
Commissioner of Public Welfare  
Commissioner of Business Development  
Commissioner of Conservation

OFFICERS:

Chairman	- Roger A. Jourdain
Vice Chairman	- Dean F. Blue
Secretary	- Mrs. Harold Watson
EXECUTIVE DIRECTOR	- John B. Buckanaga

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## INTRODUCTION

Since 1948, the special problems of Minnesota's Indian citizens have been a matter of concern to legislatures and governors of Minnesota. Although the conditions surrounding their lives have been studied for many years, a program of action to correct them has been difficult to initiate. In this report, we have set forth the structure and rationale of the Minnesota Indian Affairs Commission and have described its efforts to provide information and to cooperate with and to implement the findings of various private and governmental organizations and Minnesota's Indian tribes.

The Commission was charged with investigating problems and making recommendations in matters of health, housing, law enforcement, education, welfare, economic development and civil rights. These areas of concern are the subject of this report.

## CREATION OF COMMISSION

The Minnesota Indian Affairs Commission was created by the Legislature (M.S. 3.922, amended Minnesota Laws, 1965, Chapter 888) in 1963. Its membership consists of three members of the State Senate, appointed by the Committee on Committees, three members of the State House of Representatives, appointed by the Speaker of the House, three representatives of the following Indian Tribal Governments, the Minnesota Consolidated Chippewa Tribe, the Red Lake Band of Chippewa Indians, and the Sioux Indian Communities, all appointed by their respective tribal governments, and three members at large, appointed by the Governor. Five additional members are ex officio, representing the Governor, and the Departments of Conservation, Education, Business Development, and Welfare. Thus, representatives are drawn from the legislature and from the executive branch of Minnesota

state government, and for the first time in Minnesota history, tribal governments are officially recognized and represented on such a body.

To appreciate the importance of this last fact and the nature of this commission, it is necessary to understand the status of tribal governments. Tribal governments are roughly analagous to municipal governments. Their power is derived from the provisions of the Indian Reorganization Act (Act of June 18, 1934, 48 Stat. 984, 25 USCA 461). They operate under constitutions adopted by their members and under charters granted by the federal government through the Department of the Interior. Under these constitutions and charters, tribal councils have the sole right to represent their constituents in negotiations with other levels of government. They have, among other powers, the power to determine tribal membership, to regulate inheritance, to levy taxes on members and fees on non-members doing business on tribal property, to manage tribal lands and resources, to regulate business activities within the reservations. They are both legislative bodies and corporate boards of directors.

Of the three members of the Commission representing tribal governments Mr. Peter DuFault, the President of Minnesota Consolidated Chippewa Tribe, represents the six bands which comprise it. They are located on reservations at Mille Lacs, Fond du Lac, Grand Portage, Leech Lake, Nett Lake and White Earth. These bands live on "open reservations". The land they occupy was ceded to the United States Government and then returned to the tribes. It was divided into individually owned tracts, many of which have been sold since their allotment and in the process have lost their 'reserved' tax-exempt status. This means that only part of the area ordinarily outlined on a map of Minnesota as an Indian reservation actually enjoys that status. The most obvious example is the White Earth Reservation, where only 8 per cent of the land remains reservation, tax exempt land. 19 per

cent of the land at Leech Lake falls into this category. Mr. DuFault represents the approximately 23,000 enrolled members of his tribe. The Red Lake Reservation is a "closed reservation", the land never having been ceded to the United States and remaining unallotted. The Red Lake Band is therefore legally separate from the other Chippewa bands, actually constituting a semi-sovereign nation, and it has named its own representative, Chairman Roger Jourdain, to speak for 4,774 members. The four Sioux Communities, Upper Sioux (Granite Falls), Lower Sioux (Morton), Prairie Island (Red Wing), and Prior Lake (Shakopee), with a total population of 700, operate independently from one another, but they have been asked to come to an agreement in appointing their delegate, Mr. Dean Blue, Chairman of the Upper Sioux Indian Community. Thus, through their duly elected leaders, Minnesota Indians have a direct channel through which to bring their problems to the attention of appropriate state agencies. Other members of the Reservation Business Committees have frequently attended Commission meetings. These contacts, in addition to occasional visits into reservation areas by members of the Commission and very frequent trips by the Executive Director, have made for good communication with the Indian people. One recommendation for improvement is that one of the members-at-large should be drawn from and suggested by the Indian organizations of Minneapolis and St. Paul, for part of this group is not now represented on the Commission, and their problems are unique.

The duties of the Commission as prescribed by law are as follows:

"The commission shall have as its primary duty to acquire information in the fields of employment and housing, civil rights, education, health and welfare, and law and order so that:

"(a) Through its reports and recommendations adequate legislation may be enacted when it is required;

"(b) Plans and programs may be worked out with Indian people who need assistance in finding employment, acquiring education, improving housing, getting medical care, developing natural resources and generally in becoming self-sufficient.

"Further duties of the commission shall be:

"(a) To provide information for and direction to a program designed to assist our Indian citizens to assume all the rights, privileges, and duties of full citizenship;

"(b) To coordinate and cooperate with the many governmental and private agencies providing service to Indian people on the local, state, and national level;

"(c) To implement the findings of various private and governmental studies dealing with Indian needs in Minnesota."

The Commission wrote to the Governors of all states reported to have 1000 or more Indians to inquire whether commissions similar to the Minnesota Indian Affairs Commission exist and what forms these commissions take. The results of this survey (October 1964) will be found in Appendix I. It is our opinion that Minnesota's Commission is well conceived and is demonstrating its value as an agency capable of solving some of the jurisdictional problems which underlie Indian difficulties through bringing together appropriate agencies and groups. Our part has been to coordinate, cooperate, or inform.

#### AREA VOCATIONAL SCHOOLS

A striking instance of the function of the Commission as coordinator involved the Department of Education and the Bureau of Indian Affairs, who solved a problem of availability of vocational education to Indian students. New Minne-



sota Area Vocational schools have been or are being located in Bemidji and Detroit Lakes. The policy of the state Department of Education and tribal governments has been to encourage attendance at such schools by pupils living within a radius of 35 miles of the school. These two schools, it was hoped, would be available to Indian students living within their areas. The Commission learned on February 19, 1966, that as of the fall of 1965, a Bureau of Indian Affairs policy had been established to discontinue for Indians under BIA programs the use of all Minnesota vocational-technical schools except those located in Minneapolis, St. Paul, and Duluth. The philosophy behind this policy was that Indian students should be far removed from their homes and educated in communities in which jobs could later be found and that it was economically more feasible to centralize students participating in BIA programs. This contradicted the policy of the Department of Education. It was a blow to the state which had carefully planned to invest its educational building funds in this way. Indian tribal councils communicated their concern to the Commission that their students be allowed to attend school within commuting distance from their homes. The Executive Director arranged a meeting between the Area Director of the BIA and members of his staff, the Commissioner of Education and members of his staff, and members of the Indian Affairs Commission. This was, to our knowledge, the first time that a Commissioner of Education in Minnesota had met formally with an Area Director of the BIA. At an April Commission meeting, it was announced that the BIA had reconsidered its policy, that it found the school at Bemidji met its standards and would be acceptable for use, that the new school at Detroit Lakes would be evaluated upon its completion, and that if it conformed to their standards, it would be authorized for use as well. What had appeared to be a rigid policy was able to be relaxed. We wish to emphasize again that this was accomplished through the cooperation of all of the agencies involved brought together by the Indian Affairs Commission.

## PUBLIC HOUSING

Another example of the value of the Commission has been in obtaining Public Housing Administration grants and loans for use on reservations. This program involved the close cooperation of the tribal governments, the BIA, the U. S. Public Health Service and the Public Housing Administration with the Minnesota Indian Affairs Commission. As preparation for qualifying for this assistance, tribal councils had established housing authorities. all documents were properly prepared and processed and were in the hands of the Federal Housing Authority. Providing scattered public housing in a rural area was a new, unfamiliar responsibility for the Federal agency. There were problems of adjusting the cost per unit, for site improvements, and in general of adapting methods used to provide concentrated public housing in metropolitan areas - usually in the form of multiple dwellings - to the residential needs of rural single families. Although there had been repeated negotiations for a period of over a year, there were still no tangible results. On April 15, 1966, the Executive Director arranged a meeting of appropriate representatives from the Bureau of Indian Affairs, the Public Housing Administration, the Public Health Service, involved architects, Commission members, tribal leaders, and Senator Walter F. Mondale, who had been communicating with agencies in Washington. By bringing these people together, the director was able to pinpoint the sources of difficulty and help make adjustments. As of this writing, \$3,907,084 in Public Housing funds have been released, and a meaningful housing program is under way. Again without detracting from the efforts of other agencies, it is generally agreed that the pursuit of this issue by Commission members at this meeting and the concentrated coordinating efforts of the Director before and after the meeting accomplished this goal.

## TRAINING IN CONSTRUCTION SKILLS

The Executive Director reported on October 17, 1966 that as a result of the efforts of the Commission...

"Construction development under Public Housing Administration is under way at Red Lake, White Earth, Leech Lake and Fond du Lac. This construction phase is under low rent and mutual help programing.

"A Home Builders' Training Program was inaugurated at the Red Lake Reservation on August 8, 1966. The Executive Director participated in the ceremonies along with State Representatives L. J. Lee of Bagley, Leonard Dickinson of Bemidji, and State Senator John McKee of Bemidji. Several federal and county officials also participated along with the Tribal Council.

"This particular program is under the direction of the local Community Action Program headed by Director Robert Treuer. The project entails training 30 of the local Indian residents in vocational and construction skills, carpentry, masonry, plumbing, electrical work, sheet metal and heating unit installation, all under certified and qualified instructors. Labor unions have also endorsed this project.

"At the completion of the training program, an additional group will receive similar training. Those that have completed the training can remain on local projects as trained and skilled craftsmen, or if they desire, they can compete for employment off the reservations. At this writing some of the original trainees have been employed at union wages at skilled positions on the Iron Range.

"The program is jointly financed by several federal agencies and by the Red Lake Council. The Office of Economic Opportunity is contributing \$33,000 for supervisory and trainee pay; the Labor Department Manpower Development Training Agency (MDTA) is contributing \$65,000 in the same category; and the Red Lake

Tribal Council is contributing \$155,000 for materials and instructors' salaries. Upon completion of the initial phase of the project, the Housing Assistance Agency (HAA) will assist with the acquisition of the homes under the Public Housing Administration. The White Earth Reservation has also begun a similar project.

"Special recognition and credit is due to the Red Lake Council for pioneering and originating this type of program on reservations. Several Indian Reservations are now adopting the "Red Lake Master Plan" throughout the United States. Special recognition must be given to OEO, MDTA, PHA and other resource agencies participating.

"The fact that this program was finally begun is also a credit to the Indian Affairs Commission as a direct result of the efforts of Commission members and the Director at the April 15, 1966, Special Housing Meeting.

"At a recent meeting held on October 3-5 of tribal leaders from seven states, Senator Walter F. Mondale issued a statement that federal assistance through PHA has been slightly over \$4,000,000 for Indian housing in Minnesota. Senator Mondale further mentioned that our April 15 meeting has had definite results in promoting housing programing in the states of Michigan, Wisconsin and North and South Dakota. Concentrated efforts and better cooperation are very evident."

#### TRIBAL CLAIMS

In the area of tribal claims too, the Commission has served a useful purpose to the Indians of Minnesota.

"The Executive Director of the Commission was requested by the Chairman of the Leech Lake Reservation Business Committee, Mr. Allen Wilson and the Secretary-Treasurer, Mr. Simon Howard to accompany them to Washington, D.C., to attempt to

coordinate communications on tribal claims, to confer with the OEO, congressional representatives and the Federal Commissioner of Indian Affairs. The Director's expenses (for the three day trip, August 31 - 2) were paid by the Leech Lake Band. As a result of this visit a \$96,500 revolving credit loan was granted for use on housing development projects. Attempts to accomplish this at lower governmental levels had failed."

#### FULL USE OF EXISTING FACILITIES

One of the projected functions of the Commission was to make full use of existing facilities for the benefit of the Indian people. For this purpose, the Commission has availed itself of the help offered to it by such member departments as the Department of Business Development. The Executive Director and Mr. James McKay of the Office of Business Development have completed a study of the reasons for failure of some businesses in the Minnesota reservations, with the very interesting results described later in this report. They have also studied the Indian work force where it is used throughout the nation, and the Reservation Community Action Programs have now embarked on a study of the skills and qualifications of the labor force available on Minnesota reservations. Of particular significance here is the obligation felt by the Department of Business Development to make its proper contribution to a commission of which it is a part.

#### UNIFICATION OF INDIAN ORGANIZATIONS

In the Minneapolis-St. Paul metropolitan area, the Executive Director has played a key role in helping to unify the Indian and tribal organizations in order to combine their resources for a concentrated attack on the problems they face in the Twin Cities. Initial contacts were made by him with Mayor Arthur

Naftalin on August 23, 1966, and with Mayor Thomas Byrnes on August 25, 1966.

At further meetings with Mayor Naftalin on August 20 and September 28, Indian leaders presented Mayor Naftalin with a ten point program drafted by the Executive Director which calls his attention to problems in the areas of health, education, welfare, OEO projects, employment opportunities, civil and human rights, housing, police protection, placement of Indians on Mayor-appointed committees, etc. The result has been the appointment by the Mayor of a Task Force to study Indian problems in Minneapolis, of which the Executive Director has become an advisory member. A program of recognition of Indians in St. Paul is also under way.

#### HELP WITH VOTER REGISTRATION

The Commission has also been helpful in aiding Indian citizens to assume their responsibilities as voters.

In Cass Lake, where mandatory voter registration is a fairly new requirement, Indian residents reported to the Commission that the village council of Cass Lake misunderstood the requirements for eligibility of voters. The Executive Director was able to send publications and brochures relating to voter registration obtained from the Office of the Secretary of State. This matter, then, apparently was worked out on the local level through help from the Commission as it fulfilled its duty "to provide information for and direction to a program designed to assist our Indian citizens to assume all the rights, privileges and obligations of full citizenship". (See page 4)

#### PUBLIC RELATIONS

In human relations too, the Commission has served a positive function. In Bemidji, an unfortunate editorial, which was derogatory in its remarks about Red Lake welfare recipients, was broadcast over a radio station. The commentator

expressed the philosophy that those hopelessly morally and mentally indigent should be sacrificed "by letting nature take her course". When the Indian community responded with indignation, the Executive Director stepped in to assist in establishing better communication between the residents of Bemidji and those of Red Lake through the formation of a Human Relations Council. Toward that end, a meeting was arranged by the Indian Affairs Commission on December 2, 1966, in which leading citizens from the Bemidji community, residents of Red Lake, the Indian Affairs Commission, the Bureau of Indian Affairs, the State Commission Against Discrimination, the Governor's Human Rights Commission and county and local government officials participated. The fact that the Chairman of the Red Lake Band is a member of the Indian Affairs Commission and as such immediately availed himself of its services was of prime importance in handling this problem. As a result, initial steps have been taken to develop a program for a Human Relations Council.

A continuous and on-going activity is that of "developing an educational program designed to promote understanding of Indian affairs among the general public". This entails public speaking engagements, panel participation and preparation of information material to a cross section of interested groups throughout the state. 86 appearances were made by the Executive Director on behalf of Indian affairs and the Indian Affairs Commission. These appearances were made before colleges and universities, elementary and high school classes, church groups, civic groups, political groups, industry, governmental agencies, business, labor, professional groups, tribal and Indian oriented organizations throughout the state. Appearances were also made on television and radio stations.

All of these examples have been cited to illustrate the role of this Commission in coordinating and implementing the services of numerous agencies in various levels of government.

#### Problem of Separate Services to Indians

The need for this coordination and/or the provision of separate services to Indian citizens poses an extremely difficult question. The justification for separate services by the Federal government is drawn from Article I, Section 8, of the United States Constitution, the "Commerce Clause", which states, "The congress shall have the power: . . . To regulate commerce with foreign nations, and among the several States, and with the Indian tribes." At the time this was written, Indian tribes could be considered "other nations". Negotiations and agreements were by treaty with the United States. It is true that some reservations, like Red Lake, still may be considered semi-sovereign nations. Federal Indian Services are tied to the trust status of certain land. Trust land is land held by an Indian under original title which has never been sold. It is exempt from property taxation. Bureau of Indian Affairs policy dictates that their services will be offered to those Indians residing on or near trust land when such services are not available from other sources. Arbitrary decisions must be made as to who is eligible and the decision depends upon the adequacy of funds for a program. Sometimes 'near' may be taken not to mean across the street on non-trust, taxable property but within the confines of the community. Sometimes 'near' may be considered to be as far away as the Twin Cities.

Another factor considered for eligibility for services is degree of Indian ancestry. To qualify for BIA programs and state scholarships one must "have one-fourth or more Indian blood". Besides being an objectionable expression, this



criterion is unfair to a person who resides on trust land, who considers himself an Indian and who is considered to be an Indian by his community, but who may be less than one-fourth Indian.

The position of county or local governments on the status of Indian citizens has been that Indians were placed where they are by action of the Federal government and that therefore the local government should not have to provide services. Since the revenue raised by a county comes from property taxes, it is true that Indians living on tax-exempt land do not make such a contribution. They do pay all other taxes, however. As of this writing, counties pay the cost of relief to Indians on tax-exempt land, with the exception of those counties of which the Red Lake Reservation is a part, where relief is paid by the Bureau of Indian Affairs, and Becker county, which is reimbursed by the State of Minnesota for the relief of Indians, whether they live on tax-exempt land or not. The question of who should be responsible, however, is constantly being raised.

Misunderstanding is also caused by the fact that in certain reservation areas some of the local residents mistakenly believe that special consideration is accorded Indians through the use by the state Department of Education of Public Law 81-874 (Impacted Area) funds. This law is in fact a general provision for all school districts where parents living and/or working on federal property can be said to be having an impact on a school district. It was originally enacted to apply to residents of military installations.

The fact that the federal government bears some of the expenses for Indian citizens on tax-exempt land has led many state and county officials to believe that the federal government should be responsible for all Indian expenses. Thus a report to the Legislature in 1961 on the care of tubercular Indians stated

that the federal government should revise its policy of providing for only those Indians who reside on reservation or tax-free land since they were reimbursing for the cost of care of only 50% of Indian patients, and the report indicated that they should be paying for the other 50%.

Thus, in dealing with responsibility for services to Indians the status of the land and the race of the residents have been confused. For several sessions bills have been introduced which would provide for 100% reimbursement to all counties for the "support and relief of dependent and neglected children and indigent persons of Indian blood". This bill ordinarily declares that the care and relief of Indians is a matter of special state concern and responsibility. It proposes that the Commissioner of Public Welfare set forth rules and regulations for the manner of relief and establish standards of assistance. The bill would apply whether or not the individual paid property taxes. According to Mr. Peter DuFault in 1965, 50% of all Indians in Itasca county were eligible to pay such taxes and 100% of all Indians in Hennepin and Ramsey counties.

In another bill dealing with law enforcement in reservations in which the state was being asked to provide this service, an amendment was added reading "or localities outside of reservations containing persons of Indian blood". What had been intended to fill a vacuum of service on federal land was altered to imply that this racial minority needed more controlling than others.

Also, when counties are reimbursed for the cost of relief to Indians, the benefit is going not to the Indian, but to the county. It is not intended that the Indian will get more relief than non-Indians. In fact, he often continues to get less. An indication of the resentment and misunderstanding engendered by such legislation is illustrated by this statement from a non-Indian woman living near a reservation. "Does this policy give us sufficient grounds to support reimbursement to all counties for welfare services to needy persons of Indian ancestry?"

she asks. "And in that same vein, why reimbursement for welfare services to only the needy Indian and not for needy persons of any ancestry? If the state is to assume responsibility for its welfare obligations, why call attention to color or ancestry? The state's responsibility should be of equal value to all its citizens. And furthermore, my personal opinion leans definitely toward the position that any people who consider themselves a separate and unconquered nation, not subject to laws, obligations and responsibilities of the country where they reside, that demand privileges, exemptions, and services denied the balance of the population, should not be considered citizens of that country. A true citizen is obligated to assume responsibilities for himself, his family, his community and his nation, and does not claim exemption for any one obligation by reason of his ancestry. There are able and talented people of all colors and nations, even as each group also have their segment of needy and indigent peoples. Therefore the stress on color or ancestry for welfare eligibility instead of old age or lack of true capabilities, tends to promote the abuses of welfare aid, foster early school drop-outs, encourage illegitimacy and ADC, and discourage the securing and holding of jobs because of claim to a certain blood group." Ironically the law which she interprets as giving special benefits to Indians is actually intended to give benefits to her through decreasing her property taxes and relieving her of the responsibility of contributing to the support of her county's poor. As in this case, services to Indians are not conceived of as special and extra services, but as replacement services for those which otherwise would have to be given by the county, state or other political subdivision.

A confusion as to the basis of services to Indians exists in the minds of many Indians as well. An Indian from a reservation area which receives services from the Bureau of Indian Affairs believes that he has received these services

because he is Indian and not because of the trust status of his land. He comes to expect that he will not be eligible for assistance in the manner prescribed for non-Indians in his county. When he comes to the Twin Cities, then, he does not look for help often in the channels set up for all residents to get help. He cannot understand that the Bureau of Indian Affairs does not consider him eligible for its services. City and county agencies in the metropolitan area report that Indians tend not to use their services or that they are easily discouraged if they are rebuffed and that they tend not to return.

It is also true that some of the misconceptions held by the general public are held by employees of some public service agencies. Some feel that the Indian should return to the reservation for help where the Bureau of Indian Affairs which is "supposed" to care for Indians can take care of him. Or, in health cases they believe that there is some special Indian hospital which should take care of him. These ideas persist along with such notions as that Indians are paid some amount of income simply for being Indian or that only Indians are allowed to harvest wild rice. Both of these notions, of course, are false.

We wish to register our general concern about the fact that Indian citizens are singled out for special treatment under the law. We believe that such treatment of necessity engenders a feeling of difference and inferiority. It also contributes to misunderstanding and resentment in the larger community. This separation, in addition, has encouraged the use of Indians as tourist attractions in reservation areas, a practice which we find offensive. It contributes to the climate in which Indians may be held up for ridicule, in which caricatures of Indians are used in advertising slogans, or in which artificial Indian curios are employed in places of business to lend a carnival atmosphere rather than to satisfy a genuine interest in Indian culture. For this reason also we oppose the sale of all imitation Indian artifacts.

Therefore, we recommend:

1. That wherever the expression "one-fourth Indian blood" or variants of this appear in Minnesota laws, it be changed to "Indians duly enrolled with any Indian group (Tribe or Band) recognized by the Bureau of Indian Affairs".

2. That wherever a county is requesting help from the state on the basis of insufficient funds due to the presence of tax-free reserved (federal) land within its boundaries, that the law be so worded.

3. That Minnesota Statutes 325.41, 325.42 be enforced:

325.41 IMITATION INDIAN-MADE GOODS TO BE BRANDED. All goods, wares, and merchandise known as moccasins, bead work, birchbark baskets, deerskin work, grass rugs, sweet grass baskets, and other goods which are manufactured or produced in imitation of genuine Minnesota Indian hand-made goods, wares, or merchandise shall be branded, labeled, or marked, as hereinafter provided, before being exposed for sale and shall not be exposed or sold without such brand, label or mark thereon.  
(1937 c.196 s. 1)

325.42 BRAND. The brand, label, or mark required by section 325.41 shall be the words "imitation Indian-made" and shall be placed or attached outside of and on a conspicuous part of the finished article so as to be plainly visible to the purchasing public, and shall be the size and style known as great primer Roman capitals. Such brand or mark, if the article will permit, shall be placed upon it, but when such branding or marking is impossible a label shall be used and attached thereto.

(1937 c.196 s. 2)

Violation of this law constitutes a misdemeanor. It is now enforced by taking a complaint to a county attorney. We recommend that it also be possible for a private citizen to bring a civil suit.

HEALTH

The problem of responsibility for health services also needs clarification. Research by the Commission has brought out the following facts.

Health services are provided to Indian citizens who reside within the original boundaries of the reservations by the Division of Indian Health; U. S. Public

Health Service. However, health services are not available for all Indian residents due to eligibility criteria and policies established by the Division of Indian Health. These criteria involve need (care is not given to the families of middle-class wage earners), residency in compliance with state and county requirements, and marital status (an Indian woman becomes ineligible by marrying a non-Indian).

The objectives of the Division of Indian Health Program are: 1) to elevate Indian health to the highest attainable level in the shortest possible time; 2) to conduct the Indian Health Program in such a way as to increase the Indian's self sufficiency and to help him become an active participating member of the local community receiving health services in the same way as other citizens in the community.

Federal health benefits have been provided to Indians for many years because of long standing and continual special relationship of groups of Indians to the federal government and because of the unusual health problems of these groups which cannot be met otherwise.

Congress makes an annual appropriation of funds for the conservation of Indian health and since 1955 has placed on the Surgeon General the responsibility of administering these funds in the most effective way to improve the level of health of Indians as rapidly as possible.

The law has been interpreted to mean that Indians do not have individual legal entitlement to Indian health benefits. The responsibility of the federal government is for communities of Indians with unusual health needs which cannot be met otherwise. The Public Health Service identifies Indian beneficiaries as persons of Indian descent belonging to the Indian community served by the Service. Generally a person is regarded as Indian because of his tribal membership, tribal enrollment, residence on tax-free land, ownership of restricted property, active

participation in tribal affairs, and other relevant factors in keeping with general BIA practices in the jurisdiction in which the Indian community is located.

The provision of health service to Indian communities is not an exclusive responsibility of the federal government. It is shared by states and local communities because Indians are citizens of the United States and of the states and of the communities in which they reside. As such, they are entitled to all of the rights, privileges, responsibilities, and existing public services as other citizens.

Currently in Minnesota, the Division of Indian Health feels that its responsibility is to provide health services to Indians on recognized reservations who are unable to provide such services for themselves and who cannot qualify for such care from resources other than the Division. At limited direct care facilities at Red Lake, Cass Lake, and White Earth, the Division of Indian Health provides such direct care to any Indian presenting himself as time and resources permit, with priority given to reservation residents.

In effect there are three types of health programs available to assist Indian residents. The Minnesota Plan encompasses services administered by county welfare agencies for the Upper Sioux, the Lower Sioux, Prairie Island Sioux, Nett Lake, and Grand Portage reservations. This Minnesota Plan is a contractual arrangement by the State Welfare Department and U. S. Public Health Service. A second plan, the Contract Medical Care program is administered to eligible Indian residents of the White Earth, Mille Lac, and Fond du Lac reservations. In both the Minnesota Plan and the Contract Medical Care programs eligible residents may utilize existing community medical facilities and have a selection as to their physician. Under the care program, approval and eligibility is determined by the U. S. Public Health Service.

A third type is the Direct Service program administered on the Red Lake and Leech Lake reservations. Community hospitals are located in the Red Lake community and in the Cass Lake community. These facilities provide much of the routine therapeutic and preventive health services. Each facility is equipped with a medical staff and ancillary staff members to administer health services to the reservation residents. Specialized services and major surgery are provided by contractual arrangements with nearby community health facilities.

In 1965 the federal government by legislation changed some of the health services affecting all citizens. This legislation also changed the status of programs and services administered by the U. S. Public Health Service, particularly under the Medical Assistance Program. For example, under Title 19 of the Medical Assistance Act as of January 1, 1966, the age group of 65 years of age and over were affected by the Social Security amendment. Another change is under Title 18 under Medical Assistance affecting all age groups from prenatal care to age 21. In this category eligible citizens are provided services which are administered by county welfare departments. On a matching fund basis each county contributes 20 per cent, the State of Minnesota 20 per cent, and the federal government assumes the remaining 60 per cent.

Needy persons of Indian descent living in Minneapolis and St. Paul or any other off reservation areas have access to the same resources as other needy citizens of those areas. For this reason it has never been necessary for the Division to provide care to Indian people living in the Twin Cities except in special cases for those who have not established their county residence.

In May of 1965 Dr. Robert N. Barr, Executive Officer of the Minnesota Department of Health, reflected his concern for and interest in Indian health. It is also generally felt that the county and local community should recognize and



accept responsibility for the health of all citizens, including the Indian. The Minnesota Department of Health feels strongly that the Indian who is able to do so should definitely pay for his own health needs, as would any responsible citizen.

The goal of both the U. S. Public Health Service and the Minnesota Department of Health is to make the individual Indian the equal of his non-Indian neighbor in matters of health and ultimately to integrate Indian health services into health services for individual communities and the state as a whole. It is generally felt that the two health agencies can pull the Indian into these services on a long range basis.

Dr. Barr stated that this goal will be approached by Minnesota much sooner than by many states, largely because of the geographic location and comparatively small size of reservation lands in Minnesota. Another goal that the agency predicts is that some day all Indian health programs will be administered by the various states except perhaps in North and South Dakota and Alaska where the federal and state governments will probably have to be responsible for Indian education, housing, employment, and health for a longer period of time because of socio-economic conditions and much slower rate of accepting transition and adjusting into the mainstream of society.

We recommend:

1. That due to changing policies and philosophies because of federal or state legislation, that health programs and services be administered at all levels to Indian citizens as to other citizens based on need. This basically affects Indian citizens residing off reservations.

2. That the state Department of Health continue more concentrated efforts in their cooperation with the U. S. Public Health Service, Division of Indian

Health, in establishment and enforcement of state health codes, laws, and regulations.

### HOUSING

Adequate housing is a critical concern of tribal governments and Indian leaders. Most of the houses are poorly constructed, substandard, overcrowded and in essence grossly inadequate. These problems exist throughout the ten reservations.

There are an estimated 1800 homes of which 85% are of wood-frame construction. Most of the buildings are old. Ten per cent are considered to be "tar paper" shacks with unfinished interiors and exteriors. They are small and usually in poor physical condition. Five per cent are considered log houses and are in extremely poor condition.

Electricity is available to 95% of the homes. However, only 50% utilize electricity. Inadequate water supplies and waste disposal systems are found in about 70% of the homes. Many of the homes lack sustained heating systems; wood burning stoves create a chronic health and safety hazard in many of the homes. The average dwelling measures an estimated 480 sq. ft. The average house consists of three rooms with an occupancy of 5.15 persons per home—an average of 1.71 persons per room.

Tribal councils have formulated housing authorities in preparation for housing development projects. All necessary documents were processed within the past 2½ years. Communications were at a standstill and progress extremely slow.

As described earlier, on April 15, 1966 in an effort to expedite tribal housing the Indian Affairs Commission met with several governmental agencies, tribal leaders and the Federal Housing Administration in Minneapolis. This was the beginning of federal housing in Minnesota.

As of this writing the Federal Housing Assistance Agency (formerly known as the Public Housing Administration) has issued the following housing projects for Minnesota Indians.

HOUSING APPROVED FOR MINNESOTA INDIANS

Leech Lake Reservation

	<u>Units</u>	
Public Housing	50	\$ 731,456.00
Home Building Training Program	15	225,548.00
Mutual Help Program	<u>40</u>	<u>389,782.00</u>
	105	\$1,346,786.00

White Earth Reservation

Public Housing	50	\$ 729,000.00
Home Building Training Program	15	218,003.00
Mutual Help Program	<u>48</u>	<u>467,814.00</u>
	113	\$1,414,818.00

Fond du Lac Reservation

Public Housing	25	\$ 370,974.00
Mutual Help Program	<u>14</u>	<u>136,103.00</u>
	39	\$ 507,077.00

Red Lake Reservation

Home Building Training Program	15	\$ 248,004.00
Mutual Help Program	<u>40</u>	<u>390,399.00</u>

<u>TOTAL</u>	312	\$3,907,084.00
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These housing projects to be completed during the 1967 calendar year will mean that 35% of reservation housing will be adequate. Additional housing program plans are pending as tribal efforts are being made to improve housing.

It is recognized that these housing improvements will also have a great impact on reducing health problems—particularly communicable diseases which comprise 65% of the morbidity existing on reservation areas. It is commonly known that upper respiratory and gastro intestinal diseases are directly related to substandard housing.

We recommend:

That the state government (the legislative members and the governor) continue in their support and efforts on behalf of tribal governments to bring federal housing appropriations into the state for improving the housing conditions of the Minnesota citizens.

LAW ENFORCEMENT

Because of their status as a "closed reservation" the Red Lake Reservation by federal law administers justice to their reservation members except for the ten major crimes. The other reservations are under PL 280, which in 1953 transferred criminal and civil jurisdiction to the states. Under PL 280 there continues to be an area of uncertainty as to whether this law applies to tribal and Indian rights to hunt, fish, and harvest wild rice. Over the past several years there have been state and federal opinions regarding hunting and fishing rights but the final opinion has never been totally clarified. Tribes have attempted to pursue "test cases" or court cases but local law enforcement agencies have been reluctant to take action because of uncertainty of decisions.

On May 12 the Indian Affairs Commission arranged a conference with Commissioner Wayne Olson and his staff, with the chairman of the Minnesota Chippewa Tribe and officers of the Grand Portage Reservation to discuss tribal hunting and fishing rights. Grand Portage does have by federal law the right to establish and create their own ordinances pertaining to hunting and fishing seasons. This is often overlooked by the State Department of Conservation. As a result, occasional jurisdictional problems and misunderstandings arise. The meeting resulted in mutual agreement that there would be closer communication in the future regarding tribal ordinances and state laws to establish jurisdictional and enforcement procedures.

Law enforcement hearings held by the Indian Affairs Commission at White Earth in July, 1964, indicated the same increase in crime in Indian areas which we are experiencing all over the country. This is not related solely to an increase in the population, for in Cass County, where the population has fallen from 20,000 to around 15,000 in the last twenty years, the jail population has increased from five or six to a number in the thirties. All who appeared before the Commission, Indians and non-Indians alike, agreed that there were law enforcement problems in reservation areas, but opinions differed as to the causes and cures. An underlying fact on which there was general agreement was that the counties involved were increasingly depressed, and that the crime rate increased with depression. Twenty or thirty years ago, it was stated, most people could find at least seasonal employment. Farm labor was used more, there was more work in the woods, and at one time WPA provided some jobs at low pay. The major problems in the field of law enforcement involve personnel and money.

#### Personnel and Money

When Public Law 280 conferred the responsibility for law enforcement on the reservations to the state of Minnesota, a vacuum was created. Federal officers were withdrawn. It was not immediately understood that the burden was to fall on the towns and counties. Many communities believed that the federal government should reimburse the communities for the cost of expanding their law enforcement services, but no such money is available or will be. Lack of county revenue was given as the reason why deputies have not been placed in some Indian communities which are, practically speaking, without law enforcement.

The following officials have set forth their analysis of the problems:

Mr. Lowell Benshoff, Becker County Attorney, discussed the problems of unincorporated areas: "There is no local law enforcement officer; no local law enforcement effort. You take Detroit Lakes, you've got 5 or 6 policemen, they have their own policemen in Lake Park and other places, but Ponsford and White Earth, not being incorporated, they have no local law enforcement officials, and the sheriff tries to take care of the important things - he's 25 or 30 miles away, and it's not easy...Maybe they should have more deputies...This is a matter that would have to be taken up with the county commissioners if they are going to pay for more deputies."

Mr. William Walker, Bureau of Indian Affairs stated: "I think that many of the people who have spoken of the need for a police officer to be stationed where he can be of immediate service when he's needed - I think this is a real solution because of the time lag that so often occurs, the officer is working at a tremendous disadvantage."

The sheriff of Koochiching County: "We not only have a large county, but a heavy population, but the distance between points, for example, you might call me and I'm at the St. Louis County line, 90 miles from the northwest corner. I could have a problem 55 miles this way. I had one on Friday night, and I got a call 90 miles away. Many misdeeds can be done during that time."

The Cass County Attorney: "Cass County has only one official deputy which we just got. We have 35 or 36 in a jail that holds something like 16."

The Beltrami County sheriff: "We know that if we bring them into jail, they'll serve the 90 days. They won't pay a fine; they won't have any money available, and as soon as they get out, they'll do the same thing again. The cost is a luxury we can't quite afford."

The Cass County sheriff: "Probably 6 or 8 counties out of the 87 need legislation if we can get it. Funds, I don't know. I don't suppose counties in the southern part of the metropolitan area where they don't have this particular problem I don't suppose they'd be very much in favor of taking out of their taxes to help us. We cannot cover these problems. I can't, and I'm sure Sheriff Walker can't. We now have one patrolman who spends most of his time helping us on criminal work. Water safety - Cass County has 290,000 acres of water, so we have one water patrolman. I have one deputy and one office man now."

Besides making it impossible to hire a sufficient number of officers, low revenue means low pay for those deputies who are hired, lack of standard qualifications for the job, lack of uniforms (which means they are unidentifiable and lack status) and lack of training for officers except what is picked up on the job. Occasional use is made of FBI schools and training offered by the Bureau of Criminal Apprehension. The counties are making an attempt to provide some, if not enough service. At Nett Lake, which crosses county lines, St. Louis and Koochiching counties have pooled funds to employ an Indian deputy.

\*We recommend:

That state provisions should be made to help finance law enforcement and to train officers.

Indian Rights

At the hearings held by the Commission, complaints from Indian citizens varied from charges of police brutality and harsh sentencing in communities where large numbers of Indians and non-Indians live together to an absence of protection for the law abiding citizens in communities where the population was almost entirely Indian. It was charged that offenders are placed on probation without

adequate supervision and returned to Indian communities even when this endangered the lives and property of the other residents of these communities. Further complaints centered around crime prevention. It was said that little attention was paid to youngsters whose crimes were becoming progressively more serious until a really major offense was committed, such as murder. It appears that there are sometimes no separate juvenile detention facilities, and one complaint was received of juveniles being brought before a justice of the peace rather than into juvenile court.

Several faults were cited regarding the courts themselves. One of these centered around Indians serving on juries. In answer to a question as to whether Indians serve on juries and whether their names appear on jury lists, Mr. Benshoff stated: "That's a good question; I'd like to answer that. In a limited way, but I'm not satisfied. As a matter of fact, more of them should be. Many of you know Judge Grant (?) of Wadena who is retired; he says we should have more Indians on juries in Becker County, and indicated that if there weren't, there'd be trouble...Speaking for myself, I would like to see them increase to at least the proportion of the Indian population in Becker County or more. As a matter of fact...the courts have said the minority populations are not properly represented on juries, so it's something that Becker County has got to do - and every other place in Minnesota where the Indian population is - they've got to see that these people serve on juries in proportion to their numbers, and if they don't, the courts may do something about it...Becker County and every place else in the United States will have to recognize the Indians, including service on juries." In speculating on why this has not been the case, Representative Frank DeGroat said: "I think basically the problem and the reason the Indian hasn't been included for



serving on juries is that it just hasn't been the social custom that they go out and select from the minority group."

Lack of counsel was cited as another problem. Counsel is made available as a matter of law in gross misdemeanor and felony cases, but in misdemeanor cases, it is different. Judge Keith Kraft, Probate Judge, Park Rapids said: "In some cases, due to lack of counsel, a case is not presented as well as it should be in misdemeanor cases, there's no denying that. They can't afford it, and if they don't have a counsel, their case is not presented as a matter of defense as well as it should be. The only solution is that I hope we have a good sheriff, and before he takes his case to the county attorney for consideration, that there may be a possible conviction, that these two gentlemen would have gone over the matter, and certainly I don't think that any sheriff or county attorney in this room would come into court with a case that they didn't feel they had adequate evidence on for a conviction. So at least there is some protection to the person who may not be able to retain counsel." Recognizing this problem, the Minnesota Consolidated Chippewa Tribe has established a modest legal defense fund out of which they hope to pay for counsel when an individual is unable to afford this service.

A lack of knowledge of Indian game rights was indicated by this conversation between two officers, at least one of which was a game warden: "Q. In regard to the open reservations, do these Indians have any preferential treatment with regard game laws? A. You'll have to ask the Attorney General. Q. I've asked him. We don't have any reservations, but we have quite a few Indians, and darned good ones, but we always run into the problem of whether or not the old laws covered this area or not. Does that bother you in your area? A. Very much. Q. And you don't have a clear cut answer? On an open reservation, in other words, you're just as bad off as I am. Are there certain privileges that an Indian as such, per se, has on a reservation? A. I really couldn't answer that. It's out

of my area. I cannot speak for my Department. My opinions are my own." One of the provisions of PL 280 was that the Indians' hunting and fishing rights were not to be affected. Officers need to be fully informed of this provision.

Problems arising out of the sale and consumption of liquor were pointed out frequently enough so that it would be unobjective to ignore them. Principally mentioned by Indian citizens were the difficulties in controlling the sale of liquor to minors. It was stated that there was a great difficulty in getting a judgment against a proprietor of an establishment which served liquor to minors or who allowed minors on the premises after hours, although it was stated that licenses were revoked if the charge could be proved. It was stated that adults occasionally bought liquor and gave it to minors, a practice which was difficult to control. Permitting the manufacture of home brew was attacked. This is sometimes sold, it was claimed, and proof of this is almost impossible to obtain. It was further stated that closing a tavern does not guarantee that liquor will not be obtained elsewhere, particularly since transportation is fairly available. A game warden states: "We have a lot of well-meaning people that come out to the reservations - quite often they're the uppercrust, the 400, and they come out there with a trunk full of beer and associate with the people, and the first thing you know they're coaxing them to do something, to go out and get them some fish or do this or that - and with a little persuasion and a little beer...I think lots of times there is a very bad influence from people who are not familiar with conditions, and maybe are not even too aware that they are causing problems." Obviously, some additional regulations of liquor traffic is desirable.

#### Suggestions for Improvement

1. Several suggestions were made to improve the conditions enumerated. Most frequent was that money should be provided by the state to assist counties in

assuming their additional law enforcement responsibility. This is now being done in Nebraska and Wisconsin, two other states to which PL 280 applies.

2. A judge recommended that the Attorney General's Office be asked to investigate procedure in all operations of law enforcement in Indian areas, and that a report be given to the Indian Affairs Commission and to the county officials. It is possible, he said, that officials may not be following proper procedures unintentionally. If it were brought to an official's attention and he ignored it, he could be dismissed.

3. Training of officers in human relations and in the legal rights of Indians was recommended.

4. Training for Indians to recognize their rights was recommended.

5. Several people stressed the need for communication between the various groups in a community to work out solutions to problems.

\*We recommend:

1. That counties containing reserved, tax free land be reimbursed by the state for the cost of enforcing the law on such land.

2. That the Attorney General's Office investigate law enforcement operations in Indian areas so that proper procedures can be instituted where required and so that the dignity and rights of individuals are protected.

EDUCATION

The Commission has worked directly with the Department of Education in an effort to improve educational opportunities for Indian citizens.

The state Department of Education submits an annual report to the Bureau of Indian Affairs regarding the status of Indian education in Minnesota for those pupils who are one-fourth or more Indian and who live on tax free land. They

also report annually regarding the Indian Scholarship Program which is supported by state scholarship grants, by federal appropriations by tribal funds and by private gifts.

#### Need for Scholarship Money

According to these reports for the school year 1965-1966, there were 2,438 Indians residing on tax free lands who attended Minnesota public schools. Of these, over half, 1,549, attended schools which were predominately Indian; 889 attended schools where Indians constituted a minority group. A slight decrease from the enrollment of the previous year was reported, as well as a slight increase in absenteeism. However, a slight increase was reported in the number of eighth and twelfth grade graduates. 196 Indian seniors graduated from Minnesota public high schools in June (1966) for a new high. This can be compared with 64 in 1964 and only 8 in 1945, indicating steady improvement. This means an increase in the number of students who will need assistance for higher education. The Minnesota Legislature appropriated \$50,000 for the Indian Scholarship program for the biennium, 1965-1967. In addition to the increase in the number of eligible pupils, the cost of tuition, supplies and living in general has increased since the establishment of this fund in 1955. The maximum amount allowed is \$800 per recipient per year.

#### Dropouts and Home Environment

Continuing problems are reported by the Department of Education. Sub-standard employment of parents and sub-standard housing remain as important factors that handicap the normal development of the school age child. New housing projects, and an improvement in skills that makes the Indians more employable, have had a

desirable effect. New proposed developments should continue this improvement. The dropout rate is still far too high, but improvement is evident.

### Consolidation

The Department of Education has indicated to the Indian Affairs Commission its concern that a relatively large number of Indian students attend small, unconsolidated grade schools the population of which is almost entirely Indian. It is their belief that this separation does harm to the child and makes it difficult for him when he later must adjust to an integrated junior or senior high school.

### Counseling

A program of counseling for Indian students has been seen as a means of informing Indians about possible available scholarships for higher education and encouraging school attendance. An Indian Guidance Consultant works in the Department of Education. His salary is paid by the Federal Bureau of Indian Affairs. In addition, in a letter to the Indian Affairs Commission, Mr. Roy H. Larson, Director of Indian Education, Department of Education, stated, "Last year the Bureau of Indian Affairs made available \$18,000 that could be used as part of the salary of a counselor at the following schools:

Orr High School - Nett Lake  
Waubun High School - White Earth  
Mahnomen High School - Naytahwaush  
Onamia High School - Vineland  
Park Rapids High School - Pine Point  
Cass Lake High School - Cass Lake  
Walker High School - Walker

"Last year we were unable to secure qualified counselors. This year we have been able to secure a counselor for Orr-Nett Lake, Park Rapids-Pine Point, and community workers at Walker and Waubun. Salaries or at least part of the salary for each of the schools mentioned above can be taken from the \$18,000.

The following schools with Indians enrolled have qualified counselors:

Bagley	Onamia
Deer River	Orr
Grand Marais	Park Rapids
Grand Rapids	Red Lake
Granite Falls	Red Wing
Mahnomen	Remer

"Counselors are very much needed at Cass Lake, Walker, and Waubun. The main reason for difficulty in securing counselors is the fact that they aren't available."

#### Eligibility for Scholarships

As far as eligibility for scholarships is concerned, both the Chippewa and Sioux Tribal governments have communicated their recommendations to the Commission. They urge that the 1/4 degree blood quantum requirement of the State and Federal government be eliminated and that all Indians, regardless of degree of Indian blood, be eligible for scholarship grants and enrollment in schools contracted or where special arrangements are made by the federal government. They state that they have found that the present blood quantum used by the Bureau of Indian Affairs for certifying Indian blood are questionable as far as correctness of degree of blood is concerned. Also, they hold that all recognized Indians should be eligible for consideration for scholarships and that the scholarship criterion should be one of need. Mr. Roy H. Larson, on behalf of the Minnesota Indian Scholarship Committee, wrote to the Commission regarding this matter. The Department estimates that a change in the Indian Scholarship Law replacing the expression, "one-fourth Indian blood" with the words, "an enrolled member of a tribe recognized by the Bureau of Indian Affairs" would mean that approximately 75 additional students would qualify for scholarships. This would necessitate a further increase in the scholarship appropriation.

\*We recommend:

1. That MS 124.48 - 1955 be amended to provide for a maximum amount of \$1200 per pupil per year.
2. Due to the increase in the number of students presently eligible and in need of scholarships and the increased cost per student, we support the request of the Department of Education for \$100,000 for scholarships for the period from July 1967 to July 1969. If eligibility requirements are relaxed, this amount will have to be increased.
3. That all recognized Indians be made eligible for the Indian Scholarship Program.
4. That a representative of the Indian tribes be appointed to the State Indian Scholarship Committee.
5. That a representative of the Indian tribes be appointed to the Minnesota Indian Scholarship Committee.
6. That the Department of Education institute a program of training for principals and teachers in schools with sizeable Indian populations so that they come to have a better understanding of these students and the circumstances of their lives.
7. That textbooks be selected which give a realistic picture of American history as it relates to Indians.
8. That the Bureau of Indian Affairs be encouraged to make use of all area vocational-technical schools in Minnesota for the training of students under their employment assistance program (PL 959).
9. That the Department of Education work closely with the Executive Director of the Indian Affairs Commission in an attempt to solve the question of consolidation of grade schools in Indian areas.

10. That the state work to see continued those educational programs in Indian reservation areas instituted under the Economic Opportunity Act.

#### WELFARE

During the last biennium, the Commission has worked directly with a number of welfare agencies in an attempt to find solutions for the numerous problems in this area.

In 21 counties over 30 per cent of the Indian population receives welfare. 3.8 per cent of the state population in general receives welfare. The number of Indians receiving help has declined somewhat in recent years.

The Research and Statistics Section, Department of Public Welfare, in reporting the "Cost of Care of Minnesota Indians, Calendar Year 1965" stated, "A total of \$3,339,562 in Public Assistance (PA) expenditures were made for 9,870 Minnesota Indians during calendar year 1965. Total PA expenditures for Indians were down \$26,297 (0.8%) from 1964, while the number of persons receiving these benefits decreased at the rate of 3.8% during this period. The decrease in total PA expenditures is contrary to the trend in PA expenditures for all persons on a statewide basis which increased 14.2% during this same period." This is a reflection primarily of decreases in the number of Indians on General Relief. "This program reported the largest decrease in expenditures \$81,787 (5.3%) and in recipients 453 (6.8%) during the year." All counties reported a decrease in the cost of general relief to Indians except Hennepin County. During December, 1965, it was reported one out of 23 persons receiving Aid to Families with Dependent Children (AFDC) was an Indian, compared with one out of 20 in 1964 and one out of 19 in 1963. AFDC expenditures for Indians increased 4.2% in 1965 over 1964 as compared with a 12.4% increase for the general population.



While the reasons are difficult to interpret and while the trends have not endured long enough to indicate clear change, it is evident from these figures that the amount of assistance needed by Indian people in Minnesota is declining. With nearly full employment, qualified Indians may be finding it easier to get jobs. Also economic opportunity programs are providing jobs to some Indians on reservation areas. If this is the factor responsible for the apparent trend, it represents a shift in the cost of care rather than a change. It is too soon to evaluate the effects of these programs, but it does seem that there is some success in placing persons on permanent jobs in the communities where these programs are instituted.

There is a reduction in the number of Indians needing help, but on the whole Indians still require assistance, proportionately, in greater numbers than the population in general. Many of these Indians live in counties which are poor to begin with, lacking industry and jobs, lacking natural resources such as timber, farm land, minerals, etc., having low tax bases, among other things, due to the presence of large tracts of non-taxable state and federal land. These conditions make it difficult for counties to meet necessary relief payments. Operating on the township system of welfare is an added difficulty for some counties in meeting relief costs. Some counties argue that Indians are located within their borders as a result of action by the Federal government and that therefore the counties should not be responsible for the financial outlays required to serve them. Another factor which seems to complicate the Indian relief picture is the relatively high mobility of this population. There are times when those in need have not met the local residence requirements for service. Standards for relief are not consistent throughout the state, which fact adds further complication. Many Indians report that they are given relief at lower rates than their non-Indian

neighbors. This statement has been held to be substantially correct by most reports on Indians made to the legislature since 1950. The reason given is that when an Indian pays no rent for his abode, no rent allowance need be provided; when he has no electricity, no allowance for that utility is required; that he can hunt, cut and stack firewood, etc., which apparently non-Indians are unable to do. This has been considered by many officials an unrealistic appraisal of the situation.

\*We recommend:

1. That where a county is given assistance by the state to pay for relief costs, it be done on the basis of the poverty of the county rather than on the race of its inhabitants. Consideration by the state should be given when residents do not pay property taxes by virtue of residence on tax exempt land and when the possible revenue of the county is limited by the presence of state and federal park and forest land.

2. That the state of Minnesota participate in programs which will benefit all citizens without singling out any people for special legislation, such as the proposed Aid to Dependent Children of Unemployed Parents. This measure would have the effect of removing residence requirement complications and would allow the state and federal government to assume much of the cost of care which now comes under general relief.

3. That in all counties relief and other aids be given to Indians at the same rate as to non-Indians.

ECONOMIC DEVELOPMENT

One of the most crucial problems considered by the Commission was economic development. With proper action in this area, many of the other problems such as welfare, health, and education could be more easily solved.

## Wild Rice

Few Minnesota Indians are satisfied with the handling of wild rice. Harvesting of wild rice continues under the primitive method whereby no machines or motor machines are utilized. This method was introduced by the Chippewa Indians in northern Minnesota decades before Minnesota envisioned statehood.

Harvesting methods by the Indians permitted a higher quality and larger quantity of annual harvest. Wild rice was a staple food item in their limited diets.

Until the late 1930's Indians continued to harvest wild rice exclusively and without state or federal regulations and supervision. However, during the late 1930's a non-Indian farmer attempting to modernize harvesting methods created a "machine" for harvesting the wild rice. Due to destructive results and because of the objections of many Indian families, tribal leaders called on the state government and conservation department to outlaw this machine and the use of other motor driven machines.

That was the beginning of increased control over the harvesting of wild rice by the state government and also by the state legislature.

In the past 30 years wild rice has become highly commercialized. It has become a luxury food item throughout the nation and the world. The State of Minnesota has become the number one harvester and producer of wild rice. Supervision of wild rice harvesting has become increasingly complex.

Today an approximate 15,000 wild rice licenses are issued at a \$3.50 fee. Of the 15,000 license purchasers, an estimated 2,000 or fewer are of Indian descent.

Control measures of the annual harvest of wild rice become more complex and irregular as commercialization increases. In 1966, "raw" or "green" rice is sold at an average rate of \$1.50 per pound and in some cases \$2.85 per pound. Three

pounds of green rice make one pound of finished rice. The finished product is retailing between \$7.50 to \$8.50 per pound in Minnesota retail stores.

Indian leaders have long felt a desire to recommend new ways to protect and propagate wild rice for the betterment of all concerned--the harvester, the buyer, the processor, the wholesaler, the retailer and the consumer.

Annually the tribal governments are encouraged by the State Department of Conservation to participate in the formulation of rules and regulations for the forthcoming harvesting season. However, their recommendations are of virtually no value because they receive little or no consideration. In almost all instances, their recommendations are over-ruled in favor of commercial interests.

It is generally agreed by the State Conservation Department, by wholesalers, retailers, processors, tribal leaders and the general public that improvements in regulatory methods are necessary for the production of future harvests of wild rice.

We recommend:

1. That fair and adequate consideration be given to tribal governments and their elected officials in future recommendations regarding matters of conservation particularly in wild rice harvesting.

2. That consideration be given to tribal governments in posing legislation which they believe is in the best interest of harvesting methods, propagation and in the best interest of business and industry in general.

3. That consideration be given to their request that certain lakes within the reservation areas be harvested and supervised exclusively by Indians. This will allow the tribal governments to conduct a demonstration or pilot study of their methods of harvesting. If successful over a period of years, these improved harvesting methods will improve the wild rice industry in general.

4. That the Conservation Department set aside a portion of the wild rice harvesting fees to be used in re-seeding lakes and to establish water controls on lakes where needed.

5. That portions of the license fees be utilized for research purposes for the improvement of wild rice.

#### INDIAN LABOR SURVEY

The Minnesota Indian Affairs Commission, cooperating with the Department of Business Development, conducted a survey of state and national manufacturers to determine their employment experience with Indian people.

The study was prompted by repeated inquiries to the Minnesota Department of Business Development by businessmen who are showing an increased interest in the prospect of utilizing Indian people, on and off reservations, as a source of labor for industrial expansion.

Development specialists, consultants and plant location teams have called upon state government asking for information on comparative productivity rates, testing results, absenteeism, wage rates, employee turnover, attitude, adaptability, and trainability of Indians in industrial occupations.

The answer to these questions was not at hand; hence, additional data was sought to verify and complement the information and counsel already available from the Bureau of Indian Affairs.

The inquiry letter was sent to thirty-one manufacturing firms (employing all or a substantial number of Indian people) and to the Economic Development Departments of nine states (those having significant Indian populations).

Thirty replies were received, for a return of 75%. The responses were, in general, highly favorable and commending of the Indian labor force.

A full report and summary will be issued by the Department of Business Development after the first of the year. Copies will be available on request from the Business and Industrial Services Division, Department of Business Development, 160 State Office Building, or from the Indian Affairs Commission, 76 State Office Building, St. Paul, Minnesota.

#### INDIAN LAND AND PROPERTY DEVELOPMENT

On December 15, 1966, Mr. Howard LaVoy, Manager of the Minnesota Chippewa Tribe with offices located in Room 420, Federal Building, Bemidji, Minnesota, issued the following information: The tribal business operations indicate that there are 194 lakeshore leases on the Nett Lake Reservation located in Cook County. There are 29 lakeshore leases and 2 farms located on the Fond du Lac Reservation in Carlton County. There are 334 lakeshore leases, 2 resorts, and a bait, wild rice, and fur enterprise on the Leech Lake Reservation within Cass County. There are 125 lakeshore leases, 19 farms, 1 ranch, and 1 rest home on the White Earth Reservation within Mahnomen and Becker Counties. About 85 per cent of the leases have improvements on them which would range from \$2,500 to \$18,000. Each of these properties is taxed on the basis of its personal property and improvements, as evaluated. These taxes are then recorded and paid to their respective counties by the lessees. The Chippewa ranch located in Mahnomen County has approximately 2,500 head of feeder stock. This consists of beef cattle and hogs. There is also a considerable amount of grain farming on these properties. All of these are subject to taxes which are paid into the county treasury.

The tribe in the past 10 years has developed its land holdings and anticipates an increase of approximately 100 new lakeshore leases in the year 1967.

The Minnesota tribes and the respective reservations which they represent continue to develop their land holdings. As these properties are developed for commercial purposes, they are subject to taxes. Therefore, it is pointed out that there are several Indian and non-Indian residents residing on the reservations who are currently paying all federal, state, and county taxes. The development of tribal properties adds to the tax revenue of each respective county. On this basis it is assumed that other tribes are developing their so called "tax-exempt lands" which add to the tax revenue for the county. Therefore, the Minnesota tribes feel that they are supporting the tax base of their respective counties.

It might also be pointed out that developing their lands and properties also brings in added tax revenue and increased money into the economies of the respective communities and counties. Several of the leases are to out-of-state residents; these further add to the economy of the counties and state.

Many county officials feel that the tribes and their tax exempt status deprive counties of revenue. As pointed out, they are contributing to the tax revenue of their respective areas.

## SUMMARY OF RECOMMENDATIONS

### CREATION OF COMMISSION

1. One of the members-at-large should be drawn from and suggested by the Indian organizations of Minneapolis and St. Paul, for part of this group is not now represented on the Commission, and their problems are unique.

### PUBLIC RELATIONS

1. That wherever the expression "one-fourth Indian blood" or variants of this appear in Minnesota laws, it be changed to "Indians duly enrolled with any Indian group (Tribe or Band) recognized by the Bureau of Indian Affairs".

2. That whenever a county is requesting help from the state on the basis of insufficient funds due to the presence of tax-free reserved (federal) land within its boundaries, that the law be so worded.

3. That Minnesota Statutes 325.41, 325.42 be enforced:

325.41 IMITATION INDIAN-MADE GOODS TO BE BRANDED. All goods, wares, and merchandise known as moccasins, bead work, birchbark baskets, deerskin work, grass rugs, sweet grass baskets, and other goods which are manufactured or produced in imitation of genuine Minnesota Indian hand-made goods, wares, or merchandise shall be branded, labeled, or marked, as hereinafter provided, before being exposed for sale and shall not be exposed or sold without such brand, label or mark thereon.  
(1937 c.196 s. 1)

325.42 BRAND. The brand, label, or mark required by section 325.41 shall be the words "imitation Indian-made" and shall be placed or attached outside of and on a conspicuous part of the finished article so as to be plainly visible to the purchasing public, and shall be the size and style known as great primer Roman capitals. Such brand or mark, if the article will permit, shall be placed upon it, but when such branding or marking is impossible a label shall be used and attached thereto.

(1937 c.196 s. 2)

Violation of this law constitutes a misdemeanor. It is now enforced by taking a complaint to a county attorney. We recommend that it also be possible for a private citizen to bring a civil suit.



## HEALTH

1. That due to changing policies and philosophies because of federal or state legislation, that health programs and services be administered at all levels to Indian citizens as to other citizens based on need. This basically affects Indian citizens residing off reservations.

2. That the state Department of Health continue more concentrated efforts in their cooperation with the U. S. Public Health Service, Division of Indian Health, in establishment and enforcement of state health codes, laws, and regulations.

## HOUSING

1. That the state government (the legislative members and the governor) continue in their support and efforts on behalf of tribal governments to bring federal housing appropriations into the state for improving the housing conditions of the Minnesota citizens.

## LAW ENFORCEMENT

1. That state provisions should be made to help finance law enforcement and to train officers.

2. That counties containing reserved, tax free land be reimbursed by the state for the cost of enforcing the law on such land.

3. That the Attorney General's Office investigate law enforcement operations in Indian areas so that proper procedures can be instituted where required and so that the dignity and rights of individuals are protected.

## EDUCATION

1. That MS 124.48 - 1955 be amended to provide for a maximum amount of \$1200 per pupil per year.
2. Due to the increase in the number of students presently eligible and in need of scholarships and the increased cost per student, we support the request of the Department of Education for \$100,000 for scholarships for the period from July 1967 to July 1969. If eligibility requirements are relaxed, this amount will have to be increased.
3. That all recognized Indians be made eligible for the Indian Scholarship Program.
4. That a representative of the Indian tribes be appointed to the State Indian Scholarship Committee.
5. That a representative of the Indian tribes be appointed to the Minnesota Indian Scholarship Committee.
6. That the Department of Education institute a program of training for principals and teachers in schools with sizeable Indian populations so that they come to have a better understanding of these students and the circumstances of their lives.
7. That textbooks be selected which give a realistic picture of American history as it relates to Indians.
8. That the Bureau of Indian Affairs be encouraged to make use of all area vocational-technical schools in Minnesota for the training of students under their employment assistance program (PL 959).
9. That the Department of Education work closely with the Executive Director of the Indian Affairs Commission in an attempt to solve the question of consolidation of grade schools in Indian areas.

10. That the state work to see continued those educational programs in Indian reservation areas instituted under the Economic Opportunity Act.

#### WELFARE

1. That where a county is given assistance by the state to pay for relief costs, it be done on the basis of the poverty of the county rather than on the race of its inhabitants. Consideration by the state should be given when residents do not pay property taxes by virtue of residence on tax exempt land and when the possible revenue of the county is limited by the presence of state and federal park and forest land.

2. That the state of Minnesota participate in programs which will benefit all citizens without singling out any people for special legislation, such as the proposed Aid to Dependent Children of Unemployed Parents. This measure would have the effect of removing residence requirement complications and would allow the state and federal government to assume much of the cost of care which now comes under general relief.

3. That in all counties relief and other aids be given to Indians at the same rate as to non-Indians.

#### ECONOMIC DEVELOPMENT

1. That fair and adequate consideration be given to tribal governments and their elected officials in future recommendations regarding matters of conservation particularly in wild rice harvesting.

2. That consideration be given to tribal governments in posing legislation which they believe is in the best interest of harvesting methods, propagation and in the best interest of business and industry in general.

3. That consideration be given to their request that certain lakes within the reservation areas be harvested and supervised exclusively by Indians. This will allow the tribal governments to conduct a demonstration or pilot study of their methods of harvesting. If successful over a period of years, these improved harvesting methods will improve the wild rice industry in general.

4. That the Conservation Department set aside a portion of the wild rice harvesting fees to be used in re-seeding lakes and to establish water controls on lakes where needed.

5. That portions of the license fees be utilized for research purposes for the improvement of wild rice.

## APPENDIX I

### INDIAN AFFAIRS COMMISSIONS IN STATES REPORTED TO HAVE 1,000 OR MORE INDIANS As reported October 1964

- ARIZONA - Arizona Commission of Indian Affairs, 18 members. The Commission considers and studies conditions of Indians within the state. The Commission may hold hearings, make investigations, and confer with officials of local, state and federal agencies to secure cooperation in promoting the welfare of the Indian people. The Commission shall also make a written annual report, giving an account of its proceedings, to the governor and legislature. For 1964-65, the amount appropriated for the Commission was \$26,754.00.
- IDAHO - No Indian Commission, but there is a Commission interested in Indian children and programs involving Indian youth which are sponsored by local and state agencies. The Commission is composed of seven members. This Commission shall take necessary administrative action in the fields of child health, welfare and education in eliminating duplication of services and coordinating departmental plans so as to fix responsibility for services. The Commission has the power to appoint subcommittees to promote work and execute plans of the Commission in designated areas. (Interdepartmental Committee on Children and Youth)
- MAINE - Division of Indian Affairs is attached to the Department of Health and Welfare.
- MICHIGAN - Governor appointed a Governor's Commission on Indian Affairs. There is no law creating this Commission. It is composed of fourteen members. This Commission makes studies and reports to the governor on certain specific problems.
- MONTANA - Has a Department of Indian Affairs. The legislature appropriates approximately \$12,000 a year for the department's operation. The Coordinator of Indian Affairs does everything possible to bring about adequate housing on reservations, and in general promote Indian welfare. Further he advises the legislative and executive branches of the state as to Indian problems and needs, and makes recommendations for the alleviation of such problems. When the law was passed creating the Department it was anticipated that the legislature would establish a Loan Fund for Indian Housing. The legislature failed to establish such a fund.
- NEBRASKA - No Indian Affairs Commission, but there is a Governor's Advisory Committee on Indian Law Enforcement. This Committee's functions are limited in scope.
- NEVADA - In 1961 the Governor appointed a five-man Advisory Committee on Indian Affairs. It is a non-statutory committee with no paid employees.

- NEW MEXICO** - Commission on Indian Affairs composed of nine members, not less than four of whom shall be Indians. The Commission shall investigate, study and consider the entire subject of Indian conditions and relations. A written report of the Commission's activities and findings shall be submitted to the governor on or before the last day of each calendar year. Subjects for investigation may include problems of health, economy, education, legislation, and government. Current fiscal budget is \$17,500, next year it will be \$21,000.
- NEW YORK** - Has an Interdepartmental Committee on Indian Affairs. It was created by an Executive Order in 1952. It consists of representatives of Senate, Commissioners of Education, Health, Commerce, Social Welfare, Mental Hygiene, Conservation, and Superintendents of Public Works and State Police. A director is chairman and coordinator of the Committee, he has an annual budget of \$24,300. Each state agency is responsible for services rendered to the reservations.
- Department of Social Welfare - all of its programs of assistance and care apply to needy Indians. Administration of these programs is by local welfare departments, reimbursed by the state.
- Department of Health - provides public health supervision on reservations through staffs of district offices.
- Department of Education - responsible for carrying out compulsory school attendance laws for Indians and providing Indian children with educational opportunities equal to those of other children.
- Department of Commerce - concerned with the best interests of the Indians and the best utilization of his lands as related to business and industry.
- Indians also receive service from many other agencies performing routine or auxiliary functions.
- NORTH DAKOTA** - Has commission but information in respect to it has not been received.
- SOUTH DAKOTA** - Commission on Indian Affairs has a biennial budget of \$4,000. The Commission has no director. It is composed of twelve members, serving without compensation. They shall study Indian living conditions, with the purpose of establishing a method of absorbing the Indian people into the economy of the state. Such study shall include education, employment, housing, medical care, hospitalization and promotion of general welfare of the Indian population of the state.
- WISCONSIN** - No Indian Affairs Commission. Has the Legislative Councils Menominee Indian Study Committee. It is composed of sixteen members serving with no compensation. The Committee shall study problems created by the transfer of controls of the Menominee Indian Tribe from federal to state and local control in such fields as taxation, public welfare, education, highways and law enforcement.

The status of some of the Commission have changed considerably. For example, North Dakota and South Dakota now have full time Commissions and full time directors and staffs with increased legislative appropriations. Other states are also creating Commissions of this type.

## APPENDIX II

### ESTIMATED ENROLLED INDIAN POPULATION—STATE OF MINNESOTA

Consolidated Minnesota Chippewa Tribe	23,000
Red Lake Band of Chippewa Indians	4,800
Upper Sioux Tribe (Granite Falls)- Lower Sioux Tribe (Morton) (Prior Lake, near Shakopee)	1,200
Migrant Residents from nearby states	<u>1,000</u>
TOTAL EST.	30,000

### ESTIMATED INDIAN POPULATION ON RESERVATIONS

Red Lake	3,500	
White Earth	3,300	
Leech Lake	3,300	
Fond du Lac	750	
Mille Lac	350	
Grand Portage	225	
Nett Lake	350	
Upper Sioux	150	
Lower Sioux	225	
Prairie Island	<u>150</u>	
TOTAL EST.		12,300

### ESTIMATED URBAN INDIAN POPULATION

Minneapolis	5,800	
St. Paul	3,700	
Duluth	<u>1,200</u>	
TOTAL EST.		10,700

Estimated off-reservation population living in nearby towns, villages, and cities and rural areas (ie. Detroit Lakes, Park Rapids, Walker, Bemidji, etc.) 5,000

Approximately 2,000 enrolled Tribal members have established residency outside of the state of Minnesota 2,000

TOTAL ESTIMATED INDIAN POPULATION—STATE OF MINNESOTA 30,000