

■ “Trail of Broken Treaties” Twenty-Point Position Paper

Date: 1972

Author/s: American Indian Movement

Genre: Editorial; political sermon; report

Summary Overview

In November 1972, a caravan of nearly 1,000 American Indian Movement (AIM) activists and their supporters staged a nationwide trek from San Francisco to Washington, D.C., to draw attention to the issue of the hundreds of treaties that the United States government had signed with American Indian nations and then proceeded to defy, abrogate, or ignore. The caravan ended with the group's occupation of the offices of the Bureau of Indian Affairs from November 3–9. The point of the occupation was to pressure the Nixon administration to consider a twenty-point position paper regarding the federal government's negligence in honoring treaty provisions and recommendations on what should be done to rectify the situation. The position paper advocated a radical revision of the relationship between the federal government and Indian nations, which would restore a land base to Indian people and grant self-determination in nearly every aspect of internal and external government.

Defining Moment

During the early 1960s, the African American civil rights movement inspired many people of different ethnicities that they, too, could bring their grievances to the public's attention and petition the government to take action. Though there was never a time that American Indians were not active in advocating for their peoples' interests, Native activists saw the tactics and strategies employed by African Americans and found ways to adapt them to their particular concerns. A few Indians participated in civil rights protests such as the 1963 March on Washington, and the next year Indian peoples began to create their own organizations.

In 1964, a group of young American Indian adults formed the National Indian Youth Council (NIYC), which sought to use the tactics of the civil rights movement to advocate for the honoring of treaty rights that the federal government had guaranteed to Indian nations during the eighteenth and nineteenth centuries. Largely

focusing on the question of fishing rights in the Pacific Northwest, the NIYC organized “fish-ins,” where they defied local laws and were arrested, bringing additional publicity to their cause. This resulted in a new Native activism spreading across the country, speaking to Indians both on reservations and in the cities and encouraging them to take similar action.

By the late 1960s, Native activism reached San Francisco, where urban Indians were left without a central gathering place when the San Francisco Indian Center was destroyed by a fire. This was the catalyst to the highest profile protest to date, when some 300 Indian people landed at and occupied the abandoned federal penitentiary on Alcatraz Island, in San Francisco Bay on November 19, 1969. The occupation lasted for over a year and a half, bringing a constant stream of press coverage and even making the nascent Red Power Movement somewhat of a *cause célèbre*.

About the same time as the Indian activists occupied Alcatraz, a new movement was starting among Indians in the Minneapolis-St. Paul area. Many of the leaders of what became known as the American Indian Movement (AIM) were former inmates and had direct experience with discrimination at the hands of government officials. AIM sought to expand their movement nationally, addressing such common Native issues as the taking of Indian lands, dating all the way back to the arrival of the first British Pilgrims. On Thanksgiving Day 1970, AIM members occupied the replica of the Pilgrim ship, *Mayflower*, in Plymouth Harbor, Massachusetts. The following year, a number of activists occupied Mt. Rushmore, as the famous monument to America's greatest presidents lies in the midst of the Black Hills, a holy site to the Lakota people that had been guaranteed to them, but was taken from them when gold was discovered there. By 1972, AIM leaders were ready to take even more direct action to confront the federal government.

Author Biography

By the time AIM leaders began the Trail of Broken Treaties protest, they were seasoned activists. Cofounders Russell Means and Dennis Banks had both participated in the Alcatraz Island Occupation, and Means had even occupied it for one day some five years earlier with his father. Both came from the Pine Ridge Indian Reservation in South Dakota and were very familiar with the struggles of reservation politics, where activists like themselves regularly clashed with tribal elected leaders, who

allied themselves with BIA officials. Clyde Bellecourt was from the White Earth Indian Reservation in northern Minnesota and had served prison time for burglary and robbery. These three leaders, as well as a number of others, came together in the Minneapolis- St. Paul area during the late 1960s and decided to start a movement to stop the harassment of Indians by police, to stop the exploitation of Indians by both tribal and federal officials, and to convince Indian people to return to more Native lifestyle and resist assimilation.

HISTORICAL DOCUMENT

An Indian Manifesto ... for an Indian Future in America

1. RESTORATION OF CONSTITUTIONAL TREATY-MAKING AUTHORITY:

The U.S. President should propose by executive message, and the Congress should consider and enact legislation, to repeal the provision in the 1871 Indian Appropriations Act which withdrew federal recognition from Indian Tribes and Nations as political entities, which could be contracted by treaties with the United States, in order that the President may resume the exercise of his full constitutional authority for acting in the matters of Indian Affairs—and in order that Indian Nations may represent their own interests in the manner and method envisioned and provided in the Federal Constitution.

2. ESTABLISHMENT OF TREATY COMMISSION TO MAKE NEW TREATIES:

The President should impanel and the Congress establish, with next year, a Treaty Commission to contract a security and assistance treaty of treaties, with Indian people to negotiate a national commitment to the future of Indian people for the last quarter of the Twentieth Century. Authority should be granted to allow tribes to contract by separate and individual treaty, multi-tribal or regional groupings or national collective, respecting general or limited subject matter...

3. AN ADDRESS TO THE AMERICAN PEOPLE & JOINT SESSIONS OF CONGRESS:

The President and the leadership of Congress should make a commitment now and next January to request

and arrange for four Native Americans—selected by Indian people at a future date—and the President of the United States and any designated U.S. Senators and Representatives to address a joint session of Congress and the American people through national communications media regarding the Indian future within the American Nation....

4. COMMISSION TO REVIEW TREATY COMMITMENTS & VIOLATIONS:

The President should immediately create a multi-lateral, Indian and non-Indian Commission to review domestic treaty commitments and complaints of chronic violations and to recommend or act for corrective actions ...Many Indian people are virtually imprisoned in the nation's courtrooms in being forced constantly to defend their rights, while many tribes are forced to maintain a multitude of suits in numerous jurisdictions relating to the same or a single issue...

5. RESUBMISSION OF UNRATIFIED TREATIES TO THE SENATE:

The President should resubmit to the U.S. Senate of the next Congress those treaties negotiated with Indian nations or their representatives, but never heretofore ratified...The primary purpose to be served shall be that of restoring the rule of law to the relationships between such Indians and the United States...

6. ALL INDIANS TO BE GOVERNED BY TREATY RELATIONS:

The Congress should enact a Joint Resolution declar-

ing that as a matter of public policy and good faith, all Indian people in the United States shall be considered to be in treaty relations with the Federal Government and governed by doctrines of such relationship.

7. MANDATORY RELIEF AGAINST TREATY RIGHTS VIOLATIONS:

The Congress should add a new section to Title 28 of the United States Code to provide for the judicial enforcement and protection of Indian Treaty Rights... Federal District courts shall grant immediate enjoinder or injunctive relief against any non-Indian party or defendants, including State governments....

8. JUDICIAL RECOGNITION OF INDIAN RIGHT TO INTERPRET TREATIES:

The Congress should by law provide for a new system of federal court jurisdiction and procedure, when Indian treaty or governmental rights are at issue, and when there are non-Indian parties involved in the controversy...

9. CREATION OF CONGRESSIONAL JOINT COMMITTEE ON RECONSTRUCTION OF INDIAN RELATIONS:

The next Congress of the United States, and its respective houses, should agree at its outset and in its organization to withdraw jurisdiction over Indian Affairs and Indian-related program authorizations from all existing Committees except Appropriations of the House and Senate, and create a Joint House-Senate "Committee on Reconstruction of Indian Relations and Programs" to assume such jurisdiction and responsibilities for recommending new legislation and program authorizations to both houses of Congress....

10. LAND REFORM AND RESTORATION OF A 110-MILLION ACRE NATIVE LAND BASE:

The next Congress and Administration should commit themselves and effect a national commitment implemented by statutes or executive and administrative actions, to restore a permanent non-diminishing Native American land base of not less than 110-million acres by July 4, 1976...The Congress should act immediately to repeal the Termination Acts of the 1950s and 1960s and restore ownership of the several million acres of land

to the Indian people involved, perpetually non-alienable and tax-exempt....

11. REVISION OF 25 U.S.C. 163; RESTORATION OF RIGHTS TO INDIANS TERMINATED BY ENROLLMENT AND REVOCATION OF PROHIBITIONS AGAINST "DUAL BENEFITS":

The Congress should enact measures fully in support of the doctrine that an Indian Nation has complete power to govern and control its own membership—but eradicating the extortive and coercive devices in federal policy and programming which have subverted and denied the natural human relationships and natural development of Indian communities, and committed countless injuries upon Indian families and individuals. The general prohibition against benefiting dually from federal assistance or tribal resources by having membership or maintaining relationships in more than one Indian Tribe has frequently resulted in denial of rights and benefits from any sources....

12. REPEAL OF STATE LAWS ENACTED UNDER PUBLIC LAW 280 (1953):

State enactment's under the authority conferred by the Congress In Public Law 280 has posed the most serious threat to Indian sovereignty and local self-government of any measure in recent decades. Congress must now nullify those State statutes. Represented as a "law enforcement" measure, PL280 robs Indian communities of the core of their governing authority and operates to convert reservation areas into refuges....

13. RESUME FEDERAL PROTECTIVE JURISDICTION FOR OFFENSES AGAINST INDIANS:

The Congress should enact, the Administration support and seek passage of, new provisions under Titles 18 and 25 of the U.S. Code, which shall extend the protective jurisdiction of the United States over Indian persons wherever situated in its territory and the territory of the several States, outside of Indian Reservations or Country, and provide the prescribed offenses of violence against Indian persons shall be federal crimes, punishable by prescribed penalties through prosecutions in the federal judiciary...[Furthermore,] the Congress should eliminate the immunity of non-Indians to the general appli-

cation of law and law enforcement within Reservation Boundaries. . . [In addition,] the Administration should immediately contract an appropriately staffed Commission of Review on Rehabilitation of Indian Prisoners in Federal and State institutions. . . The basic objective of the review commission would be to arrange for the development of new systems of community treatment centers, or national/regional rehabilitation centers as alternatives to existing prison situations. . .

14. ABOLITION OF THE BUREAU OF INDIAN AFFAIRS BY 1976:

A New Structure: The Congress working through the proposed Senate-House “Joint Committee on Reconstruction of Indian Relations and Programs,” in formulation of an Indian Community Reconstruction Act should direct that the Bureau of Indian Affairs shall be abolished as an agency on or before July 4, 1976; to provide for an alternative structure of government for sustaining and revitalizing the Indian-federal relationship between the President and the Congress of the United States, respectively, and the respective Indian Nations and Indian people at last consistent with constitutional criteria. . .

15. CREATION OF AN “OFFICE OF FEDERAL INDIAN RELATIONS AND COMMUNITY RECONSTRUCTION”:

The Bureau of Indian Affairs should be replaced by a new unit in the federal government which represents an equality of responsibility among and between the President, the Congress, and the Governments of the separate Indian Nations (or their respective people collectively), and equal standing in the control of relations between the Federal Government and Indian Nations. . .

16. PRIORITIES AND PURPOSE OF THE PROPOSED NEW OFFICE:

The central purpose of the proposed “Office of Federal Indian Relations and Community Reconstruction” is to remedy the break-down in constitutionally prescribed relationships between the United States and Indian Nations and people and to alleviate the destructive impact that distortion in those relationships has rendered upon the lives of Indian people. More directly, it is proposed for allowing broad attacks upon the multi-

tude of millions of problems which confront Indian lives, or consume them, and which cannot be eliminated by piecemeal approaches, jerry-built structures, or bureaucracies, or by taking on one problem at a time, always to be confronted by many more. . . .

17. INDIAN COMMERCE AND TAX IMMUNITIES:

The Congress should enact a statute or Joint Resolution certifying that trade, commerce, and transportation of Indians remain wholly outside the authority, control, and regulation of the several States. . . .

18. PROTECTION OF INDIANS’ RELIGIOUS FREEDOM AND CULTURAL INTEGRITY:

The Congress shall proclaim its insistence that the religious freedom and cultural integrity of Indian people shall be respected and protected throughout the United States, and provide that Indian religion and culture, even in regenerating or renaissance or developing stages, or when manifested in the personal character and treatment of one’s own body, shall not be interfered with, disrespected, or denied. . .

19. NATIONAL REFERENDUMS, LOCAL OPTIONS, AND FORMS OF INDIAN ORGANIZATION:

The Indian population is small enough to be amenable to voting and elective processes of national referendums, local option referendums, and other elections for rendering decisions, approvals, or disapproval on many issues and matters. The steady proliferation of Indian and Indian-interest organizations and Indian advisory boards and the like, the multiplication of Indian officials and the emergence of countless Indian “leaders,” represent a less preferable form for decision-making, a state of disorganization, and a clear reflection of deterioration in the relations between the United States and Indian people. . . .

20. HEALTH, HOUSING, EMPLOYMENT, ECONOMIC DEVELOPMENT, AND EDUCATION:

The Congress and Administration and proposed Indian Community Reconstruction Office must allow for the most creative, if demanding and disciplined, forms of community development and purposeful initiatives. The pro-

posed \$15,000,000,000 budget for the 1970s remainder could provide for completed construction of 100,000 new housing units; create more than 100,000 new permanent,

income and tribal revenue-producing jobs on reservations and lay foundation for as many more in years following....

Document Analysis

Whereas the prior AIM protests at the Mayflower replica and at Mt. Rushmore were aimed at gaining publicity for the movement, the Trail of Broken Treaties was focused more specifically on engaging with the Nixon administration on the demands that AIM leaders felt would benefit Indian people across the country. So, it made perfect sense to stage a cross-country caravan, ending in the nation's capitol. AIM leaders had developed a twenty-point position paper on Indian rights to present to the Nixon administration, but after an unsatisfactory meeting with BIA officials, the protesters eventually took over the BIA headquarters building for six days. Somewhere between 600 and 800 people took part in the take-over. Because it was a few days before the presidential election that year, the administration negotiated an end of the occupation rather than conducting a military assault. They promised to read through the position paper and respond to each point raised by the activists.

As the name of the protest indicated, most of the demands had to do with the treaty rights that the federal government had either not honored or ignored. The first demand was that the federal government should resume the treaty-making process, which had ended in 1871. Rather than viewing Indians as wards of the state, the federal government needed a return to a nation-to-nation relationship with Indian tribes. Further, a second demand was that a commission be created to oversee the making of new treaties. These treaties were to be ratified by the United States Senate, as called for in the US Constitution, and would act as the governing documents in the relationship between the United States and the Indians. These treaties would not only be interpreted by the US Supreme Court, but the activists called for Indian interpretations of the treaties' terms to be honored by federal government officials.

AIM called for a "reconstruction of Indian relations and programs," focused on the restoration of lands that had been unfairly taken from Indian peoples since the beginning of the nation. Specifically, AIM called for "a 110-million-acre Native land base" that would be exempt from state and local governmental actions. Since

the 1950s and the disastrous "termination" policy, many tribes had their constitutional rights as Indians terminated and were subject to state and local laws, many of which were designed to dispossess Indian people of their land. Most importantly, the position paper called for the abolition of the BIA and for a new relationship, on equal footing, between the tribes and the federal government.

Essential Themes

Though the Trail of Broken Treaties protest was not immediately successful in accomplishing the points outlined in the position paper, as the Nixon administration dismissed all of the group's demands once the 1972 presidential election was won, it did succeed in establishing AIM as the dominant group in the Red Power Movement. After leaving Washington, D.C., AIM leaders traveled to the Pine Ridge Reservation in order to protest what they saw as the corrupt administration of the tribal chairman, Dick Wilson. However, the FBI and other federal agencies were not far behind.

The FBI had added AIM to its list of radical organizations that were subject to espionage through its COINTELPRO program. After Wilson had both Means and Banks arrested, more than 200 AIM protesters occupied the site of the 1890 Wounded Knee Massacre. The protesters were surrounded by federal agents, marshals, and BIA police, and the occupation lasted for more than two months, as the number of protestors swelled to over 2,000. Two Indians were killed by federal officials during the standoff.

The last large-scale protest sponsored by AIM was called the Longest Walk, a 1978 protest that mirrored the Trail of Broken Treaties by going from San Francisco to Washington, D.C.. However, this time, the protest lasted for over five months, as AIM activists walked the entire nearly 3,000-mile route. The protest was designed to bring attention to the forced removal of American Indian peoples from their homelands over the time that the descendants of Europeans had occupied the continent.

After the Longest Walk, internal political divisions and the decline of the Red Power Movement in general caused AIM to focus more specifically on helping Indian

people in need. In 1993, AIM officially divided into two factions, one based in Minneapolis and led by Clyde Bellecourt, and the other based in Denver, Colorado, and led by Russell Means. Though a divided movement and with a significantly lower profile, AIM continues to serve the Native people of the United States, drawing attention to issues such as poverty, education, and poor health care.

—Steven L. Danver, PhD

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