

# ■ President Gerald Ford's Statement on Signing the Indian Self-Determination and Education Assistance Act of 1975

**Date:** January 4, 1975

**Author:** President Gerald R. Ford

**Genre:** Political remarks

## Summary Overview

In the document printed here, President Gerald Ford offers comments on the passage of the Indian Self-Determination and Education Assistance Act. This bill was sponsored by Senator Henry M. Jackson, a Democrat from Washington State, and was signed by President Ford on January 4, 1975. In his remarks, Ford called the act “a milestone” in Indian affairs and refers to some of the specific terms of the bill. The major thrust of the bill was to allow Indian tribes to contract with the federal government to operate what had been federal programs; the tribes could also receive grants to fund these operations. Ford congratulated Congress for passing this act, which was in harmony with his administration's chosen approach to Indian affairs: to allow tribal governments to pursue greater self-determination. He urged Indian communities to take full advantage of the provisions of this act and pledged his administration's continuing support.

## Defining Moment

After the era of the civil rights movement and the nationalist revolutions in many parts of the world as colonial peoples asserted their right to self-determination, the US Congress and much of the American public determined that it was time to address the injustices and inefficiencies that continued to plague US government Indian policy. Congress saw that programs administered by the government, with little input from native peoples, were not achieving real progress in Indian communities. It was believed that control of many such programs by the tribes themselves would not only be more just, but also more effective.

In the 1950s, Congress had embarked on a policy of “termination” of federal responsibility for tribes that were deemed ready to handle their own affairs. Under this policy, the federal government would seek to make monetary payments to compensate Indian tribes for all

past injustices (these claims being determined by suits filed with the Indian Court of Claims). After compensating tribes for past wrongdoing, the government, it was thought, could end its federal trust responsibility for these “terminated” tribes. While the policy seemed to promise that such tribes could direct more of their own affairs, the outcome of many such terminations was disastrous. In subsequent decades, legislation was passed to restore the federal relationship with many of the terminated tribes. By the 1960s the policy of termination was in disrepute, and in 1968 President Lyndon B. Johnson called for a direct rejection of the termination policy. The administrations of both President John F. Kennedy and President Lyndon B. Johnson began stressing self-determination for Indian people. While some positive developments did emerge during this period, many Indians remained impatient with the pace of movement toward this goal. In a 1970 message to Congress, President Richard M. Nixon formally repudiated the termination policy, and called for many of the reforms that ultimately emerged in this piece of legislation.

That reform was “in the air” at this time can be seen from the wide-range of co-sponsors that Senator Henry Jackson's bill attracted—prominent senators from both political parties signed on, including Republicans such as Arizona senator Barry Goldwater and Oregon senator Mark Hatfield and Democrats such as James Abourezk of South Dakota and Mike Mansfield of Montana.

## Author Biography

The author of these remarks was President Gerald R. Ford, but his comments are in reference to legislation that was sponsored in the US Senate by Senator Henry M. Jackson, a Democrat from the state of Washington. Ford was born in Omaha, Nebraska, on July 14, 1913. He attended the University of Michigan and then Yale Law School. He served in the US Navy during World

War II. He was elected to Congress in 1948, and served there until he became vice president in 1973. After the resignation of Vice President Spiro Agnew, Ford was nominated by President Richard Nixon to become the vice president, the first time the provisions of the twenty-fifth Amendment to deal with a vacancy in the vice-presidency were implemented. When President Richard Nixon resigned in August, 1974, Ford ascended to the presidency. He ran for reelection in 1976, but was defeated by Jimmy Carter. He died in California on December 26, 2006.

Henry M. “Scoop” Jackson was a Democratic senator from Washington State. He was born in Everett, Washington, on May 31, 1912. He was elected to the US House of Representatives in 1940, and was the youngest

congressman at the time. He served six terms in the US House and then six terms in the Senate. He made unsuccessful runs for the Democratic presidential nomination in 1972 and 1976. He was still an incumbent senator when he died on September 1, 1983.

Much of the work in drafting the Indian Self-Determination and Education Assistance Act was done by Forest Gerard, who had served for a time on Jackson’s Senate staff and then in a variety of governmental positions that dealt with Indian affairs. He was an enrolled member of the Blackfeet tribe and was born on that tribe’s reservation in Montana on January 15, 1927. He later served as assistant secretary of the Bureau for Indian Affairs under President Jimmy Carter. He died in Albuquerque, New Mexico, on December 28, 2013.

## HISTORICAL DOCUMENT

I have signed into law S. 1017, the Indian Self-Determination and Education Assistance Act. My Administration is committed to furthering the self-determination of Indian communities without terminating the special relationships between the Federal Government and the Indian people.

The Congress is to be congratulated for its passage of this legislation. It will enhance our efforts to implement this policy of Indian self-determination.

Title I of this act gives the permanence and stature of law to the objective of my Administration of allowing—indeed encouraging—Indian tribes to operate programs serving them under contract to the Federal Government. Furthermore, with the passage of this act, Indian communities and their leaders now share with the Federal Government the responsibility for the full realization of this objective. It will be through the initiatives of Indian communities that the authorities provided in this act will be implemented. I urge these communities to make the fullest possible use of them and pledge the support of this Administration.

In addition to making this kind of contracting a right, the act does much to make it feasible and practical. For

example, it authorizes the Bureau of Indian Affairs to make grants to tribal organizations to help them develop the abilities of potential workers—through training and other means—to operate these programs. At the request of the tribe, it also allows Federal employees who work in programs transferred to tribal operation to continue working without losing Federal fringe benefits, thus making it possible for the tribe to begin operation with a nucleus of experienced employees.

The granting authority provided in this act can also be used to strengthen tribal governments and tribally-funded programs.

Title II, the Indian Education Assistance Act, amends the Johnson-O’Malley Act to give the Indian community a stronger role in approving or disapproving the use of funds for children in public schools. It also provides for better planning in the use of these funds to meet the educational needs of the Indian students.

The enactment of this legislation marks a milestone for Indian people. It will enable this Administration to work more closely and effectively with the tribes for the betterment of all the Indian people by assisting them in meeting goals they themselves have set.

### Document Analysis

In the 1960s and 1970s, the federal government took several steps to move from a paternalistic, government-directed Indian policy, to programs that allowed more input and control by Indian peoples themselves. The Indian Self-Determination and Education Assistance Act, the subject of these remarks by President Gerald R. Ford, was one of the most significant of these steps.

This bill allowed tribal governments to enter into contracts with the federal government and to operate programs that had previously been administered by the Bureau of Indian Affairs or other federal agencies. This would give native peoples more direct control over programs that served them. There was also a provision to amend the Johnson-O'Malley Act of 1934. Under that previous legislation, the federal government provides subsidies to public schools for the education of Indian students; these subsidies were provided because Indian reservation land was not taxed and therefore the nearby public schools received no tax revenue from these lands. The amendment to the Johnson-O'Malley Act included in this bill allowed the native community to have more control over how these federal monies were spent in the public schools.

Ford asserts that this legislation would give “the permanence and stature of law” to policies that his administration had already been advocating. Both the Ford and Nixon administrations had pushed for allowing tribal governments to contract with the federal government and then receive federal funds to operate what had previously been government-directed programs for native peoples. Some pilot programs had been set up by executive action, but this legislation provided a solid regulatory basis for such practices.

Ford also stressed the “feasible and practical” aspects of this legislation. If a people group has little control over the funds ostensibly spent for their benefit, then any claim to self-determination rings hollow. This legislation allowed tribes to set goals, determine policy, and receive grants from the federal government to operate the programs they implemented. There were also provisions for training tribal members for leadership in operating these programs, so that Indian people would administer the programs for their tribes. Also, federal employees who wished to could, without loss of their federal fringe benefits, transfer to work directly for the tribes operating what were formerly government-run programs.

### Essential Themes

A theme that runs through this document is the determination to repudiate the earlier policy of termination and to advance the concept of allowing Indian tribes to handle their own affairs, while maintaining the “special relationship” that the federal government has to Indian tribes and native peoples. This “special relationship” refers to the trust responsibility the federal government has—because of treaty obligations and other commitments—to protect the welfare of native peoples. Part of this responsibility is holding, in trust, title to reservation lands and other forms of tribal assets for members’ use. While continuing this trust relationship, Ford nevertheless wanted to see the tribes pursue the goals “they themselves set,” which is virtually a definition of the concept of self-determination.

There is also a theme of pragmatism in this document. Implicit in this change of policy is an unspoken admission that previous federal programs for American Indians had not been effective. It was believed that allowing the native peoples more direct input would be more successful, but there is also a recognition that among many tribes, people would need to be trained to take control of such programs. Tribes could also request that federal employees who had previously worked on similar programs be transferred to work under the direction of the tribes to help in administering the contracted services.

The passage of this act was, in a sense, a rejection of earlier paternalistic policies, in which the government assumed it knew what was best for the Indian people. As early as 1970, President Richard Nixon had called for the formal repudiation of the termination policy and set goals of pursuing a more complete policy of self-determination for native peoples. When Ford became president, he embraced these same goals, and thus there is a celebratory note to Ford’s remarks, as he congratulates Congress on passage of this bill that represented progress toward these goals.

—Mark S. Joy, PhD

**Bibliography and Additional Reading**

- Castile, George Pierre. *To Show Heart: Native American Self-Determination and Federal Indian Policy, 1960 to 1975*. Tucson: University of Arizona, 1999. Print.
- Danziger, Edmund J. "A New Beginning or the Last Hurrah: American Indian Response to Reform Legislation of the 1970s." *American Indian Culture and Research Journal* 7:4 (1984) 69-84. Print.
- Deloria, Jr., Vine, ed. *American Indian Policy in the Twentieth Century*. Norman: University of Oklahoma Press, 1985. Print.
- Pever, Stephen L. *The Rights of Indians and Tribes*. New York: Oxford University Press, 2012. Print.
- Prucha, Francis Paul. *The Great Father: The United States Government and the Indians*. Vol 2. Lincoln, NE: University of Nebraska Press, 1984. Print.
- "Public Law 93-680: Indian Self-Determination and Education Assistance Act of 1975." *Congress.gov*. Library of Congress, n.d. Web.
- Nixon, Richard. "Special Message to the Congress on Indian Affairs, July 8, 1970." *The American Presidency Project*. Gerhard Peters & John T. Woolley, 2015. Web.