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Two glyphs on page 71, both of which are transcribed as *ne'sipuna'nek* and translated as "three years," are completely different in form. There are also glyphs with identical forms but radically different transliterations and translations. One such glyph is transliterated as *elasumeski'k* and translated as "they had faith" on page 49, but as *elasumul* "I honor You" on page 65. The same glyph is transliterated as *alasukmamk* "to pray" on page 122, and as *alasukmaq* "the prayer" on page 134. Clearly there is no one-to-one correspondence between glyphs and words; this does not, of course, foreclose the possibility that the hieroglyphic script can be used to communicate unrehearsed messages.

Most of the book (159 pages) is devoted to hieroglyphic texts reproduced from Pacifique. The twenty-seven texts are presented with interlinear alphabetic transliterations in the Smith-Francis orthography (for which no reference is given) and literal English translations. Each text is followed by a free English translation. The editors make no attempt to analyze the writing system.

Schmidt and Marshall have provided us with a truly beautiful collection of the Micmac hieroglyphic liturgical texts which, for over three hundred years, have sustained and exemplified Micmac faith, Micmac values, Micmac identity, and the Micmac language. They added transliterations and translations, but wisely withheld any analysis. Detailed analysis would be out of place here; we can hope for an analysis in some future publication.

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Native American Affairs and the Department of Defense. By Donald Mitchell and David Rubenson. Santa Monica, California: Rand National Defense Research Institute, 1996. 74 pages. \$15.00 paper.

In April 1994, a historic event took place on the south lawn of the White House. President Clinton and members of his cabinet met with the leaders of American Indian tribes. All of the president's cabinet except the secretary of state were in attendance, as were Mrs. Clinton and Vice President and Mrs. Gore. Representing the Indian nations were more than three hundred Indian leaders of federally recognized American Indian tribes. It was a historical first! Never before in this nation's history had such a meeting taken place.

There were two reasons for such an auspicious event. First, it provided the president an opportunity to meet with and hear leaders of the nation's federally recognized tribes address their concerns about the failure of federal Indian policies and programs. Second, it allowed the president to commit his administration publicly to work with tribal governments to protect American Indian sovereignty, culture, religion, and self-determination. Undoubtedly, the tribal leaders were cautiously optimistic when the president stated,

[O]ur first principle must be to respect your right to remain who you are, and to live the way you wish to live. And I believe the best way to do that is to acknowledge the unique government-to-government relationship we have enjoyed over time. Today I reaffirm our commitment to self-determination for tribal governments. I pledge to fulfill the trust obligations of the federal government. I vow to honor and respect tribal sovereignty based upon our unique historic relationship. And I pledge to continue my efforts to protect your right to fully exercise your faith as you wish. . . . It is the entire government, not simply the Department of the Interior, that has a trust responsibility with tribal governments. And it is time the entire government recognized and honored that responsibility.

Tribal leaders received President Clinton's statement with some degree of caution and uncertainty, because a previous president, Richard Nixon, had made a similar statement in a 1970 message to the Congress, in which he stated,

It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.

President Clinton included the Nixon policy of self-determination in his address and gave a high priority to achieving those goals. Specifically, President Clinton signed a memorandum directing all executive departments and agencies to carry out a three-step program:

1. to "operate within a government-to-government relationship with federally recognized tribal governments,"
2. to "consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments," and
3. to "assess the impact of federal government plans, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities."

Native American Affairs and the Department of Defense is, in actuality, a report written by Mitchell and Rubenson for the Department of Defense (DoD) growing out of the president's mandate that all executive departments implement the above steps. It also is part of a larger study being conducted for the principal assistant deputy under secretary of defense that will address the Department of Defense's natural and cultural resource program.

Through executive orders, ratification of treaties, and enactment of various statutes, Congress has imposed on DoD the responsibility to manage land under the guise of natural and cultural resource management. As a result, representatives such as DoD installation commanders (military bases) and DoD land managers must interact with leaders of American Indian tribes from time to time and must meet the mandates of President Clinton's Indian policy statement. In order to assist installation commanders and land managers in carrying out their responsibilities, Mitchell and Rubenson attempt to answer the following questions:

1. Does the president's 29 April 1994 memorandum reflect a change in Congress or the federal executive branch's political relationship with Native Americans and federally recognized Indian tribes?
2. Other than the president's directive that they do so, what reasons does DoD have to implement the 29 April 1994 memorandum?

3. What is the nature of the status that requires DoD agencies to preserve Native American cultural resources and to involve Native Americans generally—and representatives of “federally recognized Indian tribes” particularly—in DoD agency decision-making?
4. How should the DoD agencies interact with Native American groups that are not federally recognized tribes?

In order to answer the above questions, Mitchell and Rubenson review the major treaties and statutes that required installation commanders and land managers to address the concerns of federally recognized Indian tribes. In addition, they look at the historical and political relationship between Native Americans and the DoD, and they address the challenge that DoD officials will face in implementing President Clinton’s directives to arrive at an approach for interacting with Native American tribes that are not federally recognized. Finally, they present their conclusions and recommendations.

Major Treaties and Statutes

Treaties: The legal relationship between the federal government, including DoD agencies, and Indian tribes is set forth in treaties negotiated between 1789 and 1871. During this period, hundreds of treaties were “negotiated” by the various presidents of the United States and ratified by the U.S. Senate. The purpose of the vast majority of the treaties was to acquire title to aboriginal land, some or all of which was used and/or occupied by Native American people. It should be understood that only in rare instances did a president himself actually negotiate with Indian people, and that the misnomer *negotiated* is used to include treaties signed under duress, at gunpoint, after the Indian people had been plied with alcohol, or while other tribal members were being held hostage. As the authors correctly point out, “more than a hundred years later, most of those treaties remain in force, and pursuant to Article VI of the United States Constitution, they are ‘the supreme law of the land,’ and whose legal status is coequal with that of Acts of Congress.”

As an example of how the DoD becomes involved today, Mitchell and Rubenson use treaties negotiated with tribes in the Northwest in the 1850s that guaranteed tribal members the right to take “fish, at all usual and accustomed grounds and stations.”

In exchange for these fishing rights, the Native American people ceded aboriginal title to land surrounding Puget Sound. In 1974 and 1994 the U.S. District Court in Seattle held that the 1850 treaties remained in force today and further expanded the interpretation to allow tribal members to gather shellfish (not included in the original treaty wording) on beaches within the ceded territory. For the purpose of this report, the interesting point is that these "usual and accustomed grounds and stations" include public land that DoD agencies administer for military purposes.

Statutes: President Clinton's directive requires that DoD agencies consult with representatives of federally recognized Indian tribes prior to implementing congressional statutes. For the purpose of this study, the authors point out that "statutes are acts of Congress that impose a duty on DoD agencies to administer public land under their control or to take other administrative actions in ways that protect the interests of Native Americans." The authors provide seven statutes that are representative of major statutes. I review two of the seven below.

Administrative Procedure Act: Congress requires DoD agency decisions to be made in a manner that is not "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." This act requires that if a decision by a DoD agency will affect Native Americans, the agency has a statutory obligation to take that effect into account prior to making a decision. If the agency fails to take into consideration the impact a decision will have on Native Americans, the decision is per se unlawful, and the judiciary has the authority to set the decision aside. As the authors point out, "For that reason, considering the affect that DoD agency decisions may have on members of federally recognized Indian tribes is good administrative practice." In fact, the president's memorandum instructs DoD agency decision-makers to "consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments."

American Indian Religious Freedom Act (AIRFA): Perhaps no statute has been more disappointing for American Indian people than this one. AIRFA announced that it is the policy of the United States to recognize, protect, and preserve for American Indians their inherent right to believe, express, and exercise their traditional religions. The act further directed all federal agencies to insure that their policies would not abridge the free exercise of Indian religions. AIRFA has proved largely ineffectual when

pursued in the courts. The act does little more than establish a federal policy with no enforcement powers. In view of President Clinton's mandate, it will be interesting to see the response of the Department of the Interior in balancing the intent of AIRFA with the competing interests of the Forest Service and Fish and Game interests.

Historical Considerations

In looking at the historical and political relationship between American Indians and DoD, Mitchell and Rubenson identify the unusually large number of Native Americans who have served in the armed services *as a policy consideration* that obligates DoD agencies to consult with Native American leaders and to consider the argument that the U.S. Army's part in the implementation of federal Indian policy during the eighteenth and nineteenth centuries imposes a unique historical obligation on DoD agencies to consult with Native American leaders.

Mitchell and Rubenson point out that Native Americans have served in or assisted the American military establishment beginning with the Stockbridge Indian tribe in 1774 and continuing into the present day, including the 235 Native American servicemen whose names are listed on the wall of the Vietnam Veterans Memorial in Washington, D.C. The authors point out that "in recognition of Native Americans' unheralded history of military service, in 1994 Congress enacted the Native American Veterans' Memorial Act which authorized the erection of a Native American veterans' memorial on the Washington, D.C. Mall."

Of particular note regarding the historical relationship between the DoD and Native American people is the author's statement, "We recognize that, because the army's involvement [with Indian people] ended more than a century ago, many DoD policy makers may feel that the army's previous participation in the implementation of federal Indian policy *should not* be a factor in DoD's present-day obligations to Native Americans. However, DoD policy makers who have come to that conclusion *must* realize that Native American leaders of federally recognized Indian tribes and other Native American organizations with whom they must deal day-to-day *may not* accept that view."

Mitchell and Rubenson provide a brief overview of the historical relationship of the U.S. Army and Native Americans between 1783 and 1890 that culminates with the statement, "between 1866

and 1890, the army fought more than 1000 engagements against the Indians. . . . In 1870 the federal government estimated that, to that date, the United States treasury had been tithed more than \$1,000,000 per dead Indian. . . ." The authors note that "the members of the federally recognized Indian tribes that the president's April 29, 1994 memorandum directs DoD agencies to consult are descendants of the members of the tribes that the army removed by force of arms during the 19th century from what is now DoD agency-administered public land." These descendants may feel that the army's previous participation in the implementation of federal Indian policy should be an important consideration in DoD's present-day obligations to Native American people. Mitchell and Rubenson state that the army's past involvement in the implementation of federal Indian policy justifies the president's admonition to DoD agencies to "operate within a government-to-government relationship with federally recognized tribal governments."

Native American Groups Other Than Federally Recognized Tribes

In this chapter the authors address the challenges DoD officials will face in implementing President Clinton's directive to develop an approach for interacting with Native American tribes that are not federally recognized. The authors state correctly that "the threshold challenge for each commander and land manager will be to determine whether a particular Native American organization is a federally recognized Indian tribe, and, if it is not, whether a federal statute or a policy consideration nevertheless makes consultation with the organization appropriate."

The authors provide a brief description of the various categories in which native people may find themselves according to treaties or statutes. They may belong to a federally recognized tribe, a nonfederally recognized tribe, or an Alaska Native village, or they may be Native Hawaiians. The appendix to this book contains the 1993 secretary of the interior's listing of federally recognized Indian tribes. The authors acknowledge that there are 150 Native American groups that are not federally recognized.

Mitchell and Rubenson state that, even though President Clinton's memorandum was directed toward dealings with federally recognized tribal governments, situations can be expected to arise where it is in DoD's interest to consult with nonfederally

recognized Native American organizations. The authors provide a case study of a tribe at a U.S. Marine Corps military base in California. Briefly stated, a Native American grave site was discovered inside Camp Pendleton in the early 1980s. The California Native American Heritage Commission advised the natural resource officer at the base that the remains were likely those of members of the Juaneño band of Mission Indians. Leaders of the nonfederally recognized band were consulted and an agreement was entered into regarding the reburial of the remains on an adjacent tract of land that had been leased by the military to the state of California. The military then "lost its institutional memory of the agreement." As time passed, the band's use of the burial site was not monitored, and band members regularly used the site for purposes that Camp Pendleton officials came to believe were not authorized. It was suggested that Juaneño band members may have generated revenue by selling grave sites to Southern California contractors who had discovered Juaneño remains during excavations on other job sites.

In 1991 California's lease expired. When control reverted to Camp Pendleton, base personnel were unaware of the prior agreement regarding the Juaneño band's use of the site. As tensions grew, base personnel denied the Juaneño band access to the site, using as an excuse the condition of coastal scrub, an endangered species monitored by the U.S. Fish and Wildlife Service. The band responded by persuading a local congressman to intercede with the installation commander to negotiate a compromise for joint use.

This case illustrates the types of problems that DoD base commanders and land managers can face in relation to nonfederally recognized tribes:

1. Military personnel rotate frequently, and institutional memory can be short lived. Therefore a comprehensive and complete written record of land use and agreements entered into regarding land use must be maintained.
2. Agreements entered into by a base commander who does not have authority to approve DoD land use may not be binding on later base commanders.
3. Local members of Congress may choose to involve themselves with issues that affect Native American people, even though the group may not be federally recognized.

Conclusions

Mitchell and Rubenson argue correctly that the importance of Native American affairs to the Department of Defense is growing and that DoD will need to develop skills, policies, and procedures to manage specific issues as they emerge. The authors answer each of the four questions presented earlier in this review, arguing that “[t]he president’s directive reflects the growing ability of Native American groups to access the political process. . .”; that the directive “provides an overarching strategy for addressing diverse and sometimes unpredictable issues that can affect DoD interests and goals”; that “[a] number of statutes obligate DoD to protect Native American artifacts, religious sites, and historic monuments”; and that there are “many unrecognized tribes with which consultation would be in DoD’s self-interest.” In response to these findings, the authors recommend actions to be taken to implement President Clinton’s 1994 memorandum:

1. DoD and the military services should develop a written policy to guide installation commanders and land managers in implementation of the memorandum.
2. To begin identification of nonfederally recognized Indian tribes that may have valid claims and histories that may affect DoD agency-administered land. Maps of aboriginal land usage should be developed that would be useful in consultation with Indian tribes and in the implementation of federal statutes.
3. DoD should take steps to insure that institutional memory and policy are retained regarding agreements reached with Native American people.
4. Materials should be developed that will enable DoD personnel and military base commanders to understand and respond to questions from the public and from native communities regarding the historical role of the military in the implementation of Congress’s eighteenth- and nineteenth-century Indian policies.

Native American Affairs and the Department of Defense is part of a larger study being conducted by the office of the secretary of defense for environmental security. In this short report (fifty-two pages plus appendix), the authors provide much valuable infor-

mation, not only about President Clinton's memorandum, but also regarding the failure of past federal treaties and statutes to address the concerns of Native Americans. The findings and recommendations are insightful and appear, at least on the surface, to be encouraging regarding future consultations and negotiations with both federally and nonfederally recognized Indian tribes in relation to protection of religion, land, and Native American grave sites and associated funerary objects. It is, however, like many governmental studies, only a report, and it makes recommendations, not policy. Since publication of this report in 1996, American Indian people have seen continued attacks by federal agencies on Indian gaming (another native activity that President Clinton said he would support and protect) and, most recently, support for interpretation by states of what is a viable Native American family for the purposes of placing Indian children under the federal Indian Child Welfare Act. The altruistic intent and purpose of President Clinton's memorandum have yet to be felt appreciably in Native American communities. It is a political reality that a great deal of distance exists between the signing of a memorandum and its implementation. Native American people will wait to see if there is any change in governmental response to their concerns.

I recommend this book to readers interested in contemporary American Indian affairs and for classroom use in American Indian studies programs. I look forward to the publication of the report of the larger study.

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Neither Wolf Nor Dog: American Indians, Environment, and Agrarian Change. By David Rich Lewis. New York: Oxford University Press, 1994. 240 pages. \$29.95 cloth.

The main title of this book is borrowed from a statement attributed to Sitting Bull (1881) regarding the impact of U.S. federal policies on Native Americans. Cut off from traditional subsistence practices, many agency and reservation-based Indians became dependent on government supplies: "They are neither red warriors nor white farmers. They are neither wolf nor dog" (p. v).